

Sustainability Appraisal - Index by ID Number

ID	Respondent	Organisation	BehalfOf	Respondent Category	Participate
597	Mrs A Bolt	Turners Hill Parish Council		Town & Parish Council	<input type="checkbox"/>
615		South of Folders Lane Action Group (SOFLAG)		Organisation	<input checked="" type="checkbox"/>
684	Mr C Noel	Strutt and Parker	Paddockhurst Estate Turners Hill	Promoter	<input type="checkbox"/>
691	Mr A Meader	Pegasus Group	Persimmon - South Folders Lane	Promoter	<input checked="" type="checkbox"/>
701	Mr M Carpenter	Enplan	Sunley Estates	Promoter	<input checked="" type="checkbox"/>
705	Mr O Bell	Nexus Planning	Miller Homes - Lewes Road HH	Developer	<input checked="" type="checkbox"/>
708	Mrs P Canning	Kember Loudon Williams	Mayfield Market Towns	Developer	<input checked="" type="checkbox"/>
709	Mrs L Wilford	Barton Willmore	Retirement Villages Developments	Promoter	<input checked="" type="checkbox"/>
738	Ms K Lamb	DMH Stallard	Welbeck - Imberhorne	Promoter	<input checked="" type="checkbox"/>
748	Ms L Brook	Sussex Wildlife Trust		Statutory Consultee	<input type="checkbox"/>
753	Mr J Pearson	Lewis and Co Planning	Globe Homes	Promoter	<input checked="" type="checkbox"/>
757	Mr C Noel	Strutt and Parker	Croudace Henfield Road Albourne	Developer	<input checked="" type="checkbox"/>
789	Mr T North	Tim North Associates	Dukesfield Properties	Developer	<input checked="" type="checkbox"/>
791	Ms J Ashton	Judith Ashton Associates	Wates - West Crawley Down	Developer	<input checked="" type="checkbox"/>
1025	Mrs H Griffiths			Resident	<input checked="" type="checkbox"/>
1243	Mrs K Griffiths			Resident	<input checked="" type="checkbox"/>
1262	Mr R Collins			Resident	<input type="checkbox"/>
1373	Mr J Munday	Stop Haywards Heath Golf Course Development Community Group		Organisation	<input type="checkbox"/>
1380	Mr A Podmore			Resident	<input type="checkbox"/>
1443	Mr J Pearson	Lewis & Co Planning	Mr Chris Gargan	Promoter	<input checked="" type="checkbox"/>
1469	Mr J Davis			Resident	<input type="checkbox"/>
1641	Mrs P Byam-Cook			Resident	<input type="checkbox"/>
1715	Ms T Thom	Parker Dann	Fairfax Ltd	Promoter	<input checked="" type="checkbox"/>
1987	Ms S Mizen	JLL	Wates - Foxhole Farm	Promoter	<input type="checkbox"/>
2031	Ms S Mizen	JLL	Wates - Snowdrop Lane	Promoter	<input type="checkbox"/>
2065	Mr A Black	Andrew Black consulting	Denton - Horsham Road	Promoter	<input type="checkbox"/>
2067	Mr A Black	Andrew Black consulting	Denton Homes - Butlers green	Promoter	<input type="checkbox"/>

ID	Respondent	Organisation	BehalfOf	Respondent Category	Participate
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"/>
2218	Mr R Andrew	Hargreaves Management	Hargreaves Management	Promoter	<input checked="" type="checkbox"/>
2382	Ms C Boughton-Tucker			Resident	<input checked="" type="checkbox"/>
2383	Mr P Tucker	Infrastructure First	Infrastructure First	Organisation	<input checked="" type="checkbox"/>
2435	Mrs R McMillan			Resident	<input type="checkbox"/>

Site Allocations DPD: Regulation 19 Consultation Response

Policy:

ID:	597
Response Ref:	Reg19/597/2
Respondent:	Mrs A Bolt
Organisation:	Turners Hill Parish Council
On Behalf Of:	
Category:	Town & Parish Council
Appear at Examination?	✘

From: Turners Hill Parish Council <office@turnershillparishcouncil.gov.uk>
Sent: 23 September 2020 12:54
To: ldfconsultation
Subject: MSDC SITE ALLOCATIONS DPD (Regulation 19 Submission Draft)

Categories: SiteDPD

Dear Sirs,

Turners Hill Parish Council continues to strongly object to the inclusion of SA 32 Withypitts Farm, Selsfield Road.

We do not wish to see any development of the High Weald Area of Outstanding Natural Beauty (AONB) and the inclusion of this site would set an unwarranted and unwanted precedent.

We do not agree that the impact on the AONB would be moderate especially as the impact on the actual farm would be immense. The overall impact has not, in our view, been considered.

Such development in the AONB was questioned by the High Weald AONB Unit, Natural England and CPRE Sussex who did not feel it was appropriate or necessary and greater consideration should be given to sites in Turners Hill which are outside of the AONB.

Site 852 was put forward by the same landowner and by Turners Hill Parish Council as part of the call for sites. While we are yet to discuss this in detail with the landowner, we continue to support this site and will be considering all, or part, of it for inclusion in our revised Neighbourhood Plan. This site can provide for the sixty homes which MSDC require in its spatial strategy set out in the District Plan.

From comments submitted under Regulation 18 it appears that the landowners have continued to develop their plans for this site and have discussed access arrangements with WSCC as a formal pre-application consultation (June 2019).

If it agreed that this site deserves further consideration, we would ask that all relevant parties meet with the Parish Council for discussions on the way forward.

As previously stated, Withypitts Farm is the last working farm in the Parish, and it would not be able to continue farming livestock without the farm buildings. It is currently a sustainable economically viable farm and should therefore be protected.

The proposer states that the land could not come forward for six to ten years and that they would need time to relocate the farming activities to Worth Lodge Farm so removing the last working farm from the Parish. This concerns us not simply because of the loss of the farm but what will become of the farmland all of which is in the ANOB with far reaching views along the ridge line.

They have also submitted comments which cause us to question the inclusion of this site and of it ever providing appropriate village housing. The comments made by the proposer are:

- The development costs at this site are anticipated to be much higher than average because:-
- Forming new residential units in converted farm buildings is generally far more expensive than delivering new-build dwellings.
- The proposal will necessitate additional costs to the Estate in relocating the existing agricultural operations to Worth Lodge Farm. These are development costs that are directly attributable to the scheme.
- It is possible that formation of an acceptable access will involve the demolition of existing buildings, and the redevelopment will certainly require such works within the site.

- As the scheme develops, we will review the viability of the proposals but it seems possible that a scheme of 16 units as envisaged in policy SA 32 may not be able to deliver a District Plan compliant level of affordable provision because of the anticipated level of development costs.

In other words, the development would not provide small homes which are needed, but large expensive homes built to cover all foreseeable costs which brings no benefit to the village.

It appears that the site cannot be developed by 2030/31.

The access to this site is extremely dangerous as we have said previously and will require considerable works to transform. We are surprised to note that WSCC made no comment on this during regulation 18 consultations and find their submission inappropriate and fairly amazing.

There does not need to be on-site passenger information including RTI display(s) for bus and rail services; nor money spent on improvements to bus stopping facilities on Selsfield Road including provision of a bus shelter and RTI displays. This money would be better spent on safeguarding the minimum bus service we now have. Additionally, they ask for a contribution towards cycling improvements to the Turners Hill Road cycle path – where is this?

A continuous safe pedestrian footway with safe crossing points is a far greater priority. This would allow children attending our Primary School to walk to school safely as well as those at senior school who need to walk to the village centre for the school bus.

The Sustainability Appraisal still states that there is a GP surgery within a ten-minute walk despite our informing you that there is no GP surgery in Turners Hill. Education and retail facilities are not accessible safely from the site. Any development in Turners Hill has a negative impact on the highway and needs to be carefully considered. We agree that the site performs very negatively against the countryside criteria due to its location within the High Weald AONB.

Our comments on the District Plan Policies remain the same and are repeated here for consideration.

DP15 states:

The re-use and adaptation of rural buildings for residential use in the countryside will be permitted where it is not a recently constructed agricultural building which has not been or has been little used for its original purpose and: the re-use would secure the future of a heritage asset; or the re-use would lead to an enhancement of the immediate setting and the quality of the rural and landscape character of the area is maintained.

We do not accept that development of this site complies with this.

DP16:

In our opinion this proposal does not comply with the national policy. It does not bring any benefits to the village and, with the proposal being for 16 dwellings on 1.7 hectares, is likely to only provide large dwellings that are certainly not what the village needs.

We question that this proposal fulfils any of the requirements of DP16, for instance it does not support the economy and social well-being of the AONB or of the whole Parish.

DP26 talks of well-located and designed development that reflects the distinctive aspect of villages and retain their separate identity and character; that support sustainable communities which are safe and inclusive. These criteria are not met by this proposal. It most certainly would not be able to provide a pedestrian friendly environment that is safe, well-connected and accessible without a great deal of highway work being carried out to link the site safely to the village and its services.

Kind regards
Chris

Mrs Chris Marsh
Clerk to Turners Hill Parish Council

The Ark, Mount Lane, Turners Hill, West Sussex RH10 4RA

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Office Hours: 9am to 12:30pm Tuesday to Thursday

615

Site Allocations DPD: Regulation 19 Consultation Response

Policy:

ID:	615
Response Ref:	Reg19/615/5
Respondent:	
Organisation:	South of Folders Lane Action Group (SOFLAG)
On Behalf Of:	
Category:	Organisation
Appear at Examination?	✓

Name	SOFLAG SOFLAG
Organisation	SOFLAG - South of Folders Lane Action Group
Address	[REDACTED]
Email	[REDACTED]
Name or Organisation	SOFLAG
Which document are you commenting on?	Site Allocations DPD
Sites DPD Policy Number (e.g. SA1 - SA38)	SA12 & SA13
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

The inclusion of Sites SA12 and SA13 renders the Draft Site Selection DPD (Regulation 19) unsound.

In addition, the Site Selection process has not been carried out in accordance with the criteria set out by MSDC at the start of the process.

In summary:

1. MSDC assessed Sites SA12 & SA13 as unsuitable in 2007, 2013 & 2016. The reasons for their unsuitability have escalated since then, making the sites undeliverable in 2020. These include:
 - a. Inadequate local transport infrastructure for which there is no potential feasible solution.
 - b. Unsuitable & unsustainable location
 - c. Unacceptable coalescence between Burgess Hill and the villages to the south
 - d. Ecological damage to one of the most important and ecologically diverse sites in West Sussex
2. MSDC omitted adopted District Plan selection criteria (including policies DP12, DP13, DP37, DP38) from the site selection process, which, if applied correctly, make the sites unsuitable & undeliverable.
3. Verified ecological data clearly indicates that SA13 is the habitat for an exceptional variety of internationally and nationally protected species. This renders it unsuitable for development.
4. Opposition to the sites from local authorities and statutory bodies makes them undeliverable.
5. MSDC's handling of the Site Allocations process in preparing the DPD was unsound. The reasons for this include:
 - Reliance on a flawed Transport Study containing errors and omissions
 - Misleading of key Council Meetings by MSDC Officers and Councillors
 - Mishandling of Regulation 18 Consultation by MSDC with objections and evidence omitted
 - Selection criteria inconsistently applied to sites during process
 - A serious cloud hanging over the final site selection recommendation decision

Full details are supplied in the SOFLAG response which is uploaded here as a pdf, together with the GTA Civis transport study to which it refers.

Both these documents should be forwarded to the Planning Inspector in full.

SOFLAG wish to be represented and speak at the hearing.

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.

Sites SA12 & SA13 should be removed from the list of sites selected for development.

If they are included, the Plan is not legally compliant and remains unsound.

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=5a7b600e95d3179ab2df03bc40cd1ecb

If your representation is seeking a change, do you consider it necessary to attend and give evidence at the hearing part of the examination	Yes, I wish to participate at the oral examination
If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary	<p>SOFLAG represents the views of over 1000 supporters, residents of south east Burgess Hill, Hassocks, Ditchling and Keymer, who will be directly affected if Sites SA12 & SA13 are allocated for housing.</p> <p>It is important that these views are heard in public at the Hearing to ensure fair representation and the presentation of all the relevant facts to the Inspector. The Inspector will then have the opportunity to question SOFLAG on our submission if required.</p>
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	27/09/2020

[REDACTED]

From: info@soflag.co.uk
Sent: 28 September 2020 15:55
To: ldfconsultation
Subject: Site Allocations DPD Regulation 19 consultation
Attachments: SOFLAG submission Reg 19 Sep 2020 Main Rep FINAL.pdf; GTA Civils full report.pdf

Categories: [REDACTED]

Please find attached the SOFLAG response to the Regulation 19 Site Allocations DPD Consultation and the Transport Report to which it refers.

We have also submitted it via the online form, and in hard copy to Oaklands Road this afternoon.

In summary, we are objecting to the inclusion of Sites SA12 & SA13 as allocations for housing.

- They contravene District Plan policies DP6, DP7, DP12, DP13, DP15, DP18, DP37, DP38, as well as the legally binding NPPF.
- There remain insurmountable traffic issues which the SYSTRA modelling does not adequately address
- Development of these sites will cause loss of biodiversity, environmental damage and coalescence of Burgess Hill and villages to the south
- The site selection process which led to their inclusion was unsound

The inclusion of Sites SA12 & SA13 renders the Site Allocations DPD itself unsound.

We ask that our response be forwarded in full to the Planning Inspector – not just summarised or paraphrased.

We wish to be represented and to speak at the Examination Hearings. Please let us know what we need to do to ensure this happens.

Kind regards,

Keith Sullens
Acting Chair

SOFLAG

SOFLAG

SOUTH OF FOLDERS LANE ACTION GROUP

Submission

Draft Site Allocations DPD (Regulation 19) Consultation



OBJECTION

to the inclusion of Sites SA12 & SA13



September 2020

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

Terms of Reference

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

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

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

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

Summary

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

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

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

1. MSDC assessed the sites as unsuitable in 2004, 2007, 2013 & 2016.
The reasons for their unsuitability have escalated since then, making the sites undeliverable in 2020.
These include:
 - o Inadequate local transport infrastructure for which there is no viable solution
 - o Unsuitable & unsustainable location
 - o Known consequence of coalescence
 - o Ecological damage to one of the most important and ecologically diverse sites in West Sussex

2. Omission or disregarding by MSDC of key adopted District Plan selection criteria (including policies DP6, DP7, DP12, DP13, DP15, DP18, DP37, DP38) from the site selection process, and the disregarding

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

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

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

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

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

SECTION 1

SITES SA12 / SA13 ARE UNSUITABLE, UNSUSTAINABLE AND UNDELIVERABLE

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

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

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

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

2004 Local Plan

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

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

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

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

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

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

2013 Assessment

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

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

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

³ Ibid para 1.214

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

2016 Assessment

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

Conflict with Mid Sussex District Plan

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

(see also section 1.3)

Conflict with NPPF

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

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

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

⁷ Mid Sussex District Plan, page 34

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

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

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

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

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

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

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

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

2005 Atkins Study

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

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

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

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

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

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

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

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

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

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

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

Traffic Today



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

MSDC Transport Studies

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

2012/2013 – Mid Sussex Transport Study (Amey)

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

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

¹³ Ibid. para 3.39 page 17

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

2017 MSDC Constraints & Capacity Summary Paper

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

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

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

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

2019 SYSTRA Study

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

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

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

1-3 COALESCENCE

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

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

¹⁹ Mid Sussex District Plan, DP13, page 58

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

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

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

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

²⁰ National Planning Policy Framework, para 133

²¹ Ibid. para 134

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

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

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

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

²⁵ Ibid.

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

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

1.5 A LACK OF INFRASTRUCTURE MAKES THE SITES UNSUITABLE

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

Schools

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

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

1.65 **Doctors' Surgeries**

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

Traffic

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

APPENDIX 1 A

Summary of Site Unsuitability from MSDC Housing / Traffic Data

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

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

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

2007

Small Scale Housing Allocations Development Plan Document

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

Site then known as ALT45 Land South of Folders Lane:

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

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

2013

Housing Land Supply Burgess Hill Assessed Sites 2013

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

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

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

2016

Housing Land Supply Burgess Hill Assessed Sites 2016

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

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

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

Vehicle trip data taken from MSDC transport survey September 2019

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

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

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

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

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

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

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

MSDC uses Total trip rate per dwelling per day = 1.22

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

Appendix 1 B

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

Photographs of traffic



6/11/2019
Keymer Road
looking south



01/10/2019
Folders Lane
looking east

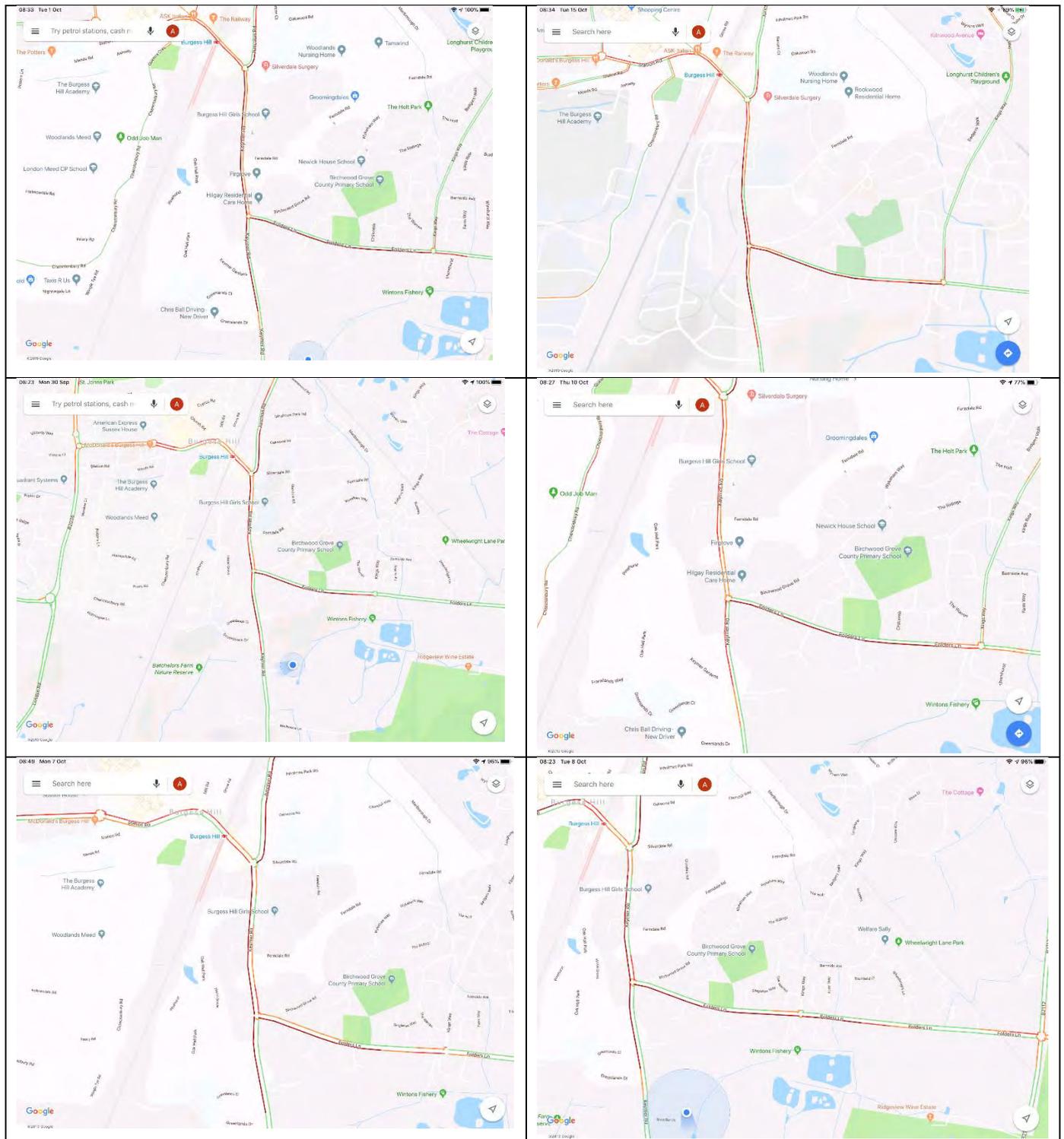


01/10/2019
Keymer Road
looking north



01/10/2019
Keymer Road
looking south

Daily morning congestion reported by Google, October 2019



Appendix 1 C

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

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

Appendix 1 D

COALESCENCE

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

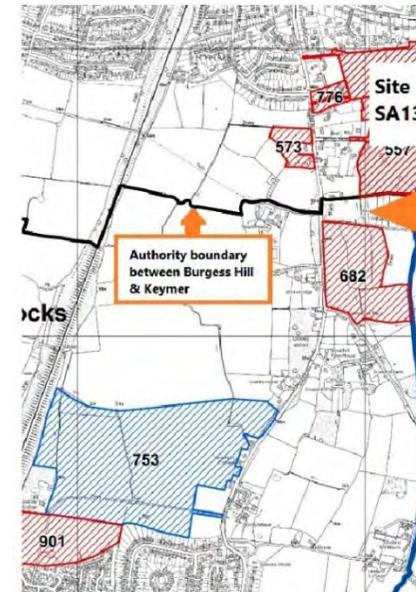
2020



2022...



2023...



Gap between Burgess Hill
and Keymer is gone.

Allocation of SA12 / SA13
causes coalescence

Map from MSDC 2020 SHELAA

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

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

APPENDIX 1 E

Neighbouring Authority Consultation

SDNP/19/03508/ADJAUT Roy Little
07872 410433

5th August 2019

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Yours faithfully

TIM SLANEY

*Director of Planning
South Downs National Park Authority*

SECTION 2

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

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

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

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

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

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

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

2.3 The Spatial Strategy of the District Plan when it was drawn up was to *"focus the majority of housing and employment development at Burgess Hill"*²⁸ This has been achieved with the Northern Arc Strategic Allocation which will bring 3,500 new homes to Burgess Hill. District Plan policy DP4 (Housing) goes on to state *"The remainder of development will be delivered as sustainable developments, including possible new strategic developments and development in other towns and villages"*²⁹

To allocate 300+ additional houses at Sites SA12 & SA13 in Burgess Hill conflicts with the Spatial Strategy.

2.4 Adopted District Plan Policy DP6 deals with settlement hierarchy, and it could not be clearer: *"Some settlements (Burgess Hill, Hassocks, Hurstpierpoint, Ashurst Wood, Handcross, Pease Pottage, Scaynes Hill, Ansty, Staplefield, Slaugham and Warninglid) have already identified sufficient commitments / completions to meet their minimum housing requirement for the full plan period and will not be expected to identify further sites within their Neighbourhood Plans."*³⁰

2.5 While Sites SA12 & SA13 are not within the Burgess Hill Neighbourhood Plan boundary (which on the south side of town coincides with the existing edge of housing development), they are being considered a part of the Burgess Hill settlement hierarchy in the same way as the Northern Arc sites which are also outside the Neighbourhood Plan area.

2.6 It would be logical to assume that DP6 would be a consideration when MSDC assessed potential housing sites. However, this did not happen. While the MSDC Sustainability Appraisal does mention in passing that *"Burgess Hill has met its residual need"*³¹ whether or not a site is in a settlement that has already met its housing requirement did not appear to be a consideration.

2.7 SOFLAG asked for clarification of this under FOI and the correspondence is attached at Appendix 2 A.

MSDC were asked specifically if any weighting was given to whether settlements had already met their housing requirements when assessing site allocations. MSDC did not provide any evidence that any such weighting was given, referring the questioner to the Site Selection Proformas and Methodology posted on their website. Whether or not the site is in a location that has already met its housing requirement is not mentioned at all in these papers, suggesting this was not considered one of the criteria.

²⁷ Submission Draft Site Allocations DPD page 8

²⁸ Mid Sussex Adopted District Plan page 30

²⁹ Ibid.

³⁰ Ibid. page 38

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

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

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

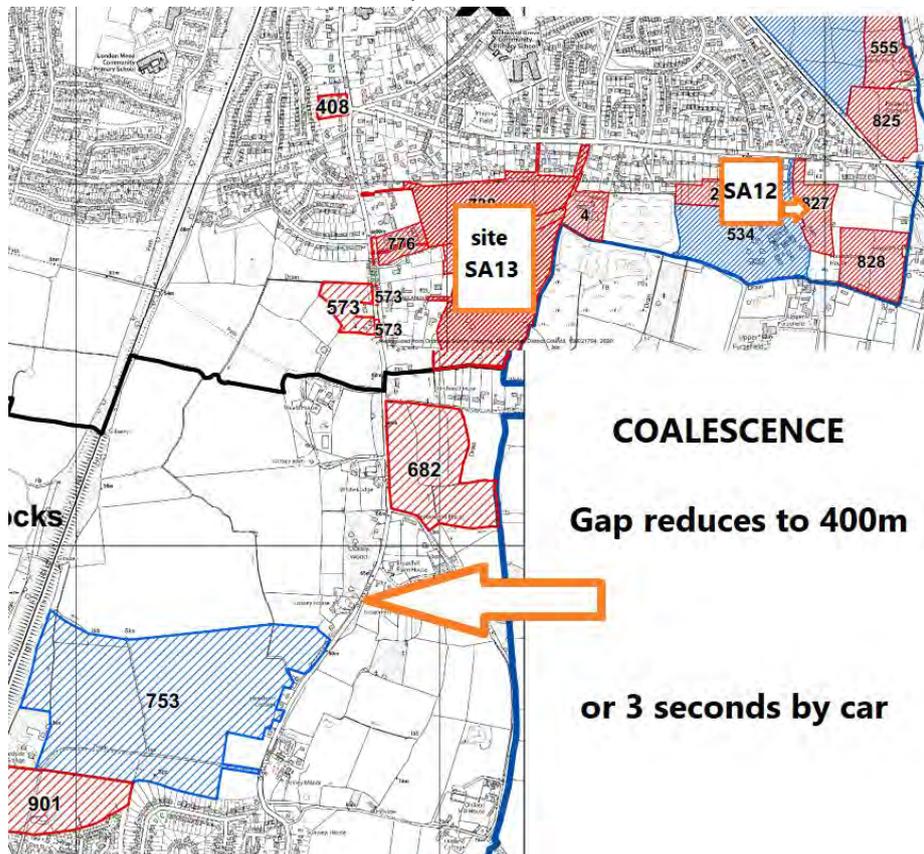
This contravenes District Plan and national planning policies. Allocation of Sites SA12 & SA13 will lead to coalescence and their inclusion makes the Sites Allocations DPD unsound.

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

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

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

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



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

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

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

- 2.16 Planning policy making in England is governed by the NPPF, providing the framework within which local plans such as the Mid Sussex District Plan and this Site Allocations DPD must be produced: *“Planning law requires that applications for planning permission must be determined in accordance with the development plan², unless material considerations indicate otherwise³. **The National Planning Policy Framework must be taken into account in preparing the development plan, and is a material consideration in planning decisions.**”³³*
- 2.17 Therefore, MSDC should have taken both NPPF and their own development plan (adopted District Plan) policies into account when selecting housing sites. However, MSDC did not do this, particularly with reference to Sites SA12 & SA13, rendering the DPD unsound.
- 2.18 On many occasions during the Site Allocations DPD process, councillors and officers have stressed that any future planning applications will be considered against District Plan policies. By failing to adequately apply District Plan policies when assessing sites, MSDC have in Sites SA12 and SA13, knowingly allocated sites that would fail at planning when assessed against District Plan policies.
- 2.19 For example, in answer to a written question from Councillor Janice Henwood to The Scrutiny Committee for Planning, Housing and Economic Growth on 11 March 2020, about disregarded District Plan policies, Committee Chair Councillor Neville Walker responded: *“The Council has not disregarded the policies listed by Cllr Henwood. These policies are however, used to determine planning applications and are not to determine the allocation of a site, this is a separate process.. When considering allocating sites the Council must have regard to Government national policy. The Council does not have a choice in this matter.”* See Appendix 2 C for full question / answer.
- 2.20 This answer contradicts what is legally required of the DPD. “Government national policy” in the form of the NPPF explains in detail in paras 15-37 how local development plans **and their policies** govern the locations selected for development. By not taking District Plan policies properly into account, the Site Selection DPD as presented is unsound.
- 2.21 **The allocation of Sites SA12 and SA13 conflicts with the following District Plan and NPPF policies:**
Policy DP6 “Some settlements (Burgess Hill, Hassocks, Hurstpierpoint, Ashurst Wood, Handcross, Pease Pottage, Scaynes Hill, Ansty, Staplefield, Slaugham and Warninglid) have already identified sufficient commitments / completions to meet their minimum housing requirement for the full plan period and will not be expected to identify further sites within their Neighbourhood Plans.”
Policy DP37 for strategic development at Burgess Hill, to “Identify and respond to environmental, landscape and ecological constraints and deliver opportunities to enhance local biodiversity ”
Policy DP12 concerns protection and enhancement of the countryside and states: “The primary objective of the District Plan with respect to the countryside is to secure its protection by minimising

³³ National Planning Policy Framework, 2019, para 2

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

Policy DP13 preventing coalescence (see Section 2.2)

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

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

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

Policy DP38 increasing and preserving biodiversity

2.22 **Para 17 of the NPPF** states that planning decisions must *“take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside.”* To select Sites SA12 and SA13 for development would conflict with this.

2.23 **Para 109** of the NPPF refers to 'protecting and enhancing valued landscapes' and MSDC Case Officer Stuart Malcolm made a relevant point in 2018 when refusing an application in the area:
“case law has suggested that land does not have to lie within a designated area to be 'valued' and that landscape value accrues separate to designated status and that such value is derived from some physical attributes”³⁴

2.24 MSDC’s failure to consider District Plan and NPPF policies when assessing sites for allocation renders the DPD unsound.

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

Appendix 2 A

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

To: Amanda Green

Fri, Aug 28 at 3:55 PM

Dear Ms Green,

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

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

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

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

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

yours sincerely,

FOI/DPA Team

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

Working together for a better Mid Sussex

OFFICIAL

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

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

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

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

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

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

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

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

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

Thank you.

Kind regards,

Amanda Green

Appendix 2 B

Site Selection - Housing		
Burgess Hill		
ID	976	Land East of Keymer Road and South of Folders Lane, Burgess Hill.
		
Site Details		
Units:	300	Site Area (ha):
Part 1 - Planning Constraints		
1 - AONB	N/A	The site is remote from the High Weald AONB
2 - Flood Risk	None	The site lies entirely within Flood Zone 1, the area of lowest fluvial flood risk
3 - Ancient Woodland	None	The site is not affected by Ancient Woodland
4 - SSSI/SNCI/LNR	None	This site is not adjacent to any Sites of Special Scientific Interest or Local Wildlife Site
5 - Listed Buildings	Listed Building - Less Than Substantial Harm (Medium)	High Chimneys - the gardens to the house currently back onto open countryside. Development on the site could have some potential to affect the setting of High Chimneys, though there could be potential to limit harm through design and layout of a future scheme. NPPF: LSH, MID
6 - Conservation Area	None	There are no conservation areas within or adjacent to the site
7 - Archaeology	Moderate - Mitigation	No objection subject to archaeological assessment and mitigation. Before submission of planning application: Geophysical survey, mitigation strategy arising if appropriate.
8 - Landscape	Medium	The site has moderate landscape sensitivity and moderate landscape value. This site is surrounded by countryside and it could be viewed from the South Downs National Park. There could be loss of trees and hedgerows.
9 - Trees/TPOs	Low/Medium	TPO trees to the north of the site. TPO trees also line northern border of the site.
Part 2 - Deliverability Considerations		
976 Land East of Keymer Road and South of Folders Lane, Burgess Hill.		

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

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

Question 4 from Councillor Henwood:

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

MSDC

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

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

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

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

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

hedgerows ...will not normally be permitted"

Policy DP 38 "protects existing biodiversity .."

What justification can MSDC give to disregard the above policies?

Response of Councillor Neville Walker

Chairman of Scrutiny for Housing, Planning and Economic Growth

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

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

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

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

SECTION 3

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

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

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

3-1 INTRODUCTION

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

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

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

3.5 This section provides comprehensive expert evidence that any benefits from the addition to the housing supply in Mid Sussex are far outweighed by the environmental and ecological damage caused by development. This site is unsuitable for development from an ecological and environmental perspective.

3.6 To allow development on sites SA12 & SA13 would contravene planning legislation (including the NPPF), and environmental protection laws, and would cause a devastating and irreversible loss of habitat to a host of protected species. Their inclusion in the Site Allocations DPD makes the plan unsound.

3-2 **OVERVIEW OF SITE**

3.7 Site SA13 contains an ancient established field pattern with hedgerows that contain many large mature trees. The site is directly adjacent to and clearly visible from the nearby South Downs National Park. A stream, which is one of the sources of the River Adur, runs through the site, firstly from south to north near the western boundary and then across the centre of the site from west to east through a low-lying meadow which floods frequently.

3.8 The fields that make up Site SA13 form a small area of rare Sussex pasture that has not been ploughed or subjected to selective herbicides for a very long time. It harbours rare plant species including wild orchids and it forms the habitat for a large variety of wild animals, reptiles and birds.

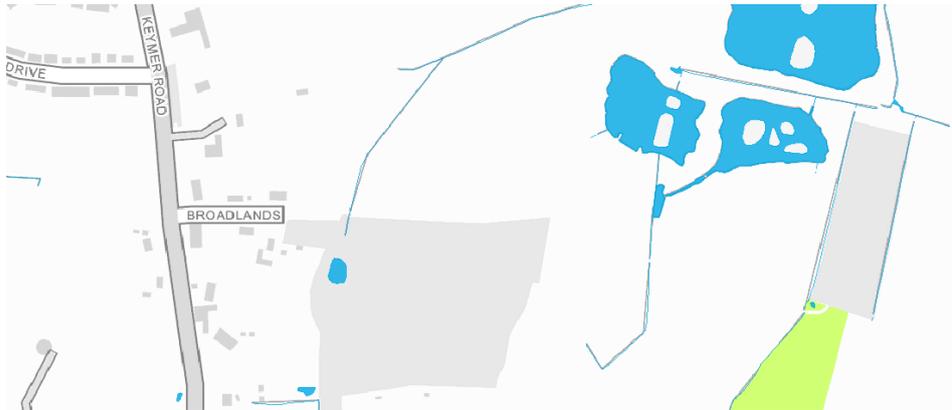
3.9 The site is protected by law as is it within Mid Sussex's own Countryside Area of Development Restraint. It contains vegetation with legal protection, as evidenced by the Enforcement action taken by MSDC against Thakeham Homes for illegal damage to hedgerows in 2015, and Thakeham Homes subsequent loss of their Appeal case³⁶.

3.10 In addition, the rich and varied wildlife it contains is also protected, both by UK and International Law. While it is accepted that when protected species of animals and plants are found within a site that is wanted for development, it may sometimes be possible to deal with this either by an approved method of relocation or by adapting the plans to ensure the protected species can live in harmony with the new development. In other cases, however, this is not possible and this is especially the case where the site is effectively surrounded by existing development and there is no natural escape route for wildlife. This applies to Site SA13 – the only way to comply with the law and protect the wildlife is designate this site unsuitable for development.

³⁵ Mid Sussex District Plan, DP38, page 93

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

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



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

3-3 STATUTORY REQUIREMENT ON BIODIVERSITY

- 3.15 The sites selection process is a requirement for updating the Mid Sussex District Plan. It should be remembered that the primary document that governs the planning and development process is the National Planning Policy Framework (NPPF). In its introduction it states that:

“The framework must be taken into account in preparing the development plan [which in this case is the Mid Sussex District Plan] and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements..”

And earlier in the same paragraph states:

“Planning decisions should be determined in accordance with the development plan unless material considerations determine otherwise...”³⁷

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

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

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

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

Most importantly, it is stated that:

Biodiversity will be protected and enhanced by ensuring development:

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

3-4 PROTECTED WILDLIFE IN SITE SA13

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

³⁸ Mid Sussex District Plan, DP38, page 93

³⁹ Ibid.

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

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

3.21	Species	Legal Protection
	Bats	
	• Chiroptera	Hab Dir A2 NP, Hab Dir A4 , Hab Reg Sch2, WCA Sch5 s9.4b, s9.4c/s9.5a, NERC S41
	• Serotine	Hab Dir A4 , Hab Reg Sch2, WCA Sch5 s9.4b, s9.4c/s9.5a
	• Myotis	Hab Dir A2 NP , Hab Dir A4, Hab Reg Sch2, WCA Sch5 s9.4b/s9.4c/s9.5a, NERC S41
	• Noctule	Hab Dir A4 , Hab Reg Sch2, WCA Sch5 s9.4b/s9.4c/s9.5a, NERC S41
	• Common Pipistrelle	Hab Dir A4 , Hab Reg Sch2, WCA Sch5 s9.4b, s9.4c/s9.5a, NERC S41
	• Soprano Pipistrelle	Hab Dir A4 , Hab Reg Sch2, WCA Sch5, s9.4b, s9.4c/s9.5a, NERC S41
	• Brown Long Eared	Hab Dir A4 , Hab Reg Sch2, WCA Sch5 s9.4b, s9.4c/s9.5a, NERC S41
	Amphibians	
	• Common Toads	WCA Sch5 s9.5a, NERC S41, UK BAP Priority
	• Palmate Newts	WCA Sch5 s9.5a
	• Smooth Newts	WCA Sch5 s9.5a
	• Common Frogs	WCA Sch5 s9.5a
	• Great Crested Newts	Hab Dir A2 NP, Hab Dir A4 , Hab Reg Sch2, WCA Sch5 s9.4b/s0.4c/s9.5a, NERC S41, UK BAP Priority
	Butterflies & Moths	
	• Brown Hairstreaks	WCA Sch5 s9.5a, NERC S41, UK BAP Priority, RedList GB post2001 VU
	• Large Clothes	Sussex Rare
	Mammals	
	• West European Hedgehogs	NERC S41, UK BAP Priority UK, RedList GB post2001 VU

- **Hazel Dormice** **Hab Dir A4**, Hab Reg Sch2, WCA Sch5, s9.4b/s9.4c/s9.5a/, NERC s41

Reptiles

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

Birds

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

3.22

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

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

3.23

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

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

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

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

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

3-5 IRREPLACEABLE HISTORIC FIELD SYSTEM

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

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



Aerial photograph taken in 1952



Recent Google Earth image



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

3-6 TREES AND VEGETATION

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

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

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

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



Ecological Data Search SxBRC/19/633 - Summary Report

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

The following datasets were consulted for this report:

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

Summary of results

Sites and habitats

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

Protected and designated species

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

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

This summary page may be published.
The full report and maps may not be published or otherwise shared.
 The data search report is valid until 05/11/2020 for the site named above.

The Sussex Biodiversity Record Centre is managed by the Sussex Wildlife Trust as a partnership project. Sussex Wildlife Trust is a company limited by guarantee under the Companies Act. Registered in England. Company No. 698851. Registered Charity No. 207005. VAT Registration No. 191 3059 69. Registered Office: Woods Mill, Henfield, West Sussex BN5 9SD. Tel: 01273 497521

Survey of field about 200m south of Folders Lane

<u>Date of Current Survey</u>	3 August 2009
<u>Location of field</u>	Approx. 200m south of Folders Lane in the High Chimneys (previously Woodwards) area of Burgess Hill, West Sussex. Short, eastern boundary coterminous with Wintons. Field centre OS grid ref. TQ321178
<u>Size of field</u>	Area ca. 0.15 hectare. Overall dimensions ca. 350m x 50m.

Background

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

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

Description of field

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

Flora

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

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

w - a species associated with damp or wet conditions.

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

Fauna

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

Overall impression

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

Recommendation

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

Author John Newton, BSc Zoology (Hons), FRES

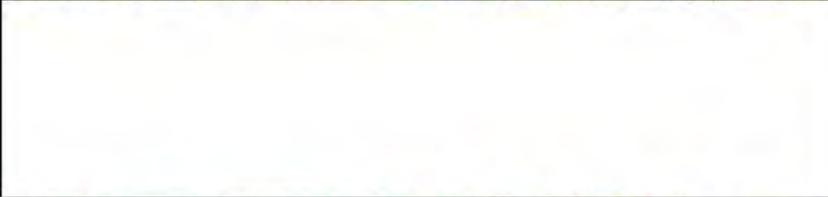
Location of Field



View looking east
(towards damp area)



View looking west
(note hummocks)



**Dried out pond
near north
boundary**
(devil's-bit scabious
in foreground)

SECTION 4

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

4-1 Opposition from local authorities

4-2 Opposition from statutory bodies

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

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

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

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

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

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

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

⁴¹ Ibid.

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

- 4.3 **Haywards Heath Town Council** objected due to the significant north-south traffic movements between Haywards Heath and Burgess Hill generated by the increase in housing numbers. Their comments are attached at Appendix 4 A
- 4.4 **Lewes and Eastbourne Borough Council** objected with concerns about the ability of the road network to cope with additional housing in this area, stating:
- “in relation to Policies SA12, SA13 and SA21, the District Council wishes to have the confidence that the transport impacts arising from the proposed housing growth can be satisfactorily accommodated by the highway network within Lewes District. In particular, the timing, funding and feasibility of any necessary mitigation measures need to be fully understood before we are convinced that Policies SA12, SA13 and SA21 are sound”⁴³
- 4.5 **Ditchling Parish Council** objected, with reasons including:
- The development would cause further traffic implications into an already struggling road infrastructure system
 - Development on these sites would cause irreparable harm to the setting of the South Downs National Park, including destroying habitats for many protected wildlife species such as adders, bats, cuckoos, barn owls 1 great crested newts and slow worms
 - The sites contravene Policy CONS 7 of the Ditchling, Streat & Westmeston Neighbourhood Plan — Protect important gaps between settlements
- The Ditchling Parish Council letter of objection is attached at Appendix 4 B.
- 4.6 **Hassocks Parish Council** objected citing the inadequacies of the SYSTRA transport study, which did not assess the inevitable negative impact on all the affected parts of local road network. The Hassocks Parish Council objection is attached at Appendix 4 C
- 4.7 MSDC sought to play down, if not actually conceal the level of opposition from neighbouring authorities to Sites SA12 & SA13. This incident is dealt with further in Section 5. At MSDC Scrutiny Committee for Housing, Planning & Economic Growth on 22 January 2020, Officer Andrew Marsh stated
- “Objections were predominantly from residents to the proposed sites” [and there were] “indeed no objections from neighbouring authorities”⁴⁴*
- This was untrue, and misled the Councillors who were voting on whether to accept the proposed sites at that meeting, making the process unsound.
- 4.8 As well as these strong objections to sites SA12 / 13 made by the neighbouring authorities, the following also had various objection to other parts of the Site Allocations DPD:
- Wealden District Council objected to SA20 / SA26
 - Horsham District Council & West Sussex County Council objected to SA9

⁴² Ibid. page 401

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

⁴⁴ Printed Minutes of Meeting, Section 7, page 3

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

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

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

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

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

a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan).

*b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;"*⁴⁶

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

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

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

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

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

⁴⁶ Ibid.

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

- Natural England
- CPRE

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

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

- 4.14 **Sussex Wildlife Trust** is the acknowledged expert for the Mid Sussex area, and their Sussex Biodiversity Records Centre has provided a comprehensive list of the many protected species of flora and fauna that would be lost (with no prospect of adequate mitigation) if Sites SA12 & SA13 remain allocated for housing. Their objection is at Appendix 4 D, but can be summarised in this quote:
- SWT objects to the allocation of this greenfield site. It is not justified by MSDC's own evidence base and does not represent sustainable development.*⁴⁸

- 4.15 The **Woodland Flora & Fauna Group** also objected to the site allocation, raising the issue that any mitigation that may be proposed to compensate for the loss of this valuable greenfield site rarely works:
- "However, many compensatory measures like wildlife corridors etc. the development includes, our experience is that the close proximity of human habitation renders them mostly ineffective and offers very few long-term survival prospects for indigenous wildlife and flora due to human recreational activities."*⁴⁹

The full objection is at Appendix 4 E.

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

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

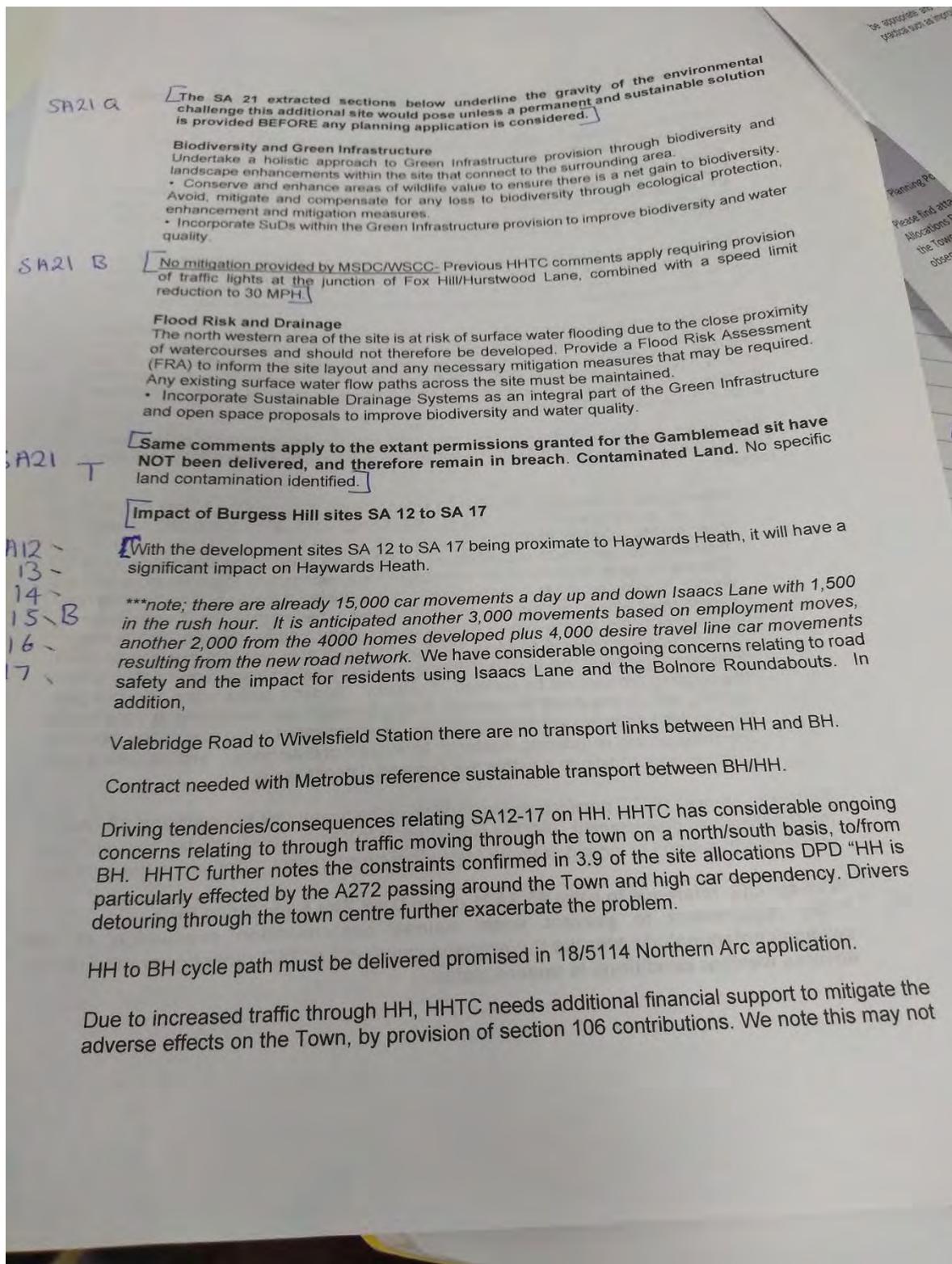
⁴⁸ Site Allocations DPD – Regulation 18 9th October – 20th November 2019 Consultation Report, page 397

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

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

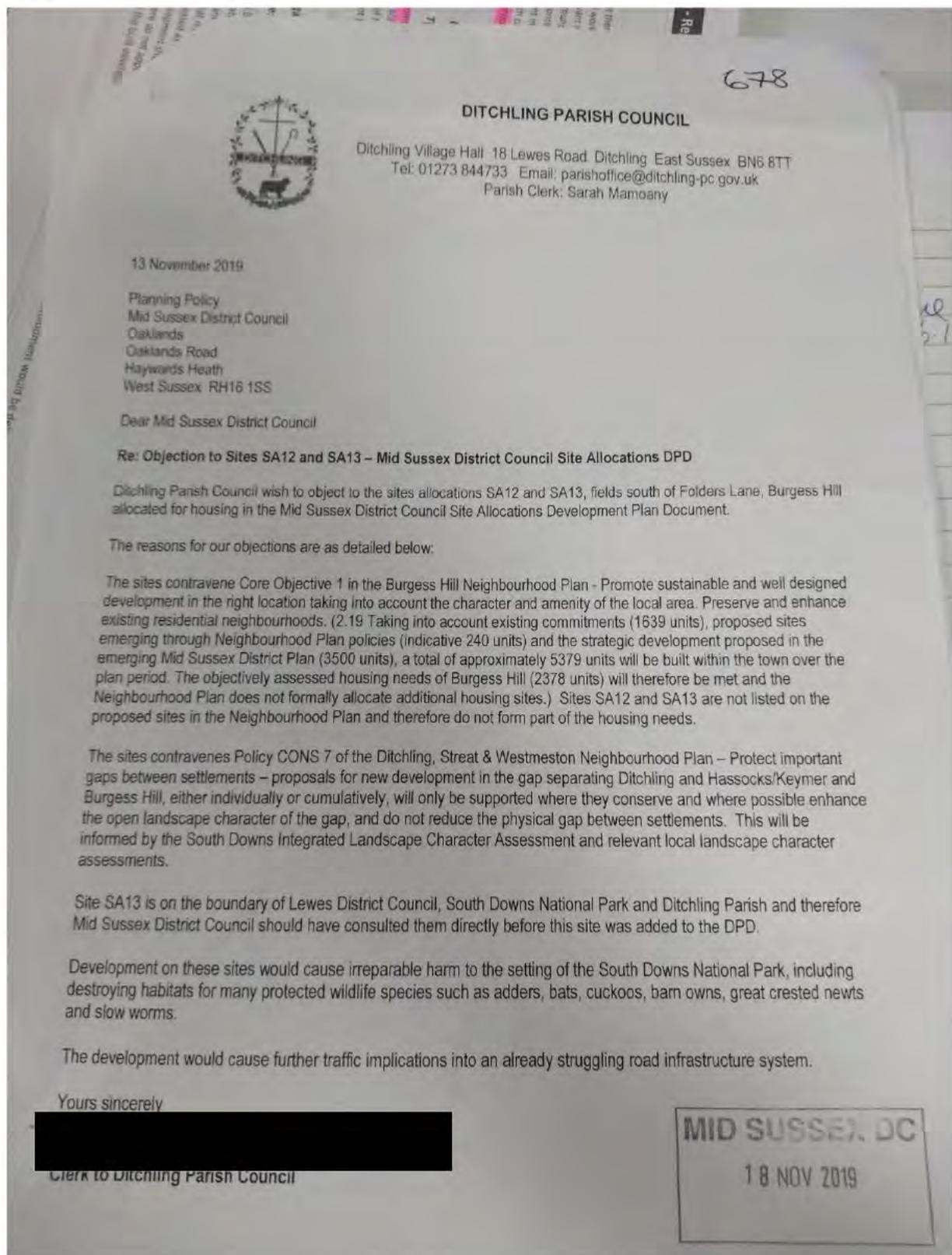
4.17 All these objections from local authorities, statutory bodies and expert groups demonstrate that Sites SA12 & SA13 are unsustainable, unsuitable and undeliverable.

Appendix 4 A



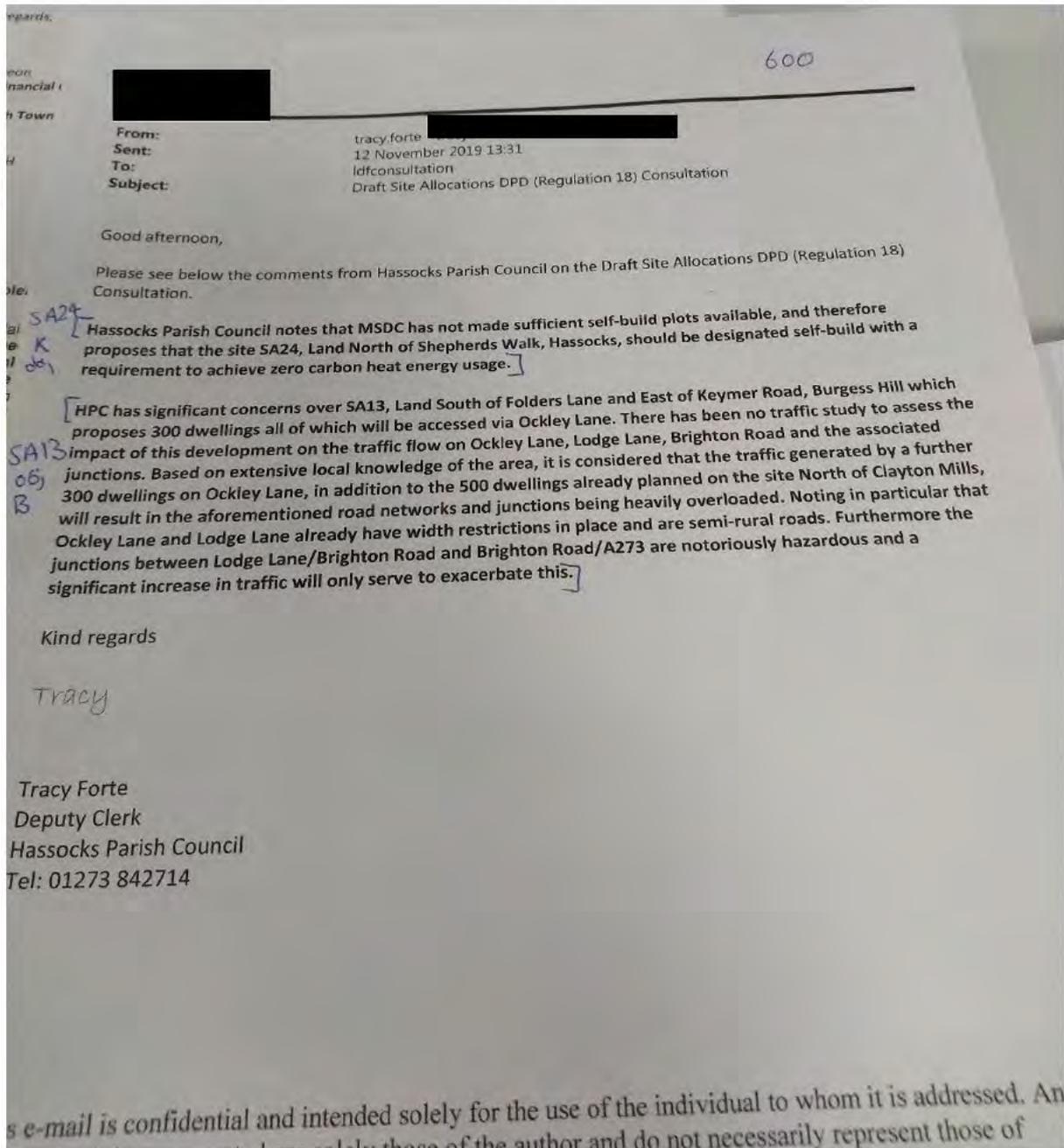
Objection by Haywards Heath Town Council

Appendix 4 B



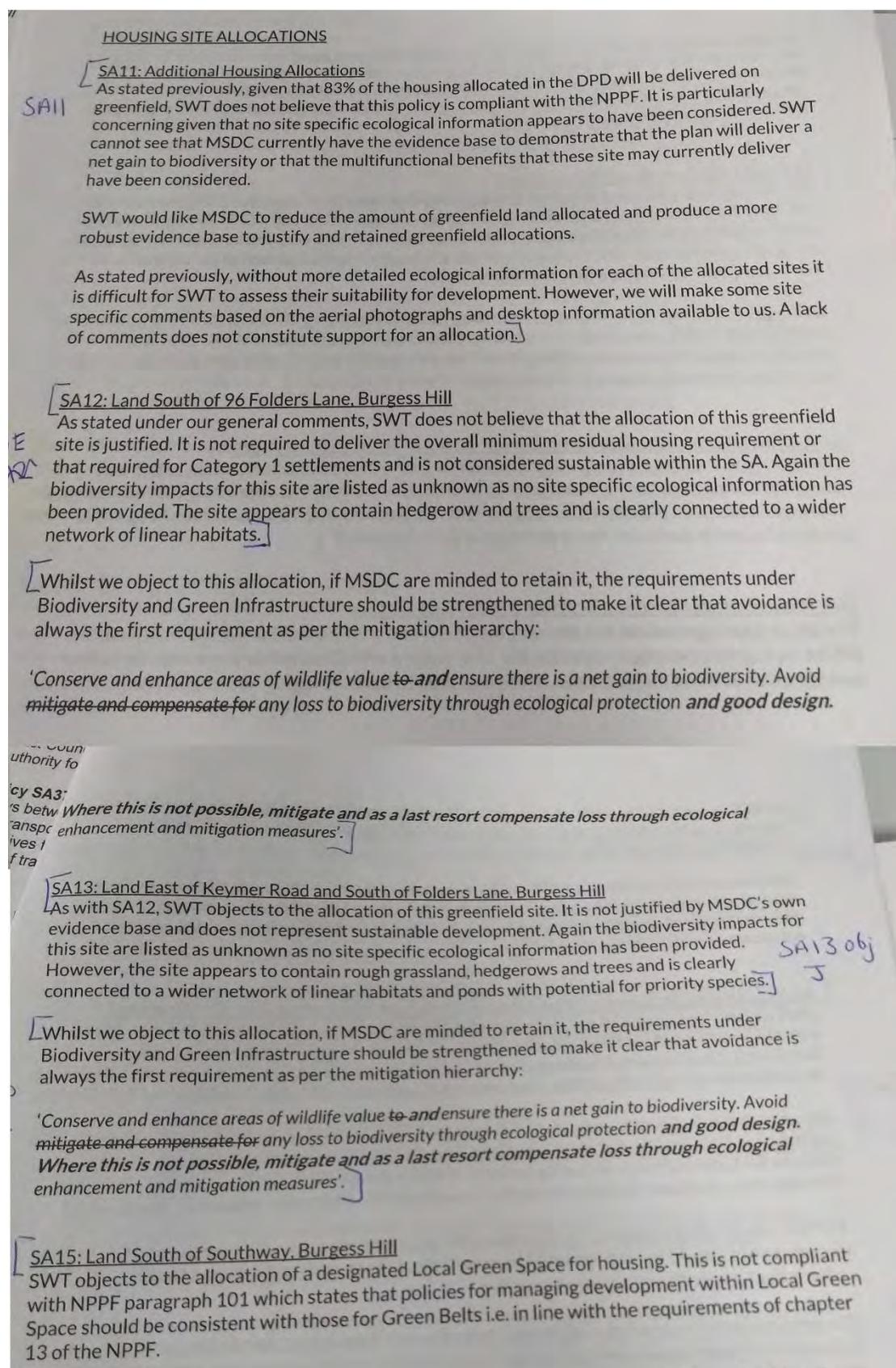
Objection from Ditchling Parish Council

Appendix 4 C



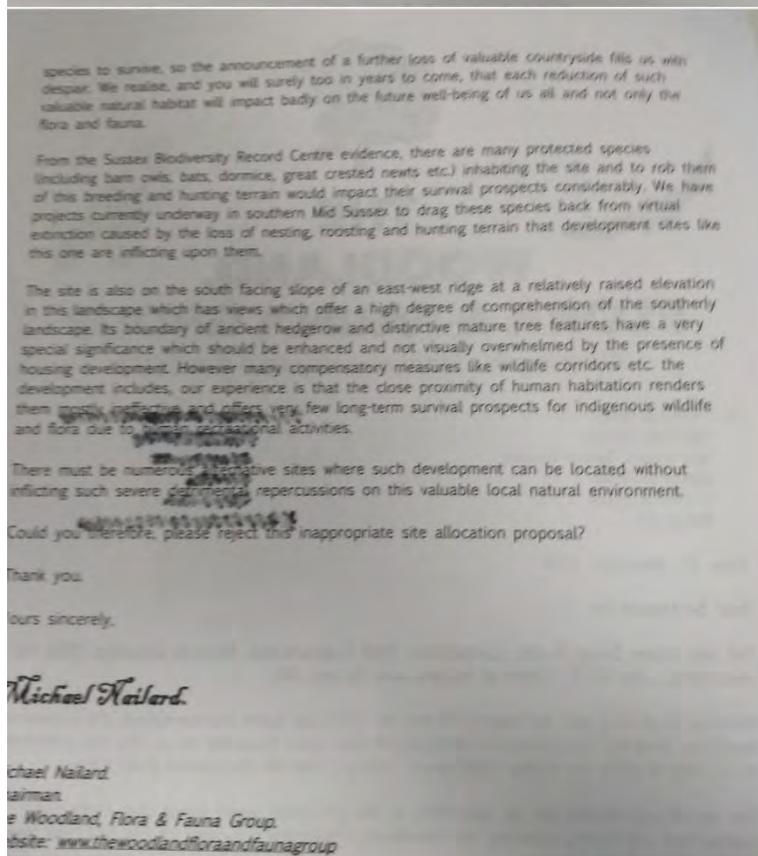
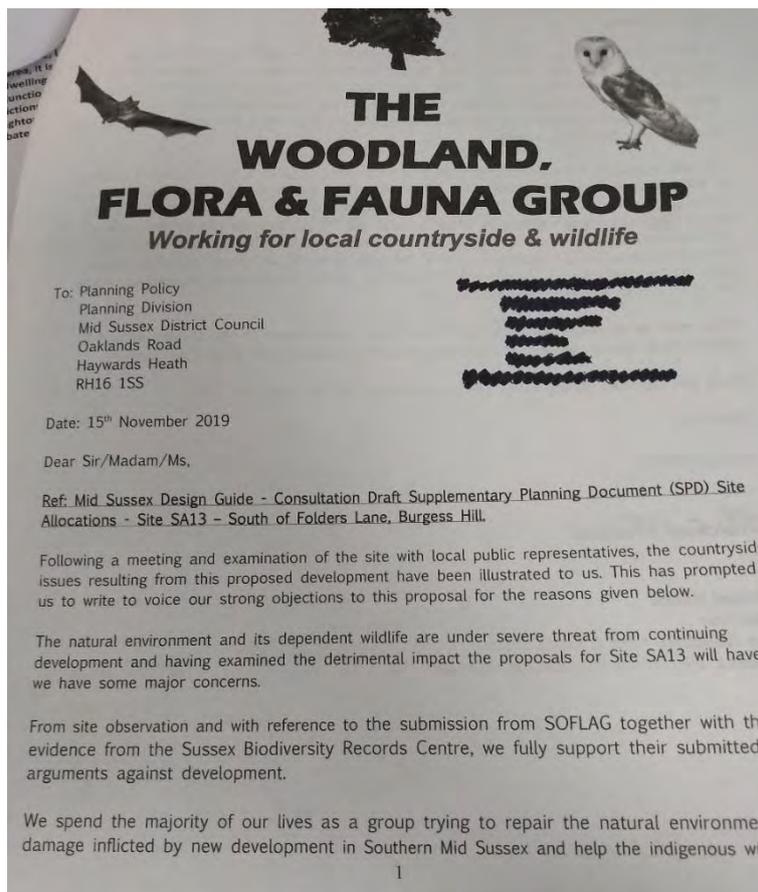
Objection from Hassocks Parish Council

Appendix 4 D



Extract from objection by Sussex Wildlife Trust

Appendix 4 E



SECTION 5

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

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

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

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

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

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

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

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

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

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

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

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

5.14 Site Selection Proformas published at Regulation 18 stage raise questions about how and why sites were chosen, particularly with reference to Sites SA12 & SA13. This can be illustrated by comparing the Proformas for Batchelors Farm (site reference 573) and what became part of Site SA13 (site reference 557).

5.15 While Site 557 was put forward, site 573 was not. This could be because, despite the proposed entrances to the sites being opposite each other on Keymer Road, and therefore equidistant from all facilities. In fact, most of site 557 being further away than the whole of 573, two out of three walking distances were assessed by MSDC rather differently⁵¹. Putting together the information from the two site proformas clearly illustrates this error:

Composite illustration showing comparative site locations:



Composite illustration showing comparative walking distances:

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

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

14 - Education	Less Than 10 Minute Walk
15 - Health	10-15 Minute Walk
16 - Services	10-15 Minute Walk
17 - Public Transport	Good

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

14 - Education	10-15 Minute Walk
15 - Health	10-15 Minute Walk
16 - Services	15-20 Minute Walk
17 - Public Transport	Good

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

⁵⁴ Ibid.

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

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

⁵⁶ Ibid. page 3

5.23 But surely this decision has not actually been made yet as Regulation 19 consultation is ongoing. It certainly had not been made in March when the Full Council meeting had not taken place.

And yet if this application for HH Golf Course is unnecessary because MSDC can meet the housing requirement by building SA12 & SA13, logic dictates that the reverse must also be true. If Haywards Heath Golf Course were selected, then Sites SA12/13 would become "unnecessary to meet the spatial strategy."

As MSDC's Andrew Marsh stressed at the last Scrutiny Committee, the core aim should be deliverability. His exact words were: "What we need to be mindful of with all of the sites that we're taking forward is their ultimate deliverability."

HH golf course is deliverable now. Build there and the five-year housing land supply is more secure, and the pressure from developers to concrete over more greenfield sites is reduced.

MSDC seem intent on insisting that Folders Lane is more deliverable, even though it hasn't completed due scrutiny and there have been clear questions from councillors about this selection process from the start.

5.24 The most unsound thing of all about this comparison is how it reflects on the deliverability of sites. The existence of application 20/0559 shows that the golf course is deliverable, while the unsuitability and unsustainability of Sites SA12 & SA13 mean they are undeliverable. MSDC have not selected the deliverable option.

5-3 THE SITE ALLOCATIONS DPD SUSTAINABILITY APPRAISAL CONTAINS ERRORS & INCONSISTENCIES AND IS UNSOUND

5.25 The Sustainability Appraisal forms a key part of the MSDC case for allocating housing sites. It is therefore of concern that it contains errors, omissions and inconsistencies, leading to Councillors making decisions based on deficient information.

5.26 In the assessment of Site Options at Burgess Hill, the assessment for Education erroneously refers to walking distance from GP's surgeries:

										residual housing need, they have also demonstrated deliverability. Options (a) and (e) has been submitted to the Council however deliverability is unclear.
2 - Health	+	++	+	+	0	+	-	?	-	Site option (b) is located less than a 10 minute walk from the nearest GP surgery, options (a), (c), (d) and (f) are a 10-15 minute walk, option (e) is a 15-20 minute walk, while option (g) and (i) are more than a 20 minute walk. The impact of option (h) on this objective is uncertain, currently the site is a long distance from local services, however, this will change once the Northern Arc is built out.
3 - Education	++	+	++	++	++	++	-	?	-	Site option (a), (c), (d), (e) and (f) are located less than a 10 minute walk from the nearest GP surgery, option (b), is a 10-15 minute walk, while option (g) and (i) are
123										
Site Allocations DPD – Sustainability Appraisal – February 2020										
										more than a 20 minute walk. The impact of option (h) on this objective is uncertain; currently the site is a long distance from local services, however, this will change once the Northern Arc is built out.
4 - Retail	+	++	+	++	++	+	-	?	++	Site option (b), (d), (e) and (f) are located less than a 10 minute walk from the nearest convenience store, option (a), (c) and (f) are a 10-15 minute walk while option (g) is more than a 20 minute walk. The impact of option (h) on this objective

57

⁵⁷ Site Allocations DPD Sustainability Appraisal (Regulation 19) July 2019, page 123

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

Site Allocations DPD – Sustainability Appraisal – February 2020

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

58

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

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

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

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

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

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

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

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

Site Allocations DPD – Sustainability Appraisal – February 2020

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

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

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

Table 19 - Housing Options

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

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

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

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

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

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

5.33 MSDC published their Site Allocations Document in autumn 2019 and it went out for public consultation from 9 October – 20 November 2019. There were over 800 objections to Sites SA12 & SA13, including a comprehensive 36-page submission from SOFLAG.

However, when the full consultation report was published on the MSDC website, the SOFLAG submission and that from the Broadlands Residents Association – also opposing sites SA12 & 13 – were missing.

5.34 This error was pointed out to MSDC on 24th January, and on 31st January the missing responses were inserted into the full online report – adding 57 pages to it.

5.35 However, the Scrutiny Committee for Housing and Economic Development met on 22nd January – prior to the correction being made – and voted to recommend approving the SSDPD for the next stage following the consultation.

Members of this Committee had been emailed a reports pack with the summary of responses and a committee report. The full consultation report was available to them online – but the SOFLAG and Broadlands Residents Association submissions were missing until after the Committee met.

5.36 In their response to a complaint about the missing submissions (See Appendix 5 F) MSDC pointed out that the submissions were not omitted from the **one printed copy** available to members in the Members Room at the Council Offices. However, members had no way of knowing that the online consultation report had 57 pages missing so would not have known they had to visit the Members Room and wait in line to see the correct version.

5.37 The key Scrutiny Committee of 22nd January had been scrutinising an incomplete report, which was missing important evidence opposing the selection of Sites SA12 & SA13.

MSDC assured us that this was merely an "oversight", but it renders this part of the process unsound.

5.38 SOFLAG raised this issue with the Scrutiny Committee Chair, Councillor Neville Walker, before the Committee Meeting of 11 March 2020 at which the Site Allocations DPD was to be discussed. Councillor Walker sent a response, copied to all committee members, 4 hours before the start of the meeting. This response contained factual errors, stating that *"Once officers were made aware of a technical error with the detailed online Consultation Report a revised version was uploaded the same day"* when in fact they were not uploaded until 28th January.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

⁶³ Ibid. para 4,9 page 6

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

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

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

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

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

The original members of the working group were 8 councillors:

Cllr Rod Clarke – HAYWARDS HEATH (Con)

Cllr Gordon Marples - HASSOCKS (Con)

Cllr Ruth De Mierre – HAYWARDS HEATH (Con)

Cllr Pru Moore - BURGESS HILL (Con)

Cllr Lyn Stockwell – HIGH WEALD (Con)

Cllr Antony Watts Williams. – HURSTPIERPOINT (Con)

Cllr Rex Whittaker - EAST GRINSTEAD (Con)

Cllr Sue Hatton – HASSOCKS (Lib Dem)

5.53 Following election results in May 2019 the working group was depleted as 3 members lost their seats and it no longer complied with its terms of reference. The Council changed from 53 Conservative and 1 Lib-Dem to 34 Conservative, 13 Lib Dem, 4 Independent and 3 Green (63% Conservative and 37% other).

5.54 To comply the working group should then have contained 4 Conservative and 3 others. Instead, those councillors who lost their seats were simply not replaced, leaving the following 5 members:

Cllr Rod Clarke – HAYWARDS HEATH (Con)

Cllr Lyn Stockwell – HIGH WEALD (Con)

Cllr Ruth De Mierre – HAYWARDS HEATH (Con)

Cllr Rex Whittaker - EAST GRINSTEAD (Con)

Cllr Sue Hatton – HASSOCKS (Lib Dem)

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

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

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

Appendix 5 A

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

13th May 2020

Dear Ms Blomfield

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

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

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

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

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

Namely:

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

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

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

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

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

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

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

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

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

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

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

Kind regards

SOFLAG

Appendix 5 B

Response to SOFLAG Transport Study queries – July 2020

Dear SOFLAG,

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

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

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

Question One

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

Namely:

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

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

MSDC Response:

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

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

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

SOFLAG RESPONSE TO THIS ANSWER:

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

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

Question Two

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

MSDC Response:

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

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

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

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

SOFLAG RESPONSE TO THIS ANSWER:

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

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

Question Three

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

MSDC Response:

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

SOFLAG RESPONSE TO THIS ANSWER:

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

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

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

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

Question Four

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

MSDC Response:

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

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

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

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

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

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

SOFLAG RESPONSE TO THIS ANSWER:

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

Question Five

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

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

MSDC Response:

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

SOFLAG RESPONSE TO THIS ANSWER:

This doesn't answer the question raised

Question Six

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

MSDC Response:

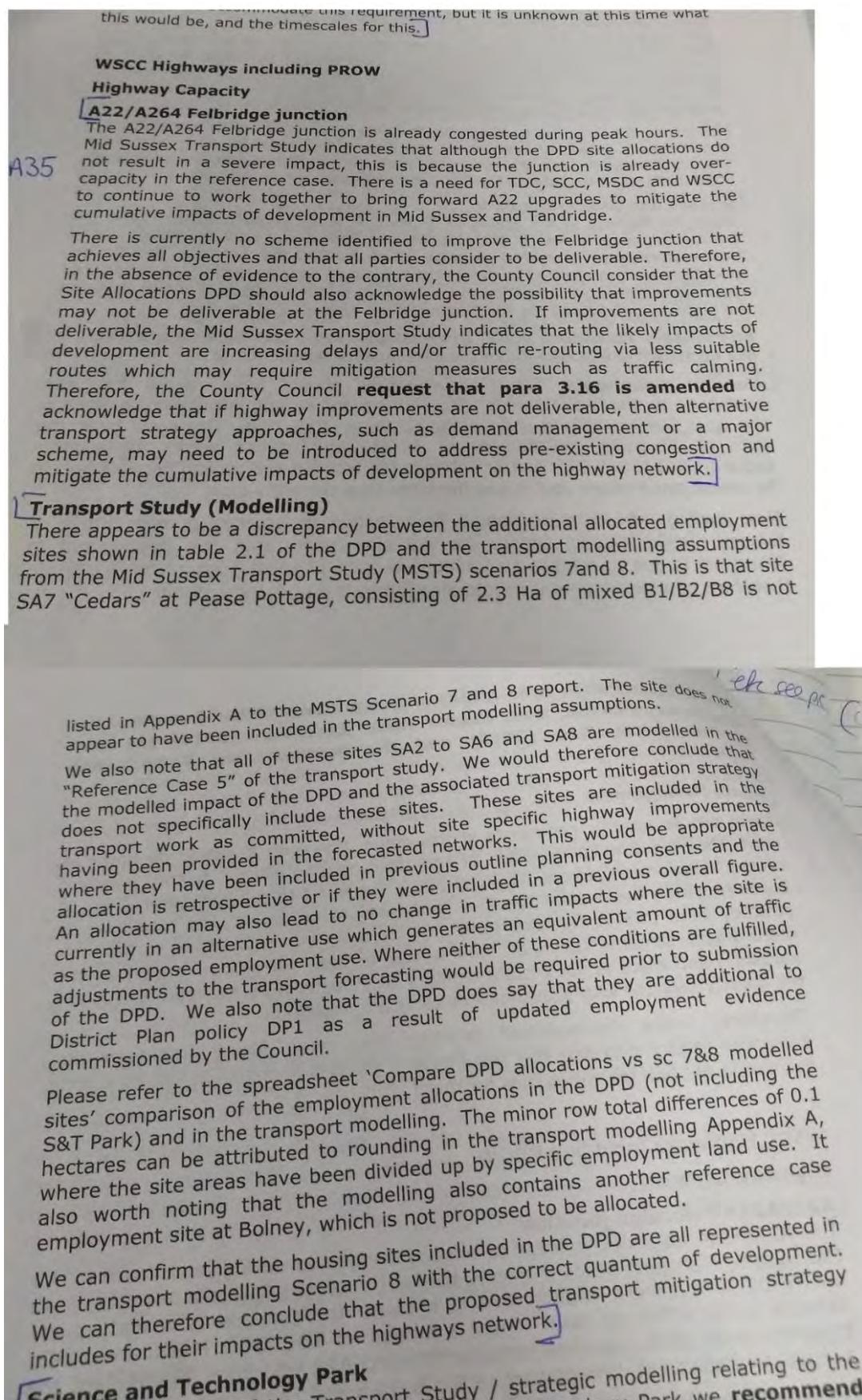
Systra indicate that the severe impact on the A23/A2300 junction is caused by the proposed Science and Technology Park allocation (SA9), and appropriate mitigation is being proposed. There is no indication the severe impact is caused by the proposed housing sites.

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

SOFLAG RESPONSE TO THIS ANSWER:

This doesn't answer the question raised

APPENDIX 5 C



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

Appendix 5 D

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

[REDACTED]
[REDACTED]

Dear [REDACTED]

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

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

Note that the minutes of Scrutiny Committee state:

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

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

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

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

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

yours sincerely,

FOI/DPA Team

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

Working together for a better Mid Sussex

From: [REDACTED]
Sent: 03 February 2020 19:29
To: Freedom of Information <foi@midsussex.gov.uk>
Subject: FOI request

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

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

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

Thank you.

Kind regards

██████████

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

Appendix 5 E

Flooding at Site SA13



Appendix 5 F

[Redacted]

To: [planningpolicy](mailto:planningpolicy@midsussex.gov.uk)

Wed, Jan 22 at 2:59 PM

Dear Andrew

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

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

Kind regards,

[Redacted]

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

Dear [Redacted]

Thank you for your email.

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

Kind regards,

[Redacted]

[Redacted]

Interim Business Unit Leader – Planning Policy

[Redacted]

www.midsussex.gov.uk

Working together for a better Mid Sussex

From: [Redacted]

Sent: 22 January 2020 13:26

To: [planningpolicy](mailto:planningpolicy@midsussex.gov.uk) <planningpolicy@midsussex.gov.uk>

Subject: Re: Consultation Responses

Dear [Redacted]

Thank you for your email.

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

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

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

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

Thank you.

Kind regards,

Amanda

Appendix 5 G

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

Dear Councillor Walker,

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

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

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

Kind regards

SOFLAG

Dear SOFLAG,

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

1. **Critical responses omitted from consultation report:**

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

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

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

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

2. Refusal of requests for transparency around site selection:

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

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

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

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

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

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

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

3. Opposition from other local authorities

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

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

4. Sites SA12 & SA13 v Haywards Heath Golf Club

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

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

Kind regards,

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

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

Sent: 06 March 2020 17:14

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

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

Dear Councillor

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

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

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

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

1. Critical Responses Omitted from Consultation Report:

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

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

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

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

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

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

2. Refusal of requests for transparency around site selection:

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

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

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

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

3. Opposition from other local authorities

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

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

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

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

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

In addition, the following also had various objections:

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

4. Sites SA12 & SA13 v Haywards Heath Golf Club

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

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

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

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

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

If you have any questions, please get in touch.

Yours faithfully

SOFLAG

Appendix 5 H

APPENDIX 1

SITE ALLOCATIONS DOCUMENT MEMBERS WORKING GROUP

Terms of Reference

Membership

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

Objective of the Working Group

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

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

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

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

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

Appendix 5 I

Amendment tabled at MSDC Council Meeting, 25 September 2019

Agenda Item 7

TABLED - AGENDA ITEM 7: SITE ALLOCATIONS

Council – 25 September 2019

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

Amendment to the item:

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

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

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

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

Conclusion

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

In summary:

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

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

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

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

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

Folders Lane, Burgess Hill, West Sussex



Index

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

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

1 Background

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

2 MSSHM Model Review

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

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

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

3 Traffic Modelling Supporting the Sites DPD

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

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

decisions should take account of whether:

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

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

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

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

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

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

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

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

3.10 The concerns are twofold:

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

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

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

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

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

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

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

4 Folders Lane Allocations in the Sites DPD

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

Table 3.1

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

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

Table 3.2

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

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

- not compromise the ability of Folders Lane itself, in link capacity terms, to safely and operationally accommodate the forecast levels of traffic on it, even accounting for the two DPD sites.
- 4.5 Impacts on junctions themselves are more difficult to ascertain. The Sites DPD Scenario modelling report only includes the results for the western junction of Folders Lane with B2113 Keymer Road (for the first time; it was not included in any previous DPD Scenario testing modelling reports). That junction is given the number S27 in the Sites DPD Scenario modelling report.
 - 4.6 Junction S27 is assessed in Table 7 as not experiencing a severe or significant impact in the RC (compared to the base year) and experiencing only a 'significant' impact in the Sites DPD Scenario (compared to the RC) but only in the 'with Mitigation' Scenario.
 - 4.7 We have considered the results as presented in the Sites DPD Scenario modelling report. We also use the junction daily at many different times and appreciate the way it works in practice. We would agree that the junction generally operates at present without excessive queues or delays, other than, in our experience, some issues related to lack of exit capacity on the northern exit at some times of the day, partly due to the schools but largely due to blocking back from the roundabout junction of Keymer Road with Station Road, Junction Road and Silverdale Road (junction S6 in the Sites DPD Scenario reporting).
 - 4.8 Junction S6 is assessed as having a severe impact comparing RC and base year, and a severe incremental impact in the 2031 Sites DPD Scenario compared to the RC. But the impact at Junction S6 is assessed as neither severe nor significant in the Sites DPD + Mitigation Scenario, despite the relevant values being barely different from the without mitigation case but with the two falling marginally either side of the criteria values.
 - 4.9 The actual consequence in junction operation would be indistinguishable. In practice in all 2031 Scenarios junction S6 would operate at well over capacity with excessive RFCs, queues and delays, in all Scenarios greater than in the base year. The operation of the Folders Lane/ Keymer Road junction (junction S27) would increasingly be impacted by the inadequacies of Junction S6 and this could only be exacerbated by new traffic generated by the Folders Lane allocation in the Sites DPD.
 - 4.10 No results are published for the junctions of Folders Lane with Kings Way, and with B2112 at Folders Lane roundabout, so it is not possible to comment on their performance under different Scenarios. At Ditchling crossroads, the impact of the RC compared to the 2017 base year is shown to be Severe, with an additional incremental significant impact in the Sites DPD Scenario (which is offset in the 'with mitigation' Scenario). No information is provided for the B2112 / Janes Lane junction to the north of Folders Lane roundabout although it would be considered unusual if there was not an impact of note at least in the RC case, as we understand that traffic signals were agreed at that

junction as part of the mitigation necessary for the large, approved Kings Way development. Both junctions would be affected in unquantifiable ways by the link description anomalies identified in the MSSHM Model Review section above.

5 Summary and Conclusions

- 5.1 The Mid Sussex Transport Study (MSTS) supported the Mid Sussex District Plan (MSDP) which was adopted, after Examination in Public, in March 2018. The Mid Sussex Strategic Highway Model (MSSHM) is an updated MSTS with a 2017 base year. MSSHM has been used in consideration of the Reference Case (RC) and several different development Scenarios for the 2031 end-of-plan-period future year. Most recently, it has been used in the assessment of the Sites DPD Scenario.
- 5.2 Model validation appears reasonable and the comparison of observed and modelled flows for road links in the vicinity of Folders Lane appears acceptable.
- 5.3 There may be an issue with the way in which the B2112 from Janes Lane to Ditchling crossroads is described in the assignment model. Without knowing the way in which those descriptions have been translated into the network as included in the SATURN highway model, it is not possible to determine their influence, but the links in question would be important in the model's determination of route shares for north/south traffic generally, and specifically for new traffic generated by any new development served from Folders Lane.
- 5.4 The network impacts of various Scenarios is assessed in the study reports by reference to their severity, but we have concerns about the criteria adopted to define 'severe' and 'significant' (which is a lower level of impact used in the MSSHM reporting).
- 5.5 We have assessed that Folders Lane currently has traffic flows that are well within its capacity in link terms. Traffic generated by the Sites DPD allocations for sites served from Folders Lane would not compromise that.
- 5.6 At the western junction of Folders Lane with Keymer Road (Junction S27), the Sites DPD assessment suggests that there would be no impact (Severe or significant) in the RC, and only a significant impact in the Sites DPD 'with mitigation' Scenario. We believe that this misrepresents the way that the junction works in conjunction with the much more heavily impacted junction (Junction S6) of Keymer Road / Station Road / Junction Road / Silverdale Road to the north. The study report concludes that Junction S6 would experience a severe impact comparing RC and base year, and a severe incremental impact in the 2031 Sites DPD Scenario compared to the RC. But the impact at Junction S6 is assessed as neither severe nor significant in the Sites DPD + Mitigation Scenario, despite the relevant values being barely different from the without mitigation case but with the two falling marginally either side of the criteria values.

- 5.7 We believe that the actual consequence in junction operation would be indistinguishable. In practice in all 2031 Scenarios junction S6 would operate at well over capacity with excessive RFCs, queues and delays, in all Scenarios greater than in the base year. The operation of the Folders Lane/ Keymer Road junction (junction S27) would increasingly be impacted by the inadequacies of Junction S6 and this could only be exacerbated by new traffic generated by the Folders Lane allocation in the Sites DPD.
- 5.8 The reports present no information for the junctions of B2112 with Folders Lane or with Janes Lane to the north. Information is given for the junction of B2112 and B2116 at Ditchling crossroads. All three junctions would be affected in unquantifiable ways by the apparent B2112 link description anomalies we have identified. It is not possible to determine the level of influence, but the links in question would be important in the model's determination of route shares for north/south traffic generally, and specifically for new traffic generated by any new development served from Folders Lane.
- 5.9 It seems very clear from our assessment of the available results of modelling different Scenarios for the 2031 end-of-plan-period forecast year, that the package of highway improvements already committed and included in the RC Scenario is not sufficient on its own to enable the level of development included in the RC alone to be delivered without widespread highway network 'severe' impacts.
- 5.10 It is also clear that the contribution of sustainable transport initiatives to resolving the additional impacts of additional Sites DPD sites would be marginal at best.
- 5.11 It is also clear that the Sites DPD additional highway mitigation, focussed on the A23 and its junction with A2300, is not only important to mitigate the additional traffic demands of the Sites DPD sites, but is also essential to enable the impacts of the RC itself (i.e. without any additional Sites DPD sites) to be potentially considered tolerable.

-End of Report -



Civil Engineering - Transport Planning - Flood Risk

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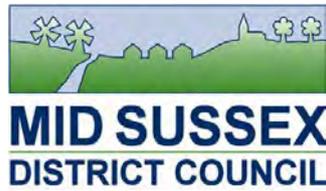
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Site Allocations DPD: Regulation 19 Consultation Response

Policy:

ID:	684
Response Ref:	Reg19/684/5
Respondent:	Mr C Noel
Organisation:	Strutt and Parker
On Behalf Of:	Paddockhurst Estate Turners Hill
Category:	Promoter
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="Mr"/>
First Name	<input type="text" value="Craig"/>
Last Name	<input type="text" value="Noel"/>
Job Title (where relevant)	<input type="text"/>
Organisation (where relevant)	<input type="text" value="Strutt and Parker"/>
Respondent Ref. No. (if known)	<input type="text"/>
On behalf of (where relevant)	<input type="text" value="Paddockhurst Estate"/>
Address Line 1	<input type="text" value="201 High Street"/>
Line 2	<input type="text" value="Lewes"/>
Line 3	<input type="text"/>
Line 4	<input type="text"/>
Post Code	<input type="text" value="BN7 2NR"/>
Telephone Number	<input type="text" value="01273407045"/>
E-mail Address	<input type="text" value="craig.noel@struttandparker.com"/>



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

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

Part B – Your Comments

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

Name or Organisation:

Craig Noel – Strutt and Parker on behalf of Paddockhurst Estate

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 Policy SA Draft Policies Map

4. Do you consider the Site Allocations DPD is:

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

4b. Sound Yes No

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

	Sound	Unsound
(1) Positively prepared	<input 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.

Please see attached representation from Strutt and Parker dated 10th September 2020

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

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 see attached representation from Strutt and Parker dated 10th September 2020

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

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

Please see attached representation from Strutt and Parker dated 10th September 2020

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

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

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

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

Yes, I wish to participate at the oral examination

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

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

10. Please notify me when:

(i) The Plan has been submitted for Examination

(ii) The publication of the recommendations from the Examination

(iii) The Site Allocations DPD is adopted

Signature:

Date:

28/09/2020

Thank you for taking time to respond to this consultation



**Mid Sussex District Council
Site Allocations DPD**

Regulation 19 Consultation

**Representations on behalf of Paddockhurst
Estate**

Our ref: CN 151478

10th September 2020

Appendix 1 – Turners Hill Neighbourhood Plan (Policy THP2) and Proposals Map.

Appendix 2 – Proposed Site Layout Sketch

Introduction

- 1.1. Strutt and Parker are instructed by Paddockhurst Estate to respond to the Regulation 19 consultation Site Allocations Development Plan Document (SADPD) published by Mid Sussex District Council in July 2020. Paddockhurst Estate are freehold owners of land north of Old Vicarage Field, Turners Hill which it is promoting for sustainable new housing and open space. The Estate also own land at Withypitts, Turners Hill, which is promoted for redevelopment for residential purposes.
- 1.2. Land north of Old Vicarage Field (Site 852) extending to 9 hectares was assessed as suitable at Stage 1 of the site assessment process in September 2018 with an anticipated yield of 150 dwellings. It also remained in consideration following the Stage 2 high level assessment (and was therefore considered compliant with the District Plan spatial strategy). It features in the Stage 3 assessment but did not progress to Stage 4.
- 1.3. Land at Withypitts Farm, Selsfield Road, Turners Hill (Site 854) is proposed for allocation under Policy SA32. This allocation is supported.
- 1.4. This representation focusses on the spatial strategy for the District, its relationship to sustainability, and the associated housing numbers addressed through the Regulation 19 proposals. It also provides further details in support of Policy SA 32.

Spatial Strategy for the District

- 2.1. It is notable that the Regulation 19 SADPD under-delivers housing numbers in Category 3 settlements when assessed against District Plan targets. We consider that this shortcoming should be addressed prior to advancing the SADPD by identification of additional sites in Category 3 Medium Sized Villages. This will have sustainability advantages in addition to meeting the District Plan targets, including ensuring that the spatial distribution of affordable housing provision more accurately mirrors that anticipated in the District Plan.
- 2.2. The District Plan table which identified the spatial distribution of the housing requirement (page 32 of the District Plan) also provides minimum figures for each of the settlement Categories.
- 2.3. The minimum housing requirement for Category 1 settlements (Towns) has been revised to 706 dwellings, from the figure of 840 units in the Regulation 18 document. In Category 2 settlements (Local Service Centres), this has decreased from 222 dwellings to 198 dwellings (as a result of planning permission being granted at Land North of Shepherds Walk, Hassocks). In Category 3 (Medium Sized Villages), the requirement has reduced from 439 to 371. In Category 4 the requirement has decreased from 6 units to 5. These housing supply figures have been revised following an update to completion, commitments and windfall figures.
- 2.4. Despite the minimum residual requirement for Category 3 decreasing, this category remains the most underrepresented in the proposed site allocations. Only 238 of the minimum 371 homes required are proposed in the Regulation 19 SADPD, providing a shortfall of 133 dwellings. This position is shown in the table below (red text):

MSDC SADPD Reg 19: Representations on behalf of Paddockhurst Estate

Category	Settlements	District Plan Allocations	Minimum Requirement (2014-2031)	Minimum Residual (2017 +)	Minimum Residual Reg 18 SADPD	Minimum Residual Reg 19 SADPD	Reg19 SADPD Sites	Category Difference
1 Towns	Burgess Hill, E Grinstead, Haywards Heath	3,287	10,653	1,272	840	706	1069	363
2 Larger Village	Crawley Down, Cuckfield, Hassocks	500	3,005	838	222	198	105 (Figure does not include recent consent at Shepherds Walk, Hassocks)	37
3 Medium Village	Albourne, Ardingly, Ashurst Wood, Balcome, Bolney, Handcross, Horsted Keynes, Pease Pottage, Sayers Common, Scaynes Hill, Sharpthorne, Turners Hill, West Hoathly	600	2,200	311	439	371	238	-133
4 Smaller Village	Ansty, Staplefield, Slaugham,, Twineham, Warninglid	0	82	19	6	5	12	7
5	Hamlets	N/A	N/A	N/A	N/A	N/A	N/A	
Windfall			450					
Total			16,390	2,439	1,507	1,280	1,764	

Table 1: Spatial Distribution of Housing Requirement (Source of data: SADPD Regulation 18 and 19 draft documents.)

2.5. The number of dwellings at Site Allocation 27 (Land at St Martins Close (West) Handcross) has reduced from 65 to 30 dwellings because the Slaugham Neighbourhood Plan is now made and Land at St Martins Close (East) is now a commitment as at 1st April 2020. Therefore, only 30

- units are identified to avoid double counting. However, there would still be a shortfall of 103 units in Category 3 if the additional 30 dwellings had been included in the housing figures.
- 2.6. The Settlement Sustainability Review (May 2015) forms part of the evidence base for the Mid Sussex District Plan (2014-2031). Paragraph 1.4 notes the Settlement Sustainability Review (May 2015) identifies strategic allocations for housing at Burgess Hill. However, additional “housing development is proposed to be met at the district’s other towns and villages to help meet the needs of existing communities.” This suggests housing supply should be proposed across the numerous settlements and not concentrated to only a select number.
 - 2.7. As Table 1 shows, there is over-provision in the Category 1 settlements against under provision in Category 2 and 3 settlements. The approved settlement hierarchy constitutes a policy for delivering the spatial strategy, ensuring a sustainable pattern of development across the District. It would be wrong therefore to regard additional provision in Category 1 settlements as essentially more sustainable than provision in accordance with the spatial strategy. The latter has been formulated to produce an appropriate balance of development across settlements in the interests of sustainability.
 - 2.8. The settlement hierarchy table included as part of District Plan Policy DP6 outlines the characteristics and functions of a Category 3 settlement: “Medium sized villages providing essential services for the needs of their own residents and immediate surrounding communities.” As a result, settlements within Category 3 should be considered as sustainable settlements.
 - 2.9. Thus, there is sufficient justification for amending the Site Allocations DPD to increase the number of sites and units allocated within Category 3 settlements, to ensure consistency with the District Plan and the approved spatial strategy, and in turn support a sustainable pattern of development.

Housing Supply

- 3.1. Policy SA10 (Housing) within the SADPD Regulation 19 sets out how the Council propose to distribute housing across the District. Policy SA11 (Additional Housing Allocations) proposes how the 1,764 dwellings required through the SADPD will be distributed. The figure of 1,764 dwellings presents an excess of 484 dwellings above the residual amount required of 1,280.
- 3.2. Nevertheless, there is a clear under provision of homes in Category 3 settlements and therefore the settlements cannot meet their guideline (Policy DP6) residual housing requirement.
- 3.3. 158 sites out of 253 sites were taken forward following a High level Assessment (Site Selection Paper 1). Following the Detailed Evidence Testing stage (Site Selection Paper 3), 51 sites remained as having potential for allocation and were subject to further evidence base testing and assessment. The SADPD Regulation 19 document includes 22 housing allocations. This is a narrow proportion of the sites that were positively assessed and were regarded as having potential for allocation following the Detailed Evidence Testing stage.
- 3.4. Whilst there is an over-supply from the 22 sites proposed for allocation, this may not be a sufficient buffer should sites fall out of the allocations process between now and adoption. In

addition, the non-deliverability of any proposed site allocation could result in the Council jeopardising housing supply for the District.

- 3.5. MSDC should consider allocating more sites in the SADPD to ensure a continuous supply of sites during the plan period. Therefore, it would be sensible to look at settlements that are not currently meeting the residual housing requirement, most notably Category 3 settlements, to provide the necessary flexibility.

Assessed Housing Options and Sustainability Appraisal

- 4.1. This section is an update to assessed housing options and sustainability appraisal discussion presented in the representation in response to the SADPD Regulation 18 document.
- 4.2. MSDC are required to assess potential reasonable alternative strategies against the selected approach developed for the purposes of the Regulation 19 version of the SADPD. Similarly, to the preparation of the Regulation 18 draft document, the Council purports to have carried out that exercise by considering three potential Options for the SADPD consultation, as set out in the SADPD Sustainability Appraisal – Non-technical Summary Regulation 19 (July 2020).
- 4.3. As with the SADPD Sustainability Appraisal Regulation 18 document (September 2019), the Options presented were not sufficiently different in terms of addressing the approved spatial strategy. 20 of the 22 sites ultimately identified in the selected Option were common to all 3 Options.
- 4.4. Option B included three additional sites at Burgess Hill (Category 1 settlement) while Option 3 included those sites plus a 3rd site at Haywards Heath (again a Category 1 settlement). This means that the choice around options was solely a choice around the overall number of units to be delivered in excess of the minimum residual requirement. There was no reasonable alternative presented in relation to the spatial strategy and the distribution of development between the settlement categories. Options B and C simply added additional dwellings to Category 1 settlements and did not seek to redress imbalances between the other settlement categories. The choice provided was against delivering either 144, 484 or 774 dwellings above the minimum residual requirement. In each scenario, the minimum target provision was exceeded in Category 1, 2 and 4 settlements. None of the Options met the Category 3 target residual minimum.
- 4.5. This is surprising given that there are nearly the same number of settlements in Category 3 (13) than in all of the other settlement categories where sites are proposed for allocation combined (14). It is not credible that there are no potentially suitable additional Category 3 sites that might be considered as reasonable alternatives for the purpose of the sustainability appraisal.
- 4.6. Paragraph 1.36 of the Sustainability Appraisal (July 2020) says that additional sites should ideally be drawn from sites from the highest settlement category in the hierarchy. As noted at paragraph 4.5, all additional sites were only considered from Category 1 settlements.
- 4.7. Housing supply should not only be directed at Category 1 settlements, not only because that would be contrary to the Spatial Strategy in the District Plan, but indeed because Category 3

settlements should be considered as sustainable locations to provide housing in Mid Sussex. There is strong justification that settlements in Category 3 of the Settlement Hierarchy should be considered as sustainable locations for site allocations as locations outside of the main town centres become increasingly desirable places to live, and there is less need to commute to offices in the main towns. An increase in home-working has eased pressures on public transport links in the District, and will continue to do so as employers prepare for the longevity of home-working.

- 4.8. The assessment criteria in the Sustainability Appraisal should be reviewed as a result of rapidly changing employment environments in response to the COVID-19 crisis; the pandemic has shifted transport movements and commuting patterns, in particular.

Windfalls

- 5.1. The Regulation 19 SADPD proposes to increase the windfall allowance to 84 dwellings per annum, amounting to a total of 504 dwellings over the final 7 years of the Plan period (2024-2031). Proportionately then, there are more windfall units to be provided for than are now proposed to be identified in categories 2 and 3 combined.
- 5.2. Part of this increase is attributed to the inclusion of sites of up to 9 units in the assessment. MSDC are still very reliant on the delivery of homes from windfall sites. This could potentially negatively impact the delivery of affordable housing. In addition, site-specific infrastructure requirements are more readily made out in policies supporting the delivery of allocated sites, meaning that generally speaking greater public benefit can be anticipated in plans where a higher proportion of the number of dwellings targeted are to be provided on sites specifically allocated in Local Plans. It is also important to note that windfall sites cannot be assumed to come forward in proportion to the balance of development contemplated through the spatial strategy. This means that the spatial strategy may be further compromised (in addition to the under-provision in categories 2 and 3 identified above), given that windfall developments most commonly derive from within the larger settlements. These issues can be overcome by identifying more housing sites through the SADPD, and specifically with Category 3 settlements.
- 5.3. Without allocating further sites to meet the adjusted housing need, there will be a greater reliance on windfall sites. The Council is therefore encouraged to rely less on non-identified sources of housing growth (which by their nature are unpredictable in relation to the realisation of the spatial strategy) and to plan more effectively by identifying additional sites for allocation in the SADPD.

Suitability of Turners Hill

- 6.1. Turners Hill is acknowledged to be one of 13 settlements within Category 3 in the settlement hierarchy, identified as a Medium-Sized Village that provides essential services and which is capable of accommodating additional residential development. The District Plan identifies a minimum residual requirement for Category 3 settlements of 311 dwellings. This has been

increased to 371 in the context of the current Regulation 19 consultation. The current draft SADPD delivers 238 units in such settlements, an under-provision of 133 units.

- 6.2. Under-provision is also apparent within Turners Hill. Table 12 produced at paragraph 6.12 of the sustainability appraisal demonstrates that (in addition to the 133-unit shortfall across Category 3 Settlements), the Regulation 19 SADPD under-delivers against the expectation for sustainable growth for Turners Hill – namely a further 67 dwellings. The SADPD does allocate one site in Turners Hill for 16 dwellings, leaving at least 51 units to be found if the residual for the village is to be met. While the Turners Hill Neighbourhood Plan (Made in 2016) does identify a development site, this provision is included in the Council’s assessment in order to arrive at the residual requirement as an existing Neighbourhood Plan commitment.

Land north of Old Vicarage Field

- 7.1. Land north of Old Vicarage Field (Site 852) was found to be unsuitable for allocation, primarily for access reasons. The Site Selection Paper notes that *“access is proposed via an adjacent allocated site. However, the adjacent allocation has no extant permission and it cannot be assumed that it will come forward over the plan period”*.
- 7.2. The adjacent land in question is allocated in the made Turners Hill Neighbourhood Plan (Policy THP2). Crucially, it is under the control of the same landowner. Whilst no planning permission has been granted, it is not unreasonable to assume that the THP2 land will come forward for development within the next 5 years, unlocking the land to the north for development. Extracts from the Made Neighbourhood Plan and associated Proposals Map are at Appendix 1.
- 7.3. All other matters raised (in relation to potential Conservation Area and Landscape impact) are capable of mitigation through site master planning.
- 7.4. This site is very well related to the settlement and to planned new development. The land lies to the north of the AONB. It is capable of meeting the identified housing shortfall in Turners Hill. It is deliverable within years 6-10 and should not be ruled out as a potential allocation by virtue of access arrangements.

Land at Withpitts Farm

- 8.1. Paddockhurst Estate has been proactive in undertaking assessment work in support of the proposed allocation of land at Withpitts Farm. A sketch layout has been prepared (Appendix 2), supported by an Opportunities and Constraints Assessment and a Design Development document. A LVIA has been produced, and a Transport Assessment is being prepared, supported by Safety Audit work. The Transport Assessment will soon be finalised with the provision of vehicle tracking work.

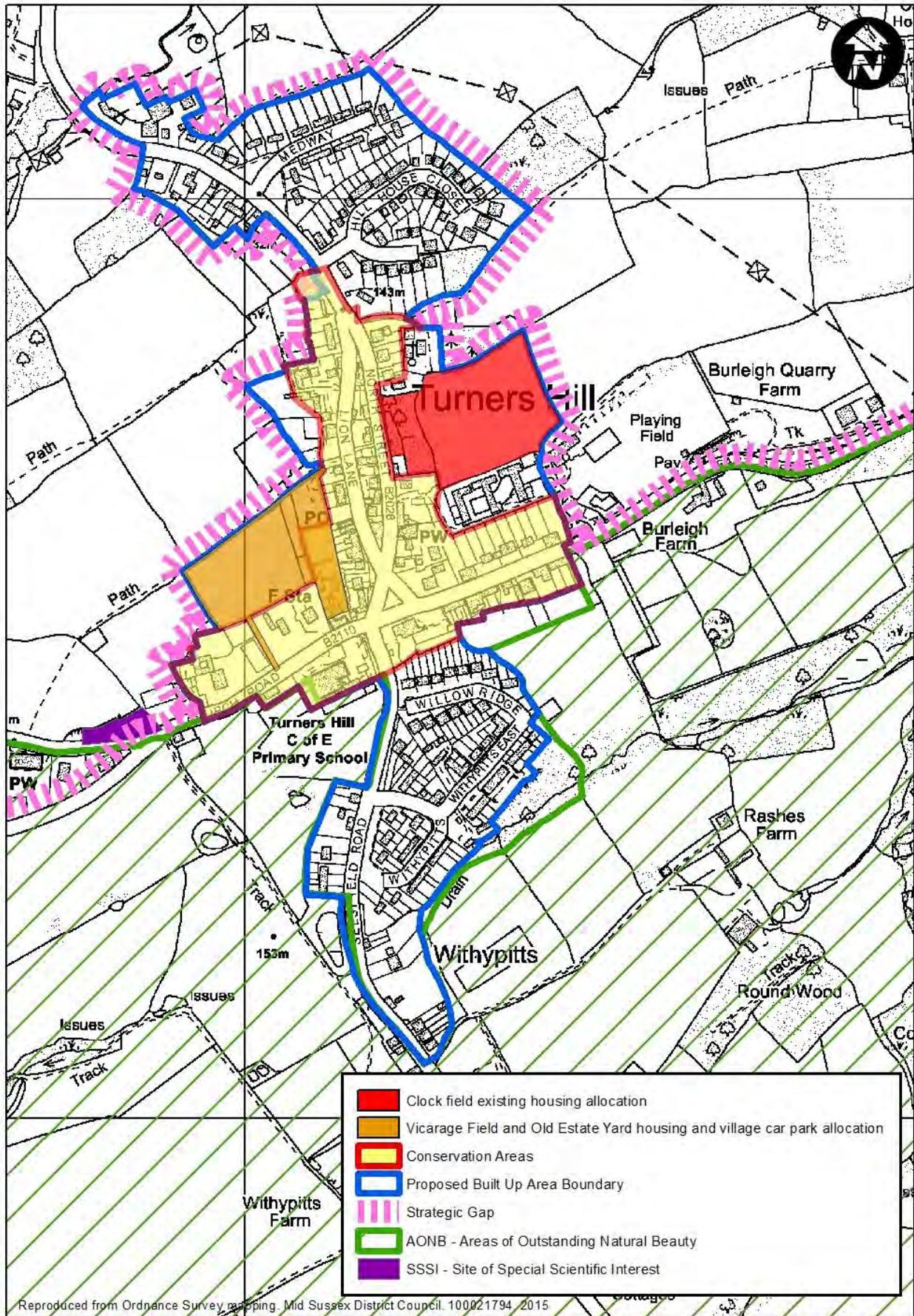
Summary

- 9.1. It is evident from the figures published in the Regulation 19 SADPD that there remains a significant shortfall of homes in Category 3 settlements across the District. Turners Hill is a

Category 3 settlement where housing provision is under-represented against the target minimum figure indicated in the Sustainability Appraisal.

- 9.2. The proposed allocation at Withypitts Farm will help to deliver the Spatial Strategy, but in addition, our representation at Regulation 18 highlighted a suitable site (Land North of Old Vicarage Farm) available to meet this acknowledged shortfall. Access to this site is available across land within the same ownership, across land that in turn is allocated for development in the Turners Hill Neighbourhood Plan. There is no reason to consider that the site will not come forward for development within years 6-10.
- 9.3. As noted in our previous representation, the Regulation 19 SADPD over-relies on windfall development, and more so in the latest iteration of the DPD. If the SADPD relies too heavily on windfall despite the availability of suitable residential sites, it cannot be considered justified, effective or consistent with national policy and therefore would be unsound. Difficulties with delivery on some of the District Plan's strategic sites and the unproven response to Policy DP6 mean that further site allocations are the safest way to ensure that a five-year supply is maintained through the Plan period.
- 9.4. We do not consider the SADPD to be 'sound' in its current form. In addition to the heavy reliance on windfall sites, the approach to reasonable alternatives presented in the Sustainability Appraisal (July 2020) is not consistent with the spatial strategy of the District Plan. The SADPD not only under-provides for housing in Category 3 settlements, but MSDC also risk not meeting housing numbers across the District if any of the proposed site allocations are non-deliverable.

Proposals Map



12 POLICIES

HOUSING POLICIES

THP1 Housing Site Allocations

Development of Old Vicarage Field and the Old Estate Yard will be permitted providing they meet the site specific conditions listed in THP2 below.

THP2 Development of Old Vicarage Field and the Old Estate Yard

Development of the two adjoining sites of Old Vicarage Field & the Old Estate Yard must deliver the following:

A mix of dwellings, which will address the priorities of the parish including 30% affordable homes. The mix will consist mainly of 1, 2 and 3 bedroom homes which would include 2 bungalows for the elderly and/or disabled as identified in the village survey.

The development will provide 44 new homes

A Village Car Park must be incorporated within The Old Estate Yard with pedestrian access via The Bank and the Fire Station.

The entrance road to this new Estate and Village car park is to be sited to the western side of The Old Vicarage. This position will ensure additional congestion is not created within the Primary School area which, together with the proposed 20mph zone, will not have a detrimental effect on traffic and pedestrian safety. The entrance road is to be a minimum 5.5m to incorporate pedestrian footpath and accommodate free flowing traffic to and from the Village car park.

The existing entrance to The Old Vicarage and School View properties must be closed and replaced with a continuous footpath from the new entrance road to the Fire Station. These existing properties will have rear access provision from the new entrance road. The entrance road will serve the new properties and the Village Car Park.

New pedestrian footpaths adjacent to roads must provide protection for pedestrians, for instance by way of kerbing

Internal Estate roads must meet the needs of Emergency & utility vehicles as a minimum

New homes must as a minimum comply with nationally described space standards for internal floor space and storage.

Where provided, garages should have an internal measurement of 7m x 3m as a minimum in order to accommodate a modern family sized car and some storage space.

The development will need to provide a connection to the nearest point of adequate capacity in the sewerage network, in collaboration with the service provider.

S106 / CIL funds from this development will provide a financial contribution to the Village Enhancement Scheme.

Development should be designed to preserve or enhance the character or appearance of the Turners Hill Conservation Area and its setting. Proposals should take into account the guidance of the adopted Village Design Statement and any conservation area appraisal which may be adopted by the Council.

THP3 New Homes Parking New residential development must provide the following minimum levels of off-street parking (including garages) as detailed in the table below.

1-2 bedroom dwellings	2 on-plot car parking spaces
3 + bedroom dwellings	1 on-plot car parking space per bedroom

THP4 New Homes The Design of new homes must take into account the character and style of buildings in the Parish. Applications for new development must demonstrate how they have incorporated the guidance of the adopted Village Design Statement.

Developers must use Building for Life 12 to help deliver high quality design. Good design is fundamental to making neighbourhoods sustainable and this is our desire for Turners Hill. We want all future homes to be as energy-efficient and sustainable as possible and the highest standards must always be strived for.

Drawing Legend

-  Existing boundary
-  Proposed boundary
-  Existing buildings and structures to be demolished
-  Existing buildings to be retained
-  Proposed new two-storey buildings
-  Proposed new single-storey buildings
-  Existing trees / hedges to be retained
-  Proposed new trees / hedges
-  Indicative new SUDS system



DRAWINGS CAN BE SCALED FOR PLANNING PURPOSES ONLY. DO NOT SCALE FOR ANY OTHER PURPOSE. ALL DIMENSIONS TO BE CHECKED ON SITE AND ANY DISCREPANCIES TO BE NOTIFIED TO THE ARCHITECT IMMEDIATELY.

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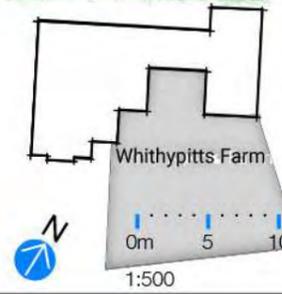
P03	22.07.20	Revised planting and hatching	BM	NM
P02	17.07.20	General changes	BM	DRC
P01	02.06.20	Initial Issue	MH	DRC
REV.	DATE	REVISION	DRW.	CHK.

COWAN ARCHITECTS
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 T: 01342 419242
 info@cowan-architects.co.uk | www.cowan-architects.co.uk

Client: The Trustees of Paddockhurst Estate
 Job: Withypitts Farm
 Address: Selsfield Road, Turners Hill

Drawing: PROPOSED SITE LAYOUT

Scale: 1:500	SKETCH For plan development only, not for construction	
Drawn: BM		
Checked: DRC		
Date: 02/06/2020		
Size: A3	Dwg No. 2277-CAL-XX-XX-SK05-S3	Rev. P03



691

Site Allocations DPD: Regulation 19 Consultation Response

Policy:

ID:	691
Response Ref:	Reg19/691/1
Respondent:	Mr A Meader
Organisation:	Pegasus Group
On Behalf Of:	Persimmon - South Folders Lane
Category:	Promoter
Appear at Examination?	✓



Site Allocations Development Plan Document Regulation 19 Submission Draft Consultation Form

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

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

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

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

The Site Allocations DPD is available to view at:

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

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

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

E-mail: LDFconsultation@midsussex.gov.uk

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

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

1. Personal Details

Title	Mr
First Name	Andy
Last Name	Meador
Job Title (where relevant)	Senior Director
Organisation (where relevant)	Pegasus Group
Respondent Ref. No. (if known)	
On behalf of (where relevant)	Persimmon Homes
Address Line 1	Colombia House
Line 2	Station Road
Line 3	Bracknell
Line 4	Berkshire
Post Code	RG12 1LP
Telephone Number	01334 207777
E-mail Address	andy meador@pegasusgroup.co.uk

.....

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

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

Part B – Your Comments

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

Name or Organisation:

Pegasus Group on behalf of Persimmon Homes

3a. Does your comment relate to:

Site Allocations DPD	<input 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 Policy SA Draft Policies Map

4. Do you consider the Site Allocations DPD is:

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

4b. Sound Yes / No

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

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

Policy

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

These comments relate to the Sustainability Appraisal (comments on the Plan i.e. the Site Allocations DPD have been provided on a separate form). Whilst the overall approach taken by the Council in the Sustainability Appraisal is supported (for the reasons set out in the accompanying representation document), there are aspects of it which would benefit from amendment, for reasons explained in 6b below.

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 Sustainability Appraisal has categorised sites into those that are considered to 'Perform Well', 'Perform Poorly' and are 'Marginal' when assessed against various sustainability criteria. The results are shown at Table 15 of the SA. For reasons explained in the accompanying representation document, it is considered that Site SA13 at Burgess Hill has been incorrectly categorised.

There is considered to be sufficient evidence within the SA itself to illustrate why the land at SA13 should have been identified as a site which 'Performs Well', as opposed to the 'Marginal' categorisation that it has been allocated.

The incorrect categorisation raises the potential for the subsequent site allocations within the Allocations DPD to be mis-informed, and hence this aspect of the SA should be updated accordingly.

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.

The SA should be revised to categorise the site at SA13 as a site which 'Performs Well', rather than being a 'Marginal' site as currently referred to.

This change will enable the Site Allocations DPD to be properly informed by the SA, with all reasonable alternatives given the correct categorisation.

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 properly respond to any matters arising from the Inspector, the Council, or any other interested parties.

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:

Thank you for taking time to respond to this consultation



MID SUSSEX DISTRICT COUNCIL

SITE ALLOCATIONS DEVELOPMENT PLAN
DOCUMENT (REG 19)

SUSTAINABILITY APPRAISAL (JULY 2020)

REPRESENTATIONS

ON BEHALF OF PERSIMMON HOMES

Pegasus Group

Columbia | Station Road | Bracknell | Berkshire | RG12 1LP

T 01344 203265 | W www.pegasusgroup.co.uk

Birmingham | Bracknell | Bristol | Cambridge | Cirencester | East Midlands | Leeds | Liverpool | London | Manchester

PLANNING | DESIGN | ENVIRONMENT | ECONOMICS

CONTENTS:

	Page No:
1. INTRODUCTION	2
2. COMMENTS ON THE COUNCIL'S APPROACH	5
3. CONCLUSION	11

1. Introduction

- 1.1 These representations are in **respect of the Council's Regulation 19 Consultation on the Council's Site Allocations Development Plan Document** and relate to the associated Sustainability Appraisal (July 2020). For clarification, the front page of the SA states it is a July 2020 document, but the header on the pages within the SA refer to it being a February 2020 document.
- 1.2 The representations are made on behalf of Persimmon Homes, one of the owners of the site referred to in the Site Allocations document as '*Land East of Keymer Road and South of Folders Lane, Burgess Hill*', which has been allocated for development under Policy SA13.
- 1.3 The Sustainability Appraisal accompanies the Site Allocations Development Plan Document and is prepared in order to demonstrate that the plan being prepared is the most sustainable given all realistic alternatives. The purpose is to appraise all reasonable alternatives for site options **against the Council's Sustainability Framework**, in order to determine the most sustainable given all other options.
- 1.4 As set out within the SA, the Mid Sussex District Plan identified a total housing need of 16,390 homes for the period 2014-2031, and whilst the majority of the housing need has been planned for within the District Plan, there is still a residual need to be planned for. The residual need was identified as 2,439 at the time the District Plan was adopted.
- 1.5 Since the District Plan was adopted the SA advises (at 6.11) that the '**residual requirement**' **has been revised to a minimum of 1,280** dwellings allowing for monitoring work on delivery to date and in the years ahead.
- 1.6 As part of the site selection process a total of 51 sites remained as having potential for allocation which would yield 3,930 dwellings. This far exceeds the residual requirement of 1,280 and as such the Council had to make a choice regarding the final selection of sites for allocation. These sites were therefore assessed against the Sustainability Framework, from which the sites fall into one of the following categories:

'Sites That Perform Well'

'Sites That Perform Poorly'

'Marginal'

- 1.7 This assessment concluded that 20 sites would 'perform well' yielding 1,424 dwellings, an excess of 144 above the residual requirement. However, the Council concluded that this may not be a sufficient buffer should sites fall out of the allocation process and as such looked at alternative approaches. 12 sites were **assessed as 'marginal', which were considered** to perform well individually but not originally required as the residual need could be met by allocating sites that **performed better against the sustainability framework. These 'marginal' sites** included three sites in close proximity to each other in Burgess Hill, which included **our client's site**. The 17 sites which were identified to perform poorly, were not considered as an appropriate alternative to provide for additional allocations.
- 1.8 The 12 marginal sites were assessed in more detail, and four preferable sites emerged at Category 1 Settlements, including the three sites in Burgess Hill together **with Haywards Heath Golf Course. At this point it was agreed that our client's site** and an adjacent site should be considered as one and could deliver a comprehensive scheme of 300 units, which was agreed with the two promoters. A third site to the **east along Folders Lane of 43 units was also considered as part of a 'collection'** yielding 343 units. The yield of the golf course site at Haywards Heath was 630 units.
- 1.9 It was therefore proposed to allocate either the three Burgess Hill sites (as one collection of sites) or the Haywards Heath site as allocating all the sites would lead to a considerable over-provision. The Council therefore explored three options in the SA:
- A: Allocating the 20 'performed well' sites only, resulting in a buffer of 144 units.**
- B: Allocating the 20 'performed well' sites plus the three sites in Burgess Hill, resulting in a buffer of 484 units.**

C: Allocating the 20 'performed well' sites plus the Haywards Heath site, resulting in a buffer of 774 units.

- 1.10 Following an assessment of all three options, the Council concluded that their Preferred Option was B. This provided more certainty that the residual housing need would be met than Option A, and was assessed as being less harmful than Option C. It was on this basis that the site known as *'Land East of Keymer Road and South of Folders Lane, Burgess Hill'* was allocated for development under Policy SA13.

2. **Comments on the Council's** Approach

Allocating a Buffer of Housing

- 2.1 The Council were entirely correct to allocate a buffer of sites in order to ensure that sufficient housing is delivered to meet their housing requirements.
- 2.2 Paragraph 11 of the National Planning Policy Framework (NPPF) sets out that **strategic policies should 'as a minimum provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas'**. As such it is clear that the Council's housing need is a minimum figure, not a maximum. This is reinforced through Paragraphs 35 and 60, both of which refer to housing needs figures being a minimum.
- 2.3 Paragraphs 73 and 74 of the NPPF set out that the supply of specific deliverable sites should include the addition of a buffer to ensure choice and competition in the market for land, and also to account for any fluctuations in the market. This is reinforced within the National Planning Practice Guidance (NPPG) which sets out that such a buffer is required in order to ensure that a Council's five year supply is sufficiently flexible and robust.
- 2.4 As such, it is agreed that the Council applying a buffer to the residual requirement **was entirely appropriate and necessary in order to ensure delivery of the Council's** housing requirement. Without this buffer then any non-delivery, or even delay in delivery, of individual sites, which is inevitable to some extent over the Plan period, would have the potential to result in the Council not being able to achieve its housing requirements. The buffer of 144 dwellings provided by Option A would not be sufficient to address this risk, therefore additional sites were required. A buffer of 484 units as provided by allocating the three Burgess Hill sites is considered necessary in order to help **ensure delivery of the Council's housing requirement**. Furthermore, it is clear from the NPPF that the housing needs figure should be treated as a minimum, and as a result an increased buffer should not be resisted if further examination of likely delivery raises concerns. The approach as set out within the Sustainability Appraisal is therefore correct.

2.5 Whilst the Allocations DPD is not tasked with identifying housing requirements, and instead takes the lead from that identified within the District Plan, it is reasonable to have an awareness of changes to this over time. In this respect it is noted that the Government's proposed Standard Method calculations would increase Mid Sussex's annual housing requirement from 1,102 dwellings at present to 1,305. It is acknowledged that at present this is a proposal and may yet be amended prior to the introduction of a new Standard Method. It is however useful to note the Government's current intentions, the importance of which may become more relevant as the Plan progresses.

Categorisation of Sites

2.6 The combined site (ID 557 and 738) that has been allocated for 300 dwellings under Policy SA13 is **assessed as 'Marginal' under the Council's Summary of Housing Appraisals** at Table 15 of the SA. Other categories identified are sites which 'Perform Well' or 'Perform Poorly'. Objection is made to the categorisation of Site SA13 (or ID 557 and 738) within the 'Marginal' category and it is considered that it should be identified as a site that 'Performs Well'.

2.7 When defining the categories at Table 14, the SA advises that Marginal sites *'perform well individually (positives generally outweigh negatives); however they are not necessarily the most sustainable sites within the settlement'*. It is considered helpful to bear this in mind when assessing how the SA itself compares Site SA13 with other Burgess Hill sites at page 123.

2.8 For clarification, the Site Options Assessment of Burgess Hill identifies 9 sites for consideration (A-I). Site C relates to Land S of Folders Lane, while Site F relates to land E of Greenacres. Sites C and F combine to form Site Allocation SA13. The sites are scored against standard SA criteria, scoring anything from a double plus to a double negative against 14 different criteria. If a simple scoring method of awarding 2 points to a double positive and minus 2 points to a double negative is applied, this provides the following total scores for the 9 different sites.

Site	Score	SA Categorisation
A (Wintons Fm - 13 units)	3	Performs Poorly
B (St Wilfrids - 200 units)	13	Performs Well
C (S of Folders Lane - 200 units)	7	Marginal
D (Southway - 30 units)	10	Performs Well
E (The Garage - 9 units)	11	Performs Poorly (availability uncertain)
F (E of Greenacres - 100 units)	6	Marginal
G (S of 96 Folders Lane - 46 units)	2	Marginal
H (Woodfield House - 30 units)	1	Performs Well
I (Selby Close - 12 units)	5	Performs Well

2.9 It is apparent that even by the Council's own SA assessment and comparison of Burgess Hill sites, the SA13 allocation (sites C and F) perform better than other sites at Burgess Hill (H and I) that are categorised as 'Performs Well'. It is therefore considered that when assessed on their sustainability merits against other Burgess Hill sites, the sites at C and F are in fact more appropriately applied to the 'Performs Well' category, in adherence with the SA's own guidance on categorisation at Table 14.

-
- 2.10 When looking beyond Burgess Hill there are a number of sites that the Council **considered to 'Perform Well'** that have included greater negative impacts than those identified for Sites C and F (Allocation SA13). For example, Site 196 in East Grinstead is recorded in the SA as having several negative effects in relation to health, flood risk, land use, biodiversity and the countryside and if the scoring method referred to above is applied, scores 4 points. Site 783 at Haywards Heath scores negatively against education, land use, countryside, and historic considerations, scoring 2 points using the method described above. Yet the site is considered to 'Perform Well' in the SA categorisation.
- 2.11 It is therefore considered that the site at SA13 performs stronger against relevant SA criteria than a number of those identified to 'Perform Well' in the SA. Although located within the countryside, there is no special designation on this land and the site borders the settlement boundary. As such, development will form a natural urban extension to Burgess Hill in a sustainable location. No significant harm has been **identified within the Council's Site Selection Paper (3)** which concludes that the 'site performs well in the Assessment and the SA'. Where potential constraints have been identified within the Site Selection Paper (3) for some areas of assessment, the Reports submitted in support of SA13 and available on the Examination Library, explain how such potential constraints can be appropriately addressed. Whilst it is acknowledged that new housing needs to be distributed around the Borough, which has necessitated some allocations within the AONB, this does not necessarily mean that the Burgess Hill site should not be categorised as performing as well as these sites.
- 2.12 **As such, the Council's assessment of the site SA13 as 'Marginal' is considered to be overly negative, as development of this land would be just as appropriate, with less negative effects than a number of sites that have been assessed to 'Perform Well'.** It is therefore considered that the site at SA13 should also have been assessed as Performing Well within the Sustainability Appraisal, and as such the site should have **been allocated as part of the Council's initial residual requirement with no need for further assessment as a marginal site.**

Selection of 'Marginal' Sites

- 2.13 Notwithstanding the above, it is acknowledged that the SA has categorised the site as 'Marginal', and such sites were not initially allocated as part of the Council's residual requirement. However, the Council correctly assessed that they required a greater buffer to their residual requirement and as such twelve 'marginal' sites were considered, as summarised at Table 17 of the SA.
- 2.14 Of the sites that were considered, only four were considered to be in the highest settlement category i.e. the most sustainable, three in Burgess Hill and one in Haywards Heath. As set out above, the three Burgess Hill sites were considered together (Option B) with the Haywards Heath site separately (Option C) and Option A involved no further allocation.
- 2.15 As set out within the Council's Site Selection analysis on pages 59-61 of the SA, Option B was clearly the most preferable. It scored higher than both other options in terms of health, education, retail and regeneration benefits and did not score lower in any category. Option C was judged to have a more negative impact in terms of land use and biodiversity, and both Options B and C would have a more positive impact than Option A in terms of housing supply and economic development.
- 2.16 In the summary, the Council state that both Options B and C provide more certainty that the housing need would be met which is a crucial consideration and a requirement of the NPPF. With regard to the other objectives though, there can be no doubt that Option B should be the preferred option. It is in a more sustainable location than the Haywards Heath site at **Option C, being largely within 15 minutes'** walk of Burgess Hill town centre, health facilities and a primary school. This would also lead to positive impacts in respect of regeneration, whereas Option C would incorporate a site at Haywards Heath which is distant from services and facilities. Option B would also have less of an adverse landscaping impact due to Option C proposing significantly more development on greenfield land. Option C would also have more negative impacts on biodiversity due to the presence of ancient woodland at the Haywards Heath site and its adjacency to a Local Wildlife Site.

2.17 **As such, the Council's** selection of Option B as the preferred option is considered to be entirely reasonable, sound and correct.

3. Conclusion

- 3.1 It is agreed that the Council require a greater buffer of housing than can be achieved through the allocation only of sites they consider have performed well when assessed against their objectives in order to comply with the requirements of the NPPF and the NPPG. **As such, allocating additional sites that were assessed as 'Marginal' is necessary for the Council to ensure that its housing requirement is delivered and it is clear that the Burgess Hill site is the most suitable of all the 'Marginal' sites they have identified.**
- 3.2 It is however not considered that the Burgess Hill sites that are allocated under **Policy SA13 should have been considered as 'Marginal' as there are sites that are considered to 'Perform Well'** in the Sustainability Appraisal categorisation that have similar or more negative impacts. However, this only serves to reinforce the position that allocating the Burgess Hill site at SA13 for development is entirely reasonable and correct.

701

Site Allocations DPD: Regulation 19 Consultation Response

Policy:

ID:	701
Response Ref:	Reg19/701/1
Respondent:	Mr M Carpenter
Organisation:	Enplan
On Behalf Of:	Sunley Estates
Category:	Promoter
Appear at Examination?	✓

Name	Martin Carpenter
Job title	Director
Organisation	Enplan
On behalf of	Sunley Estates Ltd
Address	[REDACTED]
Phone	[REDACTED]
Email	[REDACTED]
Name or Organisation	Enplan on behalf of Sunley Estates Ltd
Which document are you commenting on?	Sustainability Appraisal
Do you consider the Site Allocations DPD is in accordance with legal and procedural requirements; including the duty to cooperate	Yes
(1) Positively prepared	Sound
(2) Justified	Sound
(3) Effective	Sound
(4) Consistent with national policy	Sound

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

The Sustainability Appraisal sets out in Chapter 6 how the final list of sites for inclusion in the DPD was selected through a series of assessments. Some 253 sites were promoted for housing allocation through the SHELAA Call for Sites. Through the various stages of assessment this number was reduced first to 159 sites, then to 51. Those 51 sites were appraised and 22 have been allocated in the Site Allocations DPD. The assessment process has been robust and it is considered that this demonstrates that the sites selected are the most appropriate for development. Consequently, the Plan is considered to have been positively prepared and justified.

The SA includes a summary of the detailed appraisals of each of the 51 potential housing sites considered. Table 15 on page 47 of the SA lists 20 sites which are considered to perform well when assessed against the District Plan strategy. The Land South of Southway, Burgess Hill (the site allocated in draft policy SA15) is listed as one of the 20 sites that performs best when assessed against the District Plan strategy. The specific comments on this site refer to the positive effects in relation to housing and the suite of social sustainability objectives. This confirms the information submitted by the site promoters setting out how the site is considered to be well located for new housing and would provide enhanced footpath and cycle links to the wider area.

A number of the 51 potential housing sites were considered to perform poorly when assessed against the District Plan strategy and those have not been included in the draft Site Allocations DPD. The 20 sites which performed well (of which site SA15 was one) were all included and together they would meet the residual housing need for the District for the remainder of the Development Plan period. However, in order to ensure more certainty that the housing need could be met, additional sites have been included. Consequently, the Site Allocations DPD can meet the residual housing need (which is the minimum requirement) so it is considered to be effective.

The performance of these additional sites had originally been considered to be marginal when assessed against the District Plan strategy. However, upon examining them in more detail and considering potential cumulative effects with other sites that may or may not have been allocated, it was determined that they would be suitable for allocation to boost the housing supply. Consequently, the inclusion of all the sites is consistent with the District Plan strategy which itself is consistent with National Policy. Therefore, the draft Site Allocations DPD is also considered to be consistent with National Policy.

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

If your representation is seeking a change, do you consider it necessary to attend and give evidence at the hearing part of the examination

Yes, I wish to participate at the oral examination

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

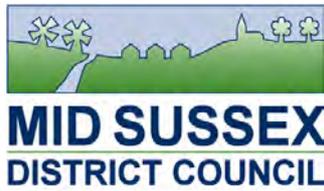
In order to respond if necessary to any objections to the inclusion of site SA15 as a housing allocation within the DPD.

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

yes

Date

18/09/2020



Site Allocations Development Plan Document Regulation 19 Submission Draft Consultation Form

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

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

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

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

The Site Allocations DPD is available to view at:

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

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

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

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

How can I respond to this consultation?

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

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

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

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

E-mail: LDFconsultation@midsussex.gov.uk

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

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

1. Personal Details

Title	<input type="text" value="Mr"/>
First Name	<input type="text" value="Oliver"/>
Last Name	<input type="text" value="Bell"/>
Job Title (where relevant)	<input type="text" value="Director"/>
Organisation (where relevant)	<input type="text" value="Nexus Planning"/>
Respondent Ref. No. (if known)	<input type="text"/>
On behalf of (where relevant)	<input type="text" value="Miller Homes Ltd"/>
Address Line 1	<input type="text" value="Fifth Floor, Thames Tower"/>
Line 2	<input type="text" value="Station Road"/>
Line 3	<input type="text" value="Reading"/>
Line 4	<input type="text" value="Berkshire"/>
Post Code	<input type="text" value="RG1 1LX"/>
Telephone Number	<input type="text" value="07795 977961"/>
E-mail Address	<input type="text" value="o.bell@nexusplanning.co.uk"/>



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

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

Part B – Your Comments

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

Name or Organisation:

3a. Does your comment relate to:

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

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

4b. Sound Yes No

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

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

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

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 see attached

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 attached

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:

As a housebuilder with significant interests in the District and substantial concerns with the soundness of the Site Allocations Plan, it is essential that we attend the oral part of the examination.

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:

Oliver Bell

Date:

17/09/2020

Thank you for taking time to respond to this consultation

Representations to Mid Sussex Draft Site Allocations DPD (Regulation 19) Consultation

1. These representations have been prepared by Nexus Planning on behalf of Miller Homes Ltd in respect of the Regulation 19 consultation on the Mid Sussex draft Site Allocations DPD (“SA DPD”).
2. Miller Homes control land south of Lewes Road, Haywards Heath (“the Site”) (SHELAA ref. 844). The Site measures approximately 5 hectares, is available for development now and has an indicative capacity of 100 dwellings.
3. Overall, our representations identify a number of fundamental concerns with the Site Allocations DPD and its supporting evidence. These can be summarised as follows:
 - i. The Site Allocations DPD fails to provide a sufficient buffer against the District Plan requirement to ensure the Plan incorporates flexibility and robustness against the non-implementation of allocated sites. It is suggested that a 10% buffer should be applied.
 - ii. There is no evidence to justify an increase in the windfall allowance, contrary to the ‘compelling evidence’ test set by the Framework (paragraph 70).
 - iii. The level of growth proposed at Haywards Heath is significantly too low.
 - iv. The SA should have considered a reasonable alternative of no further growth at East Grinstead having regard to the Habitats Directive and potential impacts upon the Ashdown Forest SAC.
 - v. Too much growth is proposed at certain Category 3 settlements in an effort to slavishly comply with indicative figures outlined within the District Plan.
 - vi. Site allocation SA25 represents major development in the AONB for which no exceptional circumstances exist.
 - vii. The SA is unduly reliant upon, and constrained by, indicative and untested settlement figures, which has led to the allocation of unsustainable sites having regard to alternatives that exist in the District.
 - viii. Site Selection Paper 3 includes a number of errors or incorrect conclusions in respect site SHELAA ref. 844.

4. Given the above, the SA DPD is unsound. Additional sites will need to be allocated in order to address these issues of soundness, such as land to the south of Lewes Road, Haywards Heath (SHELAA ref, 844), which has capacity to accommodate approximately 100 dwellings, is controlled by a housebuilder – Miller Homes and is available for development now.

Sustainability Appraisal

5. The Site Selection Paper 3 concludes that a total of 51 sites have potential for allocation but the SA notes that this would yield 3,930 dwellings (more than is required). Table 15 of the SA then categorises the shortlisted sites concluding that only one site on the edge of Haywards Heath ‘performs well’ (SHELAA ref. 783) and has a capacity of 25 dwellings - site allocation SA21. The only other shortlisted site around Haywards Heath is SHELAA ref. 503 and concluded to be marginal. However, this has a capacity of 630 dwellings and requires the delivery of infrastructure and accordingly is not appropriate for allocation through the Site Allocations DPD.
6. The SA then reassess ‘marginal’ sites in order to provide an appropriate buffer on the residual housing requirement. Haywards Heath site SHELAA ref. 503 is reconsidered for allocation but discounted again, principally due to its scale (a conclusion we support). It is therefore demonstrable that additional growth at Haywards Heath has not been proposed as a direct result of the Council concluding no other suitable sites exist, which as outlined earlier is a conclusion we refute, having regard to the availability of land south of Lewes Road. Further commentary on the merits of this site are set out in our representations relating to Policy SA11.

705

Site Allocations DPD: Regulation 19 Consultation Response

Policy:

ID:	705
Response Ref:	Reg19/705/5
Respondent:	Mr O Bell
Organisation:	Nexus Planning
On Behalf Of:	Miller Homes - Lewes Road HH
Category:	Developer
Appear at Examination?	✓

Site Allocations DPD: Regulation 19 Consultation Response

Policy:

ID:	708
Response Ref:	Reg19/708/4
Respondent:	Mrs P Canning
Organisation:	Kember Loudon Williams
On Behalf Of:	Mayfield Market Towns
Category:	Developer
Appear at Examination?	✓

Name	Polly Canning
Organisation	Kember Loudon Williams
On behalf of	Mayfield Market Towns Limited
Address	[REDACTED]
Phone	[REDACTED]
Email	[REDACTED]
Name or Organisation	KLW on behalf of Mayfield Market Towns Limited
Which document are you commenting on?	Sustainability Appraisal
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	We object to the way in which the Sustainability Appraisal has been prepared finding that housing allocations have not been chosen on the basis of a robust assessment process. It is demonstrably clear that reasonable alternatives to the spatial strategy have not been considered and that the Plan is inconsistent with the NPPF. Specific and particular concerns are raised in regard to the Council's methodology and assessment of identifying sites for housing development/growth in the designated Areas of Outstanding Natural Beauty (AONB) when other suitable and sustainable sites are available outside of the AONB. For further details please refer to the supporting statement accompanying this submission.
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 following section from the supporting statement sets out the necessary changes that are required in order to make sure the Sustainability Appraisal is sound:</p> <p>Section 5 - The Sustainability Framework is flawed as there should be an environmental objective relating to landscape constraints. This would ensure that development is directed to land outside the AONB in the first instance.</p> <p>Section 6 - Accommodating more growth in settlements outside the AONB should be recognised as a 'realistic alternative' and assessed accordingly.</p> <p>Section 6 - Site 857 Land West of Sayers Common should have been judged to be a reasonable alternative option for the purposes of the Sustainability Appraisal and appraised against the Sustainability Framework.</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=0e93ef96506ea5b192d30a879dd7a10
If your representation is seeking a change, do you consider it necessary to attend and give evidence at the hearing part of the examination	Yes, I wish to participate at the oral examination

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

In order to ensure that the Sustainability Appraisal is found sound.

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

Representations Setting Out Why the Site Allocations DPD is Unsound

In relation to Mid Sussex District Council's Consultation Draft Site Allocations Development Plan Document (Regulation 19).

Contents

1	Introduction	3
2	Test of Soundness	4
	<ul style="list-style-type: none">• Inconsistencies with National Policy• Not a Justified Plan• Not an Effective Plan	
3	Major Development in the AONB and Site Allocation SA25	13
4	Sayers Common and Site 857 – Land West of Meadow View	16
5	Conclusions	23

APPENDICES

- 1 Site Proforma Site 832 Land West of Selsfield Road in Ardingly
- 2 Site Proforma Site 857 Land West of Meadow View Sayers Common
- 3 High Weald AONB Regulation 18 Consultation Response
- 4 Landscape Visual Appraisal
- 5 Accessibility Plan

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Our Reference: klw/18/123



1 Introduction

- 1.1 This Statement has been prepared by Kember Loudon Williams, on behalf of Mayfields Market Towns Limited (MRTL), in relation to Mid Sussex District Council's Site Allocations Development Plan Document (hereinafter referred to as 'the Plan) Regulation 19 Submission Draft: dated July 2020.
- 1.2 This Statement sets out our concerns regarding the DPD's ability to meet the required National Planning Policy Framework (hereinafter referred to as the NPPF) tests of soundness. Overall, this submission objects to the way in which the draft Plan has been prepared finding that the housing allocations have not been chosen on the basis of a robust assessment process. It is demonstrably clear that reasonable alternatives to the spatial strategy have not been considered and finds that the Plan is inconsistent with the NPPF. Specific and particular concerns are raised in regard to the Council's methodology and assessment of identifying sites for housing development/growth in the designated Areas of Outstanding Natural Beauty (AONB) when other suitable and sustainable sites are available outside of the AONB.
- 1.3 This Statement identifies areas where it is considered that the Plan fails the tests of soundness and concludes with recommendations to make the Plan sound. This includes a request to release Site Number 857 – Land West of Meadow View, Sayers Common for housing and to review the size of the development associated with Site Allocation 25, Land West of Selsfield Road, Ardingly.



2 Test of Soundness

2.1 The NPPF states at Paragraph 35 that Plans should be examined to assesses whether they have been prepared in accordance with legal and procedural requirements and whether they are sound. Plans are 'sound' if they are:

- Positively prepared;
- Justified;
- Effective; and
- Consistent with national policy.

2.2 Kember Loudon Williams previously submitted representations on the Site Allocations DPD Regulation 18 which set out that the Plan failed the test of soundness on two counts:

- **Not being consistent with national policy**: because of the excessive amount of growth and development that was planned to take place in the AONB contrary to the Government's stated ambitions to conserve and enhance the most valuable landscapes; and .
- **Not being justified**: because there are credible alternative and available sites that are not constrained by any landscape designations which offer sustainable advantage. The spatial strategy relating to the distribution of development across the District was therefore considered to be fundamentally flawed.

2.3 It remains our assertion that the latest Regulation 19 version of the Plan fails the test of soundness on these two grounds. The following Section of this Statement provides further details and evidence to support this claim. In addition, we are of the view that the Regulation 19 document fails the third test of soundness on the count of:

- **Not being an effective Plan** – based on a lack of evident and effective joint working with the High Weald AONB Unit.

1) Inconsistent with National Policy

2.4 Paragraph 35 (d) of the NPPF explains that Plans are sound if they are: "*consistent with national policy – enabling the delivery of sustainable development in accordance with the policies in the Framework*".



- 2.5 The NPPF contains the presumption in favour of “sustainable development” as set out in Paragraph 11. This means that, in plan-making, strategic policies should, as a minimum, provide for objectively assessed needs for housing.....unless the application of policies in the NPPF that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution in the plan area. For obvious reasons, landscapes designated for their outstanding natural beauty (AONBs) are one such restricting policy, as set out in footnote 6.
- 2.6 Paragraph 170 of the NPPF explains that planning policies should protect and enhance valued landscapes in a manner commensurate with their statutory status. The following paragraph (171) requires the need for Local Planning Authorities to differentiate between land of the highest environmental quality and that of lesser quality, and to allocate development and growth to the least sensitive areas/landscape.
- 2.7 The most relevant policy in the NPPF for AONBs is paragraph 172. The first part of which states:
*“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 the National Parks and the Broad. **The scale and extent within these designated areas should be limited**”.*
- 2.8 The second part to paragraph 172 sets out the corresponding presumption against major development in AONBs other than in exceptional circumstances, and where it can be demonstrated that the development is in the national interest.
- 2.9 Planning Practice Guidance, revised July 2019, states:
“The National Planning Policy Framework makes clear that the scale and extent of development in these areas should be limited, in view of the importance of conserving and enhancing their landscapes and scenic beauty”.
- 2.10 However, taken as a whole, it is considered that the number of sites in the AONB that have been allocated for development in the Council’s emerging Plan is excessive. In total it is proposed to allocate six housing sites in the AONB and two employment sites, resulting in a cumulative total of 188 units and 3.6 hectares of developable land for employment purposes.



Table 1: Proposed Site Allocation in the AONB

Policy	Site	Settlement	Yield	Developable Area
SA7	Cedars, Brighton Road	Pease Pottage		2.3 ha
SA8	Pease Pottage Nurseries	Pease Pottage		1 ha
SA25	Land west of Selsfield Road	Ardingly	70	5.17 ha
SA26	Land south of Hammerwood Road	Ashurst Wood	12	1.71 ha
SA27	Land at St. Martin Close	Handcross	35	1.9
SA28	Land south of the Old Police House	Horsted Keynes	25	1.23
SA29	Land south of St Stephens Church	Horsted Keynes	30	1.13
SA32	Withypitss Farm	Turners Hill	16	2.01
Total			188 Units	16.45 hectares

- 2.11 Both the strategy and the quantum of growth in the AONB are considered excessive and unacceptable. There is a failure to recognise the importance and national intent of protecting the most sensitive landscapes. Moreover, sequentially, there are other deliverable sites within Category 3 settlements that are suitable for development that are not constrained by the AONB designation. Site 857 Land West of Meadow View, Sayers Common is a credible and sequentially preferable alternative site for instance and further details about this site are provided in Section 4 of this Statement.
- 2.12 The Plan clearly fails to follow a process of directing growth to the least constrained and least sensitive landscapes in the first instance and thereafter avoiding/limiting development within the AONB. As such the Plan it is not consistent with national policy and specifically fails in accordance with the core planning principles set out at Paragraph 11, 171 and 172 of the NPPF.



2) Not Being Justified

2.13 Paragraph 35 (b) of the NPPF explains that plans are sound if they are “*Justified – an appropriate strategy, taking into account the reasonable alternatives and based on proportionate evidence*”.

2.14 As set out above, the appropriate strategy for allocating sites in the DPD should have been investigating the development potential for sites outside the AONB (or in any other protected landscape) in the first instance. Instead, it is clear that the Council has adopted an approach based on distributing allocations according to the District Plan strategy, with little regard to the overall impact this will have on protected landscapes.

2.15 The following specific concerns are raised and then explored in further detail below:

1. The site selection process is biased with the traffic light scoring system favouring sites in the AONB;
2. Reasonable alternatives to the spatial strategy have not been considered (i.e sites outside the AONB in the first instance); and
3. Lack of ‘landscape led’ planning at the start of the site selection process.

1. Bias in the Site Selection Process

2.16 Site Selection Paper 3: Housing Sites (February 2020) explains that part of the selection process involved Officers grading the potential impact of a site against 17 assessment criteria using a five tier ‘traffic light’ system, as set out below.

	Very Positive Impact
	Positive Impact
	Neutral Impact
	Negative Impact
	Very Negative Impact

2.17 A proforma was prepared for each site with a score given against each criteria and a reasonable justification for each score. Overall, 159 sites were tested at this stage, of which 108 sites were excluded and 51 were taken forward to be assessed in more detail as a “Reasonable Alternative” within the Sustainability Appraisal.



- 2.18 However, there is an obvious flaw with the scoring system which has led to favouring sites in the AONB, helping these sites to progress to the next stage above other sites not constrained by any landscape constraints. This stems from the fact that out of the 17 assessment criteria there are two landscape assessments – ones for sites located in the AONB (Planning Constraint 1) and one for sites not located in the AONB (Planning Constraint 8). This means that sites in the AONB are judged and given an overall weighted score based on a different set of criteria to those sites outside of the AONB.
- 2.19 The best way to explain this is by looking at two individual site proforma assessment sheets for Site 857 Land West of Meadow View, Sayers Common and Site 832 Land West of Selsfield Road in Ardingly. For ease of reference, the site assessment proformas are attached at Appendix 1 (Site 832) and Appendix 2 (Site 857).
- 2.20 In both instances, the landscape score given was found to be Negative. Site 832 reported the potential impact on the AONB to be Negative. Yet a similar Negative assessment was given to Site 857 despite the site not being in an AONB and not exhibiting any particular special or valued characteristics.
- 2.21 As a result of the flawed assessment process Site 857 Land West of Meadow View was dismissed and removed from the site selection process specifically because of concerns about its impact on the landscape. The detailed explanation as to why Site 857 was not taken forward is set out in Appendix A of the Council's Site Selection Paper 3 (February 2020). It states:
- “Development of this site has the potential to have an impact on the landscape. There are long distance views from the site to the south, and no strong defensible boundary or substantial screening to the south”.*
- 2.22 It is fundamentally wrong that Site 857 in Sayers Common was dismissed at the early stage of the site selection process on landscape grounds whilst Site 832 in the AONB was taken through to the detailed testing stage. In view of the Council's conclusions about Site 857 in Sayers common, a full Landscape and Visual Appraisal was undertaken by Barton Willmore, which found that the Council's assessment of the impact on the landscape had been exaggerated and could be overcome. This specific issue is looked at in more detail in Section 4 of the Statement.
- 2.23 Something has clearly gone wrong with the assessment process. The starting point for any site in the AONB should have been that Site 832 in the AONB would have a Very Negative Impact on the landscape and the sites without AONB designation should naturally be favoured in the first instance. Otherwise, it makes a mockery of the designations/protectionist policies. Yet as a direct result of the “traffic light system”, Site 857 was thrown out of the site selection process



specifically because of landscape concerns. This is not a justified approach and as such the Plan is considered unsound.

2. Not Considered Reasonable Alternatives

- 2.24 As identified above, The Sustainability Appraisal only considered sites that made it through the Stage 3 process. Yet, because of the identified flaws in the scoring system, a number of individual sites should have made it past Stage 3 and should have been considered as “reasonable alternative” sites. This includes Site 857 Land West of Meadow View, Sayers Common, which is examined in more detail in Section 4 of this Statement.
- 2.25 The site selection assessment process then rigidly sticks to distributing development in accordance with the spatial strategy and completely fails to consider a reasonable alternative, and correct approach of directing growth to sites outside the AONB. The Sustainability Appraisal is fixed on the spatial strategy so much so that it completely fails to consider whether it would be “better” spatially and more sustainable to direct growth to settlements (such as Sayers Common) that are unconstrained by any landscape designation.
- 2.26 It is important to remember that the District Plan spatial strategy was appraised and adopted before any individual sites were undertaken. In other words, whilst it was accepted that that the strategy was deliverable at a high level, this could not be confirmed until the Council had completed an analysis of individual sites and in combination with each other.
- 2.27 Policy DP6 was only therefore intended as a guideline and the number of dwellings planned for in each settlement was not fixed. Indeed, Paragraph 6.32 of the Sustainability Statement makes reference to this and explicitly states that “*the housing requirement were established ‘policy off’*”.
- 2.28 Yet, despite this, the site selection and assessment process has still been based firmly on a fixed approach of allocating sites specifically to meet the residual settlement numbers set in Policy DP6. As a result, a significant quantum of growth is directed to sites in the AONB, particularly in the Category 3 settlements.
- 2.29 This is not a justified approach and in our view that Plan has not been “positively prepared”. There is no acknowledgment whatsoever that the in-combination impact from allocating all of these sites for development will have a negative impact on the landscapes of the AONB.
- 2.30 A reasonable alternative approach would be to seek to maximise development outside those areas of the district constrained by an AONB designation, an approach which is understandably favoured by the Government and set out in the NPPF.



2.31 The Council’s rigid approach of adhering to the spatial strategy (i.e. allocating sites according to the residual housing requirement in each settlement) is best exemplified in the categorisation process undertaken to take sites through to Stage 4 for detailed assessment. This is set out in Table 14 (Page 46) of the Sustainability Appraisal.

Sites That Perform Well	These sites perform well individually, and relative to other sites within the same settlement. These sites, collectively, are therefore assessed as being compliant with the District Plan strategy.
Sites That Perform Poorly	These sites don’t perform well against the sustainability objectives. There are a number of negative impacts that, it is concluded, would not be outweighed by positive impacts. These sites also don’t perform well relative to other sites within the same settlement – i.e. there are more sustainable sites within the same settlement that would meet the residual housing requirement before these sites are required. These sites are therefore rejected at this stage, however they may need to be considered again in the future should circumstances change (e.g. increased housing requirement within the settlement, change in strategy, or withdrawal of other sites from the process).
Marginal	These sites perform well individually (positives generally outweigh negatives); however they are not necessarily the most sustainable sites within the settlement. The residual housing requirement can be met sufficiently by ‘Sites That Perform Well’

Table 14 - Housing Appraisal - Categories

2.32 The Marginal sites performed well individually, but some were not taken through to allocation because of concerns over exceeding the residual housing requirements for that settlement. Take for example Site 830 ‘Land to the west of Kings Business Centre, Reeds Lane, Sayers Common’ for 100 units. This site performed well individually but because the indicative residual requirement at Sayers Common had already been reached with another site allocation the site was dismissed.

2.33 Surely, a more reasonable alternative approach would have been to consider whether or not Sayers Common is able to take further levels of growth because of its location in the Low Weald outside of the AONB. Furthermore, Sayers Common is considered a sustainable settlement with access to business, jobs and a local shop as explained further in Section 4 of this Statement.

2.35 The spatial strategy was established “policy off”. Now that the policy constraints have been identified and it is clear that there is an unreasonable amount of development taking place in the AONB we question why the Council has not considered reviewing alternative sites outside of the AONB. The fact that the Council has not considered whether settlements outside of the AONB (such as Sayers Common) can accommodate more growth means that the Plan is unjustified and therefore unsound.

2.36 The Sustainability Appraisal should therefore be required to have an environmental objective relating to landscape constraints to ensure that development is directed to land outside the



AONB in the first instance. A sequential approach for flood risk is adopted in Objective 6 of the Sustainability Appraisal and so we see no reason why a similar sequential approach cannot be adopted for landscape considerations.

3. Lack of Landscape Led Planning

- 2.37 Decisions on allocating sites within AONBs should be 'landscape led'. Yet, it was only after the sites were identified for housing in the first draft of the Plan (Regulation 18) that the Council asked individual landowners to prepare individual Landscape and Visual Impact Assessment for the sites.
- 2.38 The Council should have had a robust understanding of the landscape impacts including the key characteristics, history and settlement patterns of the wider landscape at the start of the site selection process, not at the end. Yet in this case, the Council have put "the cart before the horse". As such the Plan has not been properly prepared and is unjustified. It is our assertion that in order to ensure that the Plan is found sound, Stage 3 of the site selection process needs to start again now that the Council have a better understanding of the landscape constraints affecting the site.

3) Not being Effective

- 2.39 The NPPF states that plans are sound if they are: *"effective – deliverable over the plan period and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground"*.
- 2.40 There should have been early, proportionate and effective engagement with the High Weald AONB unit to inform the decision-making process, yet there is no evidence to suggest that this happened in any meaningful or constructive way. In fact, the High Weald AONB unit were very critical of the Council's approach to site selection in their comments on the Regulation 18 version of the Plan. A copy of the Unit's representations on the Regulation 18 document is attached at Appendix 3 for reference. The Unit states:
- "It is not clear from the SHELAA or the Site Selection Paper what evidence has been taken into account when allocating sites within the AONB"*.
- 2.41 Again, the NPPF is clear (Paragraph 26) that effective and on-going joint working between strategic policy-making authorities and relevant bodies is integral to the production of a positively prepared and justified strategy. Yet there is no evidence of any joint working with the AONB Unit.
- 2.42 There are several sweeping statements in the various supporting documents about involvement with the AONB unit yet there is no evidence to back this up. For instance, the Topic Paper 'Major



Development in the High Weald AONB' (July 2020) sets out at Paragraph 1.6 that "Sites within the High Weald AONB were assessed having high, moderate or low impact based on the advice provided by the High Weald AONB unit". Yet, there is no record of this advice.

- 2.43 In fact, as evidence from the Regulation 18 consultation response from the AONB unit (attached Appendix 3) it is suggested that there has been absolutely no cross-party involvement at all. Similarly, in the Council's Duty to Cooperate Statement (August 2020) the Council have a vague statement about the process of engagement with the AONB unit stating:

"Whilst not a statutory body the officers have worked closely with the AONB unit during the site selection process and the methodology for the assessment of major development in the AONB, alongside Natural England. A 'position statement' is being sought with the AONB unit to set out the liaison that has taken place".

- 2.44 Given the current pressures on the economy and the prevailing uncertainty, it is not acceptable to defer the publication of this document to a later date. In order to provide transparency in the system this should have already been prepared and been made publicly available at this stage in the plan making process. In view of this, it is our assertion therefore that the plan is ineffective and does not pass this test of soundness .



3 Major Development in the AONB

3.1 The following Section of this Statement undertakes a review of Site SA25 Land West of Selsfield Road, Ardingly relative to the qualification of major development in the AONB in the context of paragraph 172 and footnote 55 of the NPPF.

Background

3.2 At the Regulation 18 consultation, Site Allocation SA25: Land west of Selesfield Road, Ardingly was set for 100 dwellings.

3.3 Following feedback from Natural England and the High Weald AONB a decision was then taken by the Council to undertake an assessment to determine whether Site Allocation SA25 along with all the other allocations in the AONB could be defined as 'Major'. The Assessment was published in the "Major Development in the High Weald AONB Topic Paper" (July 2020). The assessment deduced that a 100 unit scheme in Ardingly would constitute major development but, interestingly concluded that 70 units would not.

3.4 It is our suggestion that the Council has wrongly judged this site.

Definition of Major Development

3.5 Footnote 55 to para. 172 of the NPPF says 'major development' is "*a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.*" As such, it is:

- A matter of judgement for the decision maker;
- Must have regard to "nature, scale and setting".
- Must consider "whether it could have a significant adverse impact on the purposes for which the area has been designated or defined".

3.6 The policy requires the exercise of planning judgement, but this judgement needs to remember that:



“The ordinary sense of the word ‘major’ is important and the decision maker should take a common sense view as to whether the proposed development could be considered major development. (Paragraph 2.4 of the Major Development in the AONB Topic Paper summarising the legal advice from the Maurici Opinions).

- 3.7 It is acknowledged that there is no threshold of when a scale of development in an AONB may be regarded as major. However, for research purposes, Kember Loudon Williams have undertaken our own assessment of appeal decisions dealing with this issue. The pattern that emerges is that applications for 30 houses or less have not been seen as major development with applications more housing than this seen as “major”. There are exceptions to this rule of thumb, but we have not identified any decisions comparable to the size of the proposed development at Ardingly where an Inspector has found it not to be seen as major.

Site SA25: Land West of Selsfield Road, Ardingly

- 3.8 As explained above, land west of Selsfield Road in Ardingly has a draft allocation for 70 units. In our view, taking into the account the amount of development, comparative to the size of the existing settlement of Ardingly, it is common sense to determine that the scheme is major. By the Council’s own admissions, Ardingly is a relatively small settlement. It is classed as a Category 3 Settlement in the Council’s Settlement Hierarchy and the updated residual housing requirement for the settlement is for only 16 dwelling. Yet, the village which is located in an AONB is faced with an allocation for 70 new dwellings.
- 3.9 The Topic Paper helpfully undertakes an assessment of the proposed allocation in relation to the existing settlement and finds that:
- The land take up represents an increase of 18% in the built-up area of Ardingly; and
 - The site allocation represents an increase of 15% in the number of dwellings in the Village.
- 3.10 Clearly, the scale of this development is considered proportionally significant for the size of the existing village.
- 3.11 Overall, it is considered that the development would have an unacceptable negative impact on the scenic character of the area and result in an intrusion to the landscape that would cause unacceptable harm to the landscape and scenic beauty of the AONB.
- 3.12 It follows that the proposed site allocation is ‘major development’ for the purposes of paragraph 172 of the Framework.
- 3.13 On a separate note, it is incredibly frustrating to see that the Council are supporting the promotion of this site even when there is no requirement for this number of units in the Village.



The Council have dismissed countless other sites because they are not in accordance with the spatial strategy, yet this site, which because of its location in the AONB should be afforded the greatest protection, is still being proposed for development. In our view, this is unjustified and, as such, the Policy is considered to be found unsound.

- 3.14 In order for the plan to be found sound, Site SA:25 Land West of Selsfield Road, Ardingly should be significantly reduced in size and other replacement sites in sustainable settlements outside of the AONB such as Site Number 857 should come forward. This site is examined in further detail in the following Section.



4 Sayers Common and Site 857

- 4.1 Kember Loudon William previously submitted representations on the Site Allocations DPD Regulation 18 which set out that that Sayers Common is one of the only villages in the District that lies outside of the AONB and suggested that growth should be directed to this village. It specifically identified Site 857 Land West of Meadow View at Sayers Common as a site suitable of accommodation growth and set out a credible set of planning arguments supporting the inclusion of the site into the emerging Plan. Our representations also identified errors and inaccuracies with the site selection process, and specifically provided a detailed Landscape and Visual Appraisal for the Council to use as an evidence base to reassess the site.
- 4.2 Disappointingly, however, the site has not been included in the latest Regulation 19 version of the Plan. Nor has it been reassessed or revaluated. It remains as a site that never made it past the Stage 3 site selection process.
- 4.3 It is our view that the site has been unfairly disadvantaged. A number of errors with the site selection process (as set out in Section 2 of this Statement) has led to ill-considered and incorrect conclusions being drawn on the planning merits of this site. The site should have made it through to the Stage 4 evidence testing stage and it should have been considered as a reasonable alternative to avoid large amounts of growth taking place elsewhere in the AONB.
- 4.4 This Section begins by setting out the physical and sustainable credentials of Sayers Common to demonstrate why this settlement is considered entirely suitable to accommodate further growth. It then highlights specific concerns over the way in which Site Number 857 has been assessed as part of the site selection process.

Sayers Common

- 4.5 The settlement of Sayers Common lies within the landscape of the Hickstead Low Weald. Significantly, within the context of its promotion of new housing, the land does not lie within the more valuable and highly protected landscapes of the High Weald Area of Outstanding Natural Beauty (AONB) or the South Downs National Park. The High Weald AONB is located approximately 3.5kms to the north of the site and the South Downs National Park lies approximately 3kms to the south of the site.



- 4.6 The settlement comprises 300-400 dwellings with a population of 800 – 900 residents. Facilities include a church, parish hall and a community-run shop (open every day). The village has also benefited from a pub, the Duke of York, recently being re-opened (December 2019) after having been boarded up for a number of years. Sayers Common does not have a school but there are schools at Albourne (2km) and Hurstpierpoint (within a 5k radius) which can be reached by means other than the car (foot, bike or public transport).
- 4.7 Sayers Common is well served and integrated with existing public transport infrastructure. Two bus routes run from the B2118. Bus Route 100 provides a local service to Hurstpierpoint, whilst Route 273 provides services to Crawley and Brighton. An additional school bus (331) providing direct access to Hurstpierpoint is provided during term times. These bus routes are demonstrated on the Accessibility Plan provided at **Appendix 5**.
- 4.8 Sayers Common also benefits from being located next to a number of large business parks and places of employment. The largest of which being Avetrade Global Headquarters (image below) which specialises in the sale and lease of aircraft components and is estimated to have between 200 – 250 staff.

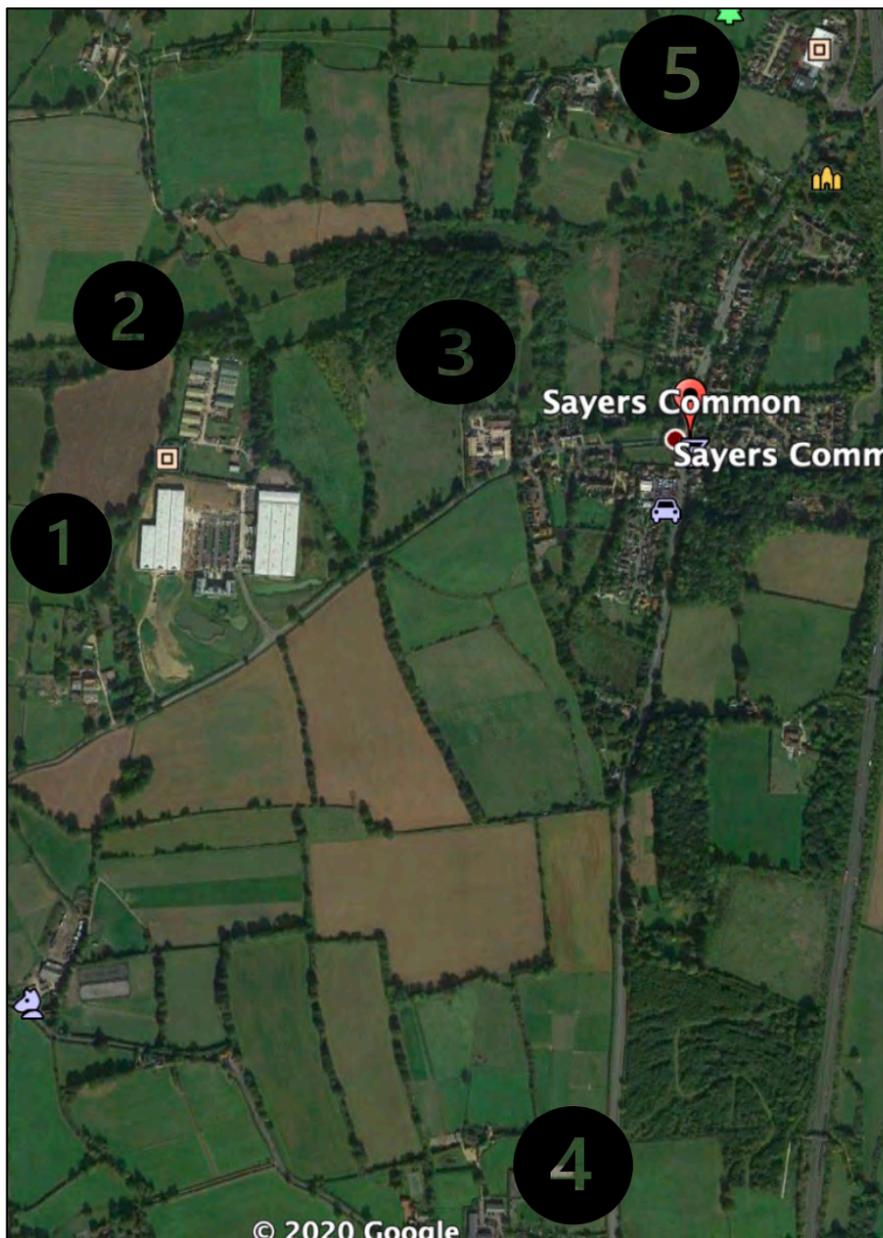


- 4.9 Other large business parks in the immediate area include: Valley Farm Business Park, Reeds Lane, BN6 9JQ (estimated to have in the region of up to 45 personnel); Kings Business Centre, Reed Lane, BN6 9LS (estimated to have between 63 and 142 personnel); and Albourne Court, Henfield Road, BN6 9FF (estimated to have in the region of between 155 to 346 personnel). The Friday Media Group Head Office is also located to the north of Sayers Common on London Road. All of these employment locations are shown on the map below.



Key

- 1: Avetrade Global Headquarters
- 2: Valley Farm Business Park
- 3: Kings Business Centre
- 4: Albourne Court
- 5: Friday Media Group



4.10 The employment centres shown above are all within a 20-minute walking distance of Sayers Common. The settlement is therefore clearly very well related to the provision of employment services and facilities.

4.11 Overall, Sayers Common is a sustainable settlement. It has enough service provision to meet the day to day needs of the local residents. It is accessible and well related to the provision of public transport and provides access to a large number of local employment opportunities. Given that Sayers Common is not constrained by any overriding environmental landscape designations it is therefore considered ideally suited to accommodate more growth. It seems



logical to build more houses at this location to keep in line with the employment opportunities that are available as this would enable more people to walk to work, rather than the traveling by the private car.

- 4.12 It is frustrating that the DPD fails to recognise the suitability of Sayers Common to accommodate more housing and instead supports growth in the AONB. It is our assertion that this would not have happened if a sequential site selection process based on landscape constraints was assessed as a ‘reasonable alternative ‘in the Sustainability Appraisal.
- 4.13 The role of a Sustainability Appraisal is to demonstrate that the Plan being prepared is the most sustainable given all realistic alternatives. This section has demonstrated that accommodating more growth in Sayers Common is considered entirely realistic. It should therefore be explored as a reasonable alternative in order to ensure that the Plan is found to be sound.

Site 857: Land West of Meadow View, Sayers Common

- 4.14 Site Selection Paper 3: Housing Sites (February 2020) reveals that Site 857 Land West of Meadow View at Sayers Common was not taken forward because of concerns about the impact any development on this site would have on the landscape. It specifically states that:

“Development of this site has the potential to have an impact on the landscape. There are long distance views from the site to the south, and no strong defensible boundary or substantial screening to the south”.

- 4.15 This contradicts the findings from the Landscape and Visual Appraisal (LVA) prepared by Barton Willmore and submitted as evidence as part of our Regulation 18 representations. A copy of the LVA is attached for reference at Appendix 4. In summary, it finds that:
- The site does not exhibit any particular special or valued characteristics;
 - incursion into the countryside would be very limited,
 - any potential development of the site would be screened by the combination of a mix or mature trees and vegetation and undulating topography,
 - that the site is not conspicuous in any long-distance view from the South Downs National Park or High Weald AONB; and that
 - potential landscape and visual effects arising from residential development of the site would be limited to the immediate locality of the site, with no significant effect on the wider landscape and visual context.

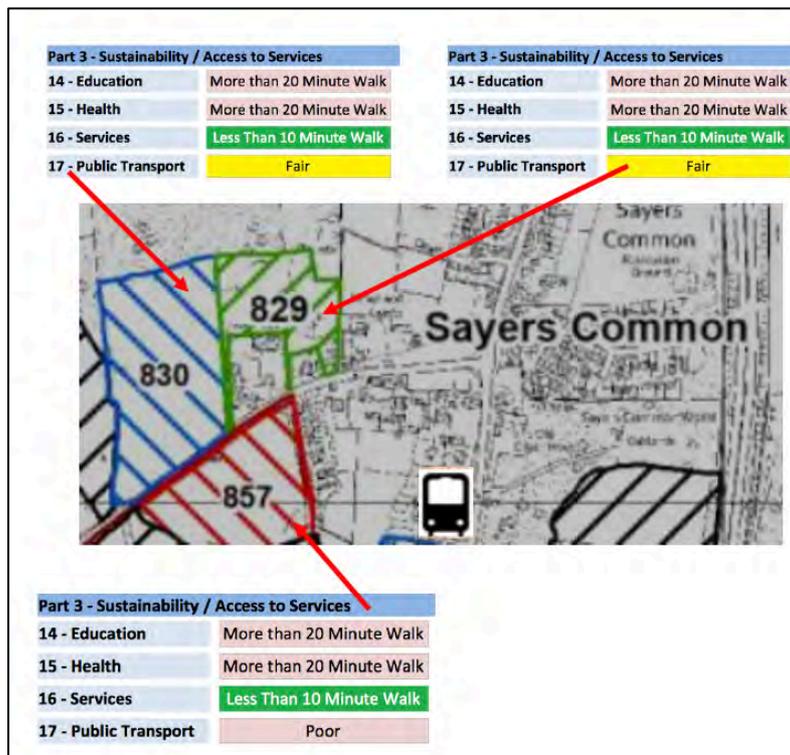
- 4.16 The LVA concludes at Paragraph 6.22 by stating that:



“...considering the highly constrained nature of much of the District of the Mid Sussex, in landscape terms, the site is one of the more suitable sites in Mid Sussex to accommodate residential development, such that it can be considered to have capacity for a small urban extension, being closely related and having regard for, the setting and form of existing settlement; existing features and sensitivities; and the character and sensitivity of adjacent landscape character areas”.

- 4.17 It remains our assertion that the landscape impacts assessment relating to Site 857 Land West of Meadow View, Sayers Common has been over exaggerated. In order to ensure that the Plan is justified and fair, it is crucial that the Council reassess the site based on the detailed and up-to-date landscape information that we have submitted.
- 4.18 Other than the impact on landscape, the only other concern that the Council have with regards to Site 857 Land West of Sayers Common is its location in terms of access to education, health and public transport (Criteria 14, 15 and 17). The individual site assessment proforma sheet (which is attached at Appendix 2) gives a low score to all three of these categories. Yet, the two sites immediately adjacent to the subject site (Site 829 and 830) have, for some reason, scored better when it comes to proximity to public transport and have ultimately fared much better overall in the whole site selection process.
- 4.19 As part of the previous Regulation 18 submission we highlighted this inconsistency. We also provided an Accessibility Plan showing where the bus stops and the footpaths are within the immediate vicinity of the site. The Accessibility Plan (reattached at Appendix 5) demonstrates that the subject site is within a 5-minute walking distance of a bus stop. We specifically made a written request to the Council to update the site proforma so that it more accurately assessed the site in terms of provision to public transport as “fair” as opposed to “poor”. Yet, despite this request, the subject site still scores poorly on the individual site proforma and it is rated worse than the other two adjacent and competing sites. This error must be addressed to ensure that a fair and non-prejudicial site selection process takes place.
- 4.20 The inconsistency in the scoring system is demonstrated in the image below showing the score given in Part 3 of the Site Selection Pro Formas to the subject site compared to Site 829: Land to the north Lyndon, Reeds Lane, Sayers Common and Site 830: Land to the west of Kings Business Centre, Reeds Lane, Sayers Common.





Other Competing Sites in Sayers Common

- 4.21 A total of thirteen sites in Sayers Common were put forward as part of the Strategic Housing Employment Land Availability Assessment (SHELAA) exercise. Only one site has successfully managed to secure an allocation in the draft Plan - Site 829 Land to the north Lyndon, Reeds Lane, Sayers Common (hatched in green above) for up to 35 dwellings (Site Allocation SA30).
- 4.22 For the reasons explained above, it is considered that Sayers Common has the capacity to accommodate much larger levels of growth than simply 35 units.
- 4.23 Site Selection Paper 3: Housing Sites (February 2020) gives an explanation as to why Site 829 was taken through as a site allocation and why the other twelve sites in Sayers Common were not. Interesting, the Paper also shows that Site 830 Land to the west of Kings Business Centre, Reeds Lane (hatched in blue above) is found to have performed well individually but that it was only dismissed because the indicative residual requirement at Sayers Common had already been reached SA 30 (Site 829).
- 4.24 Again, concerns about exceeding residual housing numbers appear to have taken precedent above everything else. This is considered unjustified and unsound (as explained in more detail



of Section 3 of this Statement) and the Council should be looking for more sites in Sayers Common in particular.

4.23 It seems particularly unjust that Sites 829 and 830 have done so well in the site selection process and yet the subject site was dismissed at the very early stages of the process, never fully assessed and never considered as a reasonable alternative site. The subject site has clearly been disadvantaged. In order to ensure a robust and fair assessment process is carried out we think it is crucial that Site 857 Land west of Meadow View, is revaluated and taken through to the Stage 4 of the assessment process for further consideration.



5 Conclusions

5.1 This report has outlined our concerns relating to the Site Allocation DPD, the Sustainability Appraisal and the site selection process more generally. In order for the Plan to be found sound we have recommended the following changes:

- In order to ensure that the Plan is consistent with national policy and provides the most appropriate strategy when considered against reasonable alternatives, settlements outside of the AONB (such as Sayers Common) should be examined further to explore whether they are able to accommodate further growth.
- In order to ensure that the Plan is justified and has been based on proportionate evidence, the site selection process should be re-examined. It is important that there is only one landscape category in the assessment process regardless of whether a site is located in the AONB or not to ensure that all sites are assessed on a level playing field.
- In order to ensure that the Plan has been based on proportionate evidence and provides the most appropriate strategy when considered against reasonable alternatives, Site 857 Land West of Meadow View, Sayers Common should be carried through to the Stage 4 testing and be considered as a site suitable for housing.
- In order to ensure that the Plan has been positively prepared and based on effective working it is important that any work that has been undertaken in combination with the AONB Unit is publicly available. If, as we suspect, the involvement with the AONB unit was limited then the whole site selection process should be re-appraised to ensure that the process is 'landscaped led'.
- In order to ensure that the Plan is consistent with national policy the qualification of major development in the AONB should be reassessed and that Site SA 25 Land West of Selsfield Road, Ardingly in particular should be revaluated.

5.2 In order to ensure that the Sustainability Appraisal is found sound we have recommended the following changes:



- Section 5 – The Sustainability Framework is flawed as there should be an environmental objective relating to landscape constraints. This would ensure that development is directed to land outside the AONB in the first instance.
- Section 6 – Accommodating more growth in settlements outside the AONB should be recognised as a ‘realistic alternative’ and assessed accordingly.
- Section 6 – Site 857 Land West of Sayers Common should have been judged to be a reasonable alternative option for the purposes of the Sustainability Appraisal and appraised against the Sustainability Framework.

5.3 It remains our assertion that Site 857, Land West of Sayers Common has been unfairly treated in the site selection process. The site should have made it through the to the Stage 4 evidence testing stage and it should have been considered as a reasonable alternative site to avoid large amounts of growth taking place elsewhere in the AONB. The site is considered entirely suitable to accommodate growth. It is located in a sustainable and accessible settlement and would represent a logical extension to the village. The landscape and visual impacts of the development of this site have been thoroughly assessed and it has been demonstrated the potential effects would be limited to the immediate locality of the site, with not significant effect on the wider landscape and visual context. The site is suitable, available and deliverable and as such it should be released for housing within the Site Allocations DPD.

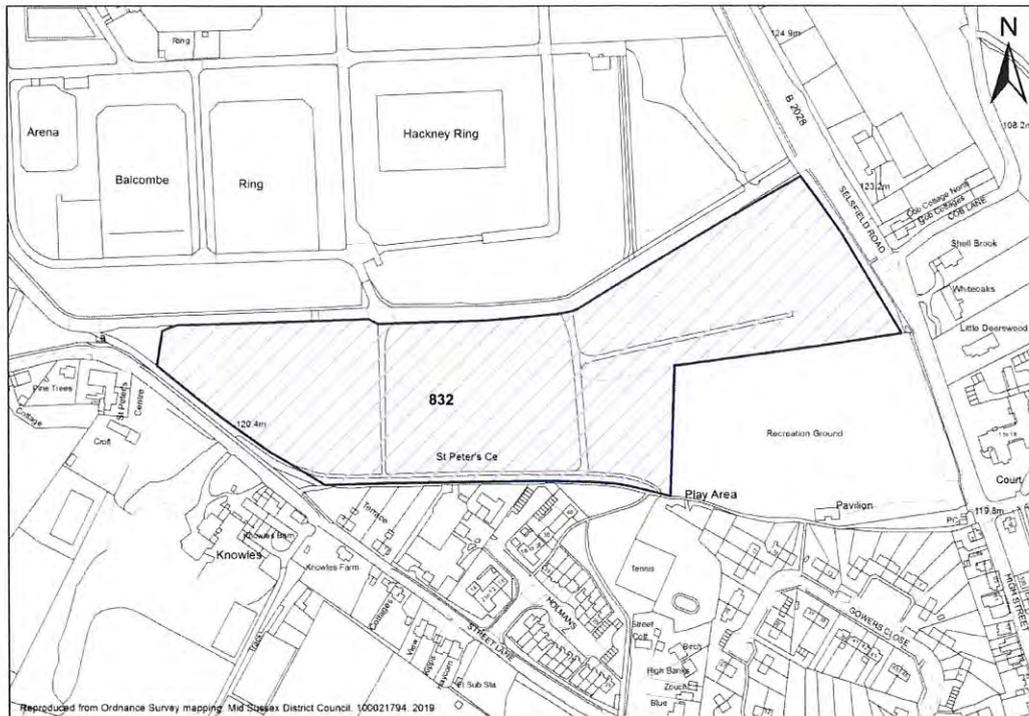


APPENDIX 1

Site Selection - Housing

Ardingly

ID 832 Land west of Selsfield Road, Ardingly



Site Details

Units: 100 Developable Area (ha): 3.2

Part 1 - Planning Constraints

1 - AONB	Wholly within – Moderate Impact	Moderate impact on AONB due to scale of development. Site is located to the north of the main village and separated from it by the recreation ground. The Showground to the north limits the impact on open countryside. Scale is significant for size of existing village. Selsfield Road is a historic routeway, there is a historic PROW to the south of the recreation ground and a more modern PROW to the north of the site. Post-medieval field system. Site likely to be viewed from road and adjacent PROWs.
2 - Flood Risk	None	The site lies entirely within Flood Zone 1, the area of lowest fluvial flood risk.
3 - Ancient Woodland	None	The site is not affected by Ancient Woodland
4 - SSSI/SNCI/LNR	None	This site is not adjacent to any Sites of Special Scientific Interest or Local Wildlife Site
5 - Listed Buildings	Listed Building - Less Than Substantial Harm (Medium)	The site is in close proximity to the Grade I-listed St Peter's Church and a cluster of Grade II-listed buildings in its immediate vicinity.
6 - Conservation Area	Impact on CA - Less Than Substantial Harm (Medium)	The site lies adjacent to the north eastern edge of the conservation area and development could have potential to affect its setting and character.
7 - Archaeology	Moderate - Mitigation	
8 - Landscape	AONB	Site is within the High Weald AONB (assessed under criterion 1)
9 - Trees/TPOs	None	

Part 2 - Deliverability Considerations

832 Land west of Selsfield Road, Ardingly

Site Selection - Housing

10 - Highways		Potential for junction impact at Selsfield Road / Vowells Lane without mitigation
11 - Local Road/Access	Minor - Improve	Safe access is not available but potential exists to easily gain access.
12 - Deliverability	Reasonable prospect developability	Site is being marketed early 2019. Outline application October 2019.
13 - Infrastructure	Infrastructure capacity	Developer Questionnaire - normal contributions apply.

Part 3 - Sustainability / Access to Services

14 - Education	Less Than 10 Minute Walk
15 - Health	More than 20 Minute Walk
16 - Services	Less Than 10 Minute Walk
17 - Public Transport	Fair

Part 4 - Other Considerations

<p>Neighbourhood Plan</p> <p>Site outside the built up area of the village. Policy ARD2: Spatial Plan for the Parish directs future housing within the parish to within the built up area. Development outside the built up area will be required to demonstrate how they conserve the AONB.</p>	<p>Minerals</p> <p>Site is within Building Stone (Cuckfield) MSA</p>
<p>Waste</p> <p>Development at the site may require reinforcement of the sewerage network</p>	<p>Environmental Health</p> <p>Potential for contaminated land to be present on site related to past or present land uses within or adjacent to the site.</p>
<p>Sustainability Appraisal</p> <p>This site performs relatively well against the SA framework. 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. As the District Plan strategy anticipates growth at Ardingly, and there are a number of positive impacts against social and economic criteria, the positive impacts from progressing this site for allocation outweigh the negative impacts.</p>	<p>Notes</p> <p>Conflict as site is outside the built up area.</p>

Part 5 - Conclusion

Summary The site is within the AONB and has potential for a moderate landscape impact. However, in the context of other site options at Ardingly the site has potential for minimal landscape effects given that is screened to the north by existing planting with potential to enhance further and in light of the fact it is adjacent to the existing built area of the village to the south. The SA supports this view, finding that the site represents the most sustainable option to deliver Ardingly's housing target in light of the site's positive performance in relation to the social and economic SA objectives.

Recommendation Site is proposed for allocation.

APPENDIX 2

Site Selection - Housing

Sayers Common

ID 857 Land west of Meadow View, Sayers Common



Site Details

Units: 45 Developable Area (ha): 1.5

Part 1 - Planning Constraints

1 - AONB	N/A	The site is remote from the High Weald AONB
2 - Flood Risk	None	The site lies entirely within Flood Zone 1, the area of lowest fluvial flood risk. However, the area is susceptible to groundwater flooding.
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 of this site has the potential to have an impact on the landscape. There are long distance views from the site to the south, and no strong defensible boundary or substantial screening to the south. Development of the site would represent an incursion into the countryside.
9 - Trees/TPOs	None	No risk of tree loss.

Part 2 - Deliverability Considerations

10 - Highways		
11 - Local Road/Access	None	Safe access to site already exists
12 - Deliverability	Developable	Site is in control of a housebuilder. First completions on site 2021.

Site Selection - Housing

13 - Infrastructure **Infrastructure capacity** Developer Questionnaire - normal contributions apply.

Part 3 - Sustainability / Access to Services

14 - Education More than 20 Minute Walk

15 - Health More than 20 Minute Walk

16 - Services **Less Than 10 Minute Walk**

17 - Public Transport Poor

Part 4 - Other Considerations

Neighbourhood Plan

Hurstpierpoint & Sayers Common Neighbourhood Plan Policy C1 - Countryside: Conserving and enhancing character

Minerals

Minerals considerations unnecessary as site does not progress past detailed assessment stage.

Waste

Water and wastewater considerations unnecessary as site does not progress past detailed assessment stage.

Environmental Health

Environmental health considerations unnecessary as site does not progress past detailed assessment stage.

Sustainability Appraisal

Assessment indicates site is not a reasonable alternative and is therefore not tested through the SA.

Notes

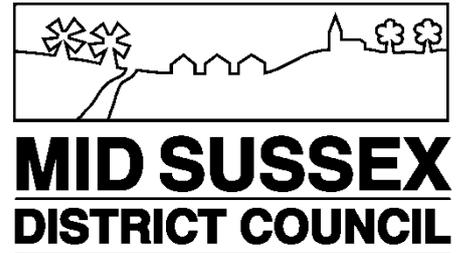
Part 5 - Conclusion

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

Recommendation Site is not proposed for allocation.

APPENDIX 3

Mid Sussex District Council



Site Allocations DPD – Regulation 18

9th October – 20th November 2019

Consultation Report

did not raise objection to the site access being achieved initially via the adjacent Vicarage Field site, which is allocated in the made Turners Hill Neighbourhood Plan, nor from a northerly access from Turners Hill Lane, subject to further investigation.

Site 852 is potentially a candidate for the approach encouraged under NPPF paragraph 68 (d). The site divides naturally into 3 main component areas as indicated on the Development Principles plan at Appendix B, prepared by Allen Pyke. The southerly parcel would be accessed via the Vicarage Field development and could deliver approximately 46 dwellings. This part of the site should certainly be considered as a means of delivering against the shortfall of 51 units against the minimum residual target for Turners Hill. The larger central parcel has an indicative capacity of 62 dwellings, and the northern area 17 dwellings (a total of 125 units). Allocation of the entire area would address the shortfall in Category 3 villages.

642 Ms C Tester

Organisation: High Weald AONB Unit

Behalf Of:

Statutory Consultee

Reference: Reg18/642/1

It is accepted that part of the consideration of the appropriate level of housing within an AONB will be assessing potential sites for allocation. In considering allocations, para 170 of the NPPF states that planning policies should protect and enhance valued landscapes in a manner commensurate with their statutory status. The NPPF also highlights the need for local planning authorities to differentiate between land of the highest environmental quality and that of lesser quality, and to allocate development accordingly to areas of lesser environmental value (paragraph 171).

Decisions on allocating sites within AONBs should be 'landscape led'. This requires a robust understanding of landscape including the key characteristics, history and settlement patterns of the wider landscape. The PPG advises that "To help assess the type and scale of development that might be able to be accommodated without compromising landscape character, a Landscape Sensitivity and Capacity Assessment can be completed. To demonstrate the likely effects of a proposed development on the landscape, a Landscape and Visual Impact Assessment can be used" (Paragraph: 037 Reference ID: 8-037- 20190721). These documents need to be supplemented by studies such as historic landscape characterisation. AONB Management Plans are key documents to understanding what makes the area special and therefore what qualities need to be conserved and enhanced when deciding the location, scale and design of new development. Local planning authorities also need to consider the cumulative impact of the proposed sites and such development occurring within multiple Local Plan areas in an AONB. **It is not clear from the SHELAA or the Site Selection Paper what evidence has been taken into account when allocating sites within the AONB. In particular it does not appear that Landscape and Visual Impact assessments have been carried out to inform the allocation or the criteria set.**

In addition to the above there should be a formal consideration of whether proposed allocations constitute 'major development' in an AONB in the terms of NPPF paragraph 172. The second part of paragraph 172 says "Planning permission should be refused for major development⁵⁵ 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".

Footnote 55 says: "For the purposes of paragraphs 172 and 173, whether a proposal is 'major development' is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined".

Whilst this part of the paragraph specifically refers to planning permissions, it has also been considered relevant by Local Plan Inspectors to allocations within Local Plans. Legal advice provided to the South Downs National Park Authority by Landmark Chambers also concluded that "it would arguably amount to an error of law to fail to consider paragraph 116 (now 172) at the site allocations stage of plan making for the National Park. The consequence of doing so would be to risk allocating land for major development that was undeliverable because it was incapable of meeting the major development test in the NPPF".

Recommended Action: as assessment should be carried out of each proposed allocation in the AONB to determine whether it constitutes major development. Where a proposed allocation is so considered it should not be included in the submission document unless it is shown to have exceptional circumstances, is in the public interest and complies with the three tests in paragraph 172.

APPENDIX 4

Land West of Meadow View, Sayers Common: Landscape and Visual Appraisal

Prepared on behalf of Mayfields Market Towns Ltd

November 2019

Land West of Meadow View, Sayers Common: Landscape and Visual Appraisal

Prepared on behalf of Mayfields Market Towns Ltd

Project Ref:	23510/A5/LT
Status:	Final
Issue/ Rev:	V1
Date:	November 2019
Prepared by:	LT
Checked by:	LT
Authorised by:	LT

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Ref: 23510/A5/LT
Date: 20 November 2019
Status: Final

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CONTENTS

1.0 Introduction 1

2.0 Methodology 3

3.0 Relevant Policy 5

4.0 Landscape and Visual Context 8

5.0 Landscape and Visual Appraisal15

6.0 Conclusions20

ILLUSTRATIVE MATERIAL

Figure 1: Site Context Plan

Figure 2: Topography Plan

Figure 3: Landscape Character Plan

Figure 4: Site Appraisal Plan

Figure 5: Visual Appraisal Plan 1

Figure 6: Visual appraisal Plan 2

Site Appraisal Photographs A - E

Site Context Photographs 1 – 22

1.0 INTRODUCTION

Overview

- 1.1 Barton Willmore Landscape Planning and Design (BWLPD) was commissioned by Mayfields Market Towns Ltd to undertake a Landscape and Visual Appraisal of the Land West of Meadow View, Sayers Common, Mid-Sussex, (the 'Site'), in relation to, and in support of, its suitability for residential development in the context of the review of the Mid Sussex Local Plan (2011-2029) and the Call for Sites for the Site Allocations Development Plan Document (DPD).
- 1.2 The Site is located on the western edge of the settlement of Sayers Common, to the immediate south of Reed's Lane and adjoining existing residential development in Meadow View to the immediate east. Existing substantial office, commercial and industrial development is located to the north of Reed's Lane.
- 1.3 The objectives of this study are to:
- Assess the landscape characteristics and quality of the Site and its surrounding and their function within the landscape;
 - Assess the visibility of the Site and the nature and quality of the existing views from the surrounding area;
 - Identify opportunities and constraints to development on the Site, from a landscape and visual perspective.
- 1.4 Supporting illustrative information is presented in the following plans and photographs:
- Figure 1: Site Context Plan;
 - Figure 2: Topography Plan;
 - Figure 3: Landscape Character Plan;
 - Figure 4: Site Appraisal Plan;
 - Figure 5: Visual Appraisal Plan 1;
 - Figure 6: Visual Appraisal Plan 2;
 - Site Appraisal Photographs A - E; and
 - Site Context Photographs 1 – 22.
- 1.5 The Site comprises Site 857: Land West of Meadow View Sayers Common, as identified in the Mid Sussex Site Allocations Development Plan Document. All sites are assessed against 17 criteria, with Criterion 8 covering landscape and Criterion 9 covering trees/Tree Preservation Orders (TPOs).

- 1.6 With regard to Criterion 8 Landscape, the Site is graded as having a Low/Medium constraint to residential development, going on to state that ***"the development of this site has the potential to have an impact on the landscape. There are long distance views from the site to the south, and no strong defensible boundary or subsequent screening to the south. Development of the site would represent an incursion into the countryside"***.
- 1.7 The landscape and visual appraisal of the Site aims to identify, contrary to the above, that the potential landscape and visual effects arising from residential development on the Site would be limited to the immediate locality of the Site, with no significant effect on the wider landscape and visual context.

2.0 METHODOLOGY

Landscape and Visual Appraisal

- 2.1 The Landscape and Visual Appraisal has been prepared with reference to the guidelines as set out in the Guidelines for Landscape and Visual Impact Assessment 3rd Edition, prepared by the Landscape Institute and the Institute of Environmental Management and Assessment.
- 2.2 A desktop review of the study area was undertaken, including a review of the published landscape character information, landform, landscape features, relevant landscape and visual policy and landscape designations. This information was used as the initial basis against which to appraise the Site. A visit to the Site and surroundings was subsequently undertaken in November 2019 to verify the desk-based review findings and add further information to the landscape and visual context of the Site.
- 2.3 A description of the existing land use of the Site context is provided and includes reference to existing areas of settlement, transport routes and vegetation cover, as well as local landscape designations. These factors combine to provide an understanding of landscape value and sensitivity and provide an indication of key views and viewpoints that are available to visual receptors.
- 2.4 To determine the extent of visual influence, a visual appraisal was undertaken of the Site to consider the nature of existing views from publicly accessible viewpoints including roads, Public Right(s) of Way (PRoW) and public open spaces. Consideration was given to private views, however access to private properties was not obtained. Views were considered from all directions and from a range of distances. The viewpoints chosen are not intended to be exhaustive, but rather to represent the potential views obtained towards the Site.
- 2.5 The inherent sensitivity of the Site is considered in terms of the following:
 - Landscape Character: i.e. landform, vegetation cover, land use, scale, state of repair of individual elements, representation of typological character, enclosure pattern, form/line and movement;
 - Landscape Value: i.e. national designations, local designations, sense of tranquillity/remoteness, scenic beauty and cultural associations; and
 - Visual Influence: i.e. landform influences, tree and woodland cover, numbers and types of residents, numbers and types of visitors and scope for mitigating potential for visual impacts.

- 2.6 The landscape appraisal of the Site, in combination with the wider visual appraisal, assists in the identification of opportunities and constraints that would assist in successfully integrating new development with the existing landscape and visual context of the Site.

3.0 RELEVANT POLICY

National Policy

National Planning Policy Framework (NPPF), 2019

- 3.1 The National Planning Policy Framework (NPPF), which was first published in March 2012, was updated and published in July 2018 and most recently revised in February 2019. The NPPF promotes a presumption in favour of sustainable development, defined as “*meeting the needs of the present without compromising the ability of future generations to meet their own needs*”. Development proposals must also be in accordance with the relevant up-to-date Local Plan and policies set out in the NPPF, including those identifying restrictions with regard to designated areas, such as National Parks, Areas of Outstanding Natural Beauty (AONB) and Green Belt.
- 3.2 The NPPF states that “*the purpose of the planning system is to contribute to the achievement of sustainable development*”, with Paragraph 8 going on to state that to achieve this the planning system has three overarching objectives: economic, social and environmental. The environmental objective is described as: “*to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy*”.
- 3.3 Paragraph 38 relates to decision making and states:
- “Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.”*
- 3.4 Section 11 is concerned with making effective use of land, with Paragraph 117 stating: “*Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions...*”.
- 3.5 Paragraphs 124-132 focus on achieving well-designed places and promote good design of the built environment. This approach is set out in Paragraph 127, which states:

"Planning policies and decisions should ensure that developments:

- a) Will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;***
- b) Are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;***
- c) Are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);***
- d) Establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;***
- e) Optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and***
- f) Create places that are safe, inclusive and accessible and which promote health and well-being with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience."***

3.6 Section 15 of the NPPF relates to the conservation and enhancement of the natural environment, with Paragraph 170 setting out that planning policies and decisions should look to achieve the above by "***protecting and enhancing valued landscapes... (in a manner commensurate with their statutory status or identified quality in the development plan)***" and "***recognising the intrinsic character and beauty of the countryside***".

3.7 Paragraph 171 goes on to state that:

"Plans should: distinguish between the hierarchy of international, national and locally designated sites; allocate land with the least environmental or amenity value, where consistent with other policies in this Framework; take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries."

3.8 Paragraph 172 then 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."

4.0 LANDSCAPE AND VISUAL CONTEXT

Site Context

- 4.1 As shown in **Figure 1: Site Context Plan**, the Site is located on the western edge of Sayers Common, to the immediate south of Reed's Lane and adjoining existing residential development in Meadow View to the immediate east. Existing substantial office, commercial and industrial development is located to the north of Reed's Lane, with King Business Park located to the north, immediately opposite the Site, and Valley Farm Business Park located to the west of the Site, off Reeds Lane.
- 4.2 The Site is therefore set on the edge of the existing settlement of Sayers common, within an area largely influenced by both existing residential development, and office, commercial and industrial development.

Topography

- 4.3 The Site is located in the shallow valley created by the River Adur, between the higher ground of the South Downs to the south and the High Weald to the north, as illustrated on **Figure 2: Topography Plan**. The land within the vicinity of the Site is gently undulating, lying predominantly at elevations of between 15 - 40m Above Ordnance Datum (AOD). The Site is broadly flat located at an elevation of 15m AOD. To the south, within the undulating landscape there are areas of slightly more elevated land, at 30 – 40m AOD, such as around Albourne Green and Albourne.
- 4.4 Further to the south, the land rises steeply through the north scarp of the South Downs, to up elevations of 150m + AOD. To the north, the land rises up to the High Weald more gradually, up to elevations of 130m+ AOD.

Water courses and drainage

- 4.5 Cutlers Brook flows through land to the south of the Site and links to a number of ponds. The route of the watercourse is lined in some places by mature vegetation and areas of scrubby land. Other, smaller tributaries of the River Adur cross the land surrounding the Site and generally follow field boundaries.
- 4.6 A drainage ditch runs along, and forms, the southern boundary of the Site. This drainage ditch forms part of a wider drainage network. West Sussex County Council has recently undertaken improvements to this drainage network within the vicinity of the Site, including works along Reeds Lane and the B2116, Henfield Road, to improve the performance of surface water management.

Although the water courses can present a constraint to development, they also present an opportunity to meet the requirements of policies relating to access and recreation, green infrastructure, landscape character, biodiversity and flooding.

Landcover

- 4.7 The landscape pattern of the Site and surrounding area is generally small-scale and enclosed, with an intricate mix of field boundary vegetation that divides the irregular arable land and pasture that is generally devoid of substantial tracts or areas of woodland.

Access and Public Rights of Way (PRoW)

- 4.8 The Site immediately adjoins Reeds Lane, which forms the northern boundary of the Site.
- 4.9 PRoW 1/1A1 runs from Reeds Lane through the Site, predominantly along the eastern boundary of the Site. This connects with PRoW 11 Hu to the south, which in turn connects with the B2118, and a Sustrans route that runs along the B2118, as illustrated on **Figure 1: Site Context Plan**. There is a wider network of PRoWs within the surrounding landscape.

Infrastructure

- 4.10 The linear road corridor of the B2118 and the A23 passes in a north to south direction to the east of the Site, with Reeds Lane, which forms the northern boundary of the Site, connecting with the B2118. The B2116, Henfield Road, passes to the south of the Site, connecting with the B2118 and Reeds Lane.

Designations

- 4.11 The Site is not covered by any national, regional or local landscape designations.
- 4.12 There are no Listed Buildings in the immediate locality of the Site. Two Listed Buildings are located within Sayers Common, to the north of the Site, but separated from the Site by intervening existing residential development. Numerous Listed Buildings are located with Albourne and Hurstpierpoint, to the south; and scattered within the surrounding landscape.
- 4.13 There are no Conservation Areas in the locality of the Site.
- 4.14 No Ancient Woodland is located on, or adjoining, the Site. Several small blocks of Ancient Woodland occur in the surrounding landscape, to the east, along the A23/B2118 road corridor and to the north of Valley Farm Business Park.

Landscape Character

- 4.15 The landscape character assessment approach is a descriptive approach that seeks to identify and define the distinct character of landscapes that make up the country. This approach recognises the intrinsic value of all landscapes, not just 'special' landscapes, as contributing factors in people's quality of life, in accordance with the European Landscape Convention. It also ensures that account is taken of the different roles and character of different areas, in accordance with the NPPF Core Principles.
- 4.16 In order to inform the potential opportunities and constraints relating to the siting and design of new development so that it may be successfully accommodated and assimilated within the existing landscape and visual context, it is necessary to review published landscape character assessments and establish the key landscape characteristics of the Site. This includes the pattern of land cover, the pattern and distribution of existing built form, and the character of any key views, in particular from the South Downs National Park and High Weald.
- 4.17 The description of each landscape is used as a basis for evaluation in order to make judgements to guide, for example, development or landscape management. The extent of published landscape character areas are illustrated on **Figure 3: Landscape Character Plan**.
- 4.18 All of the Landscape Character Assessments at national, county and district levels identify that the Site generally falls within a Low Weald landscape, which then rises up through footslopes to the South Downs south of the Site, and up through Wealden fringes to the High Weald landscape north of the Site. The long views to and from the steep downland scarp of the South Downs National Park south of the Site, and the High Weald fringes of the Area of Outstanding Natural Beauty north of the Site are key features of the local landscape.

National Landscape Character

- 4.19 At a national level, Natural England has produced a Countryside Character Map of England. Volume 7: South East and London, of their Countryside Character describes the different landscape character areas covering Sussex. The Site falls within National Character Area 121: Low Weald, with National Character Area 125: South Downs, to the south and National Character Area 122: High Weald, to the north.

County Landscape Character

- 4.20 As identified by the West Sussex Landscape Character Assessment (2003), the Site falls within Landscape Character Area LW10: Eastern Low Weald.

District Landscape Character

- 4.21 As identified in the Landscape Character Assessment for Mid Sussex, (2005), the Site is falls within Landscape Character Area 4: Hickstead Low Weald.
- 4.22 Landscape Character Area 4: Hickstead Low Weald is summarised as a lowland mixed arable and pastoral landscape with a strong hedgerow pattern, lying over low ridges and clay vales drained by the upper Adur streams. In the east, the area has experienced high levels of development centred on Burgess Hill.
- 4.23 Key characteristics include:
- *Alternating west-east trending low ridges with sandstone beds and clay vales carrying long, sinuous upper Adur streams.*
 - *Views dominated by the steep downland scarp to the south and the High Weald fringes to the north.*
 - *Arable and pastoral rural landscape, a mosaic of small and larger fields, scattered woodlands, shaws and hedgerows with hedgerow trees.*
 - *Quieter and more secluded, confined rural landscape to the west, much more development to the east, centred on Burgess Hill.*
 - *Biodiversity in woodland, meadowland, ponds and wetland.*
 - *Mix of farmsteads and hamlets favouring ridgeline locations, strung out along lanes.*
 - *Crossed by north-south roads including the A23 Trunk Road, with a rectilinear network of narrow rural lanes.*
 - *London to Brighton Railway Line crosses the area through Burgess Hill.*
 - *Varied traditional rural buildings built with diverse materials including timberframing, weatherboarding, Horsham Stone roofing and varieties of local brick and tile-hanging.*
 - *Principal visitor attraction is the Hickstead All England Equestrian Showground.*

Landscape Capacity*Mid Sussex District Council Landscape Capacity Study (July 2007)*

- 4.24 Mid Sussex District Council Landscape Capacity Study (July 2007) provides a finer grain of landscape character assessment for Mid Sussex and an assessment of the capacity of the Landscape Character Areas to accommodate development. The Landscape Capacity Study aims to identify where strategic development might be accommodated in the district without unacceptable impact on landscape character or the setting of outstanding assets.

- 4.25 The Landscape Capacity Study is based on the assumption that development would be largely 2 or 3 storeys in height with occasional landmark buildings of 4-5 storeys, and that there would be open space provision and an appropriate scale landscape framework to ensure that the development achieves a good fit in the landscape. The Landscape Capacity Study considers the sensitivity and value of the landscape in order to determine its capacity to accommodate development.
- 4.26 The Landscape Capacity Study identifies that the landscape between the South Downs and High Weald, formed by the Low Weald, High Weald Fringes and Ouse Valley and including the Site, is a more gentle and less dramatic landscape. Whilst these landscapes are not of such a high quality as the National Park and AONB, they are considered to be distinctive landscapes that provide a context for the setting of the National Park and the AONB as well as to settlements within the District.
- 4.27 It is of note, as stated in the Landscape Capacity Study that around 60% of Mid Sussex is under national landscape protection designations, with 50% in the High Weald AONB in the northern part of the District and 10% in the South Downs National Park covering the southern corner of the District.
- 4.28 With regard to the capacity of the Site to accommodate residential development, as identified in the Landscape Capacity Study, the Site is located in the LCA 63: Albourne Low Weald, but on the very northern edge of LCA 63; and immediately adjoins the LCA 62: Hickstead-Sayers Common Low Weald which includes Sayers Common. LCA 63 has a Low/Medium capacity to accommodate residential development, whilst the immediately adjoining LCA 62 has a Medium capacity to accommodate development.
- 4.29 Many of the Landscape Character Areas assessed in the Landscape Capacity Study are considered to have a Negligible, Negligible to Low, or Low capacity with very few areas of the district identified as having a Low to Medium, Medium, Medium to High or High capacity for residential development. Therefore, the Site is relatively well suited to accommodate development when compared with the wider district.
- 4.30 The Landscape Capacity Study recommends that any new development promoted within the district should take account of the inherent character of the LCA it is located within, and consider:
- *Features or characteristics that give an area its special identity and local distinctiveness,*
 - *The need to protect or enhance special or valued characteristics within the local landscape,*

- ***The importance of the character of adjacent landscape character areas, particularly highly valued and high quality landscapes, and views to and from these landscapes.***

4.31 In addition, the specific landscape opportunities and constraints of areas promoted for development should be identified and addressed. The Landscape Capacity Study recommends that this is achieved with the preparation of the following:

“A Landscape strategy which is consistent with local landscape character, taking into account identified landscape sensitivities,..

A land use strategy and built form which is characteristic of, and compatible with, the existing settlement pattern, Proposals which avoid landscape and visual impacts on surrounding landscape character areas or the setting to the District’s outstanding assets, and Development proposals which have regard for the setting of, and separation between, existing settlements.” (p55)

The Capacity of Mid Sussex District to Accommodate Development (June 2014)

- 4.32 The Capacity of Mid Sussex District to Accommodate Development (June 2014) provides an update to the Landscape Capacity Study (2007).
- 4.33 The Site remains within LCA 63, remaining with a Low/Medium capacity to accommodate residential development, whilst the immediately adjoining LCA 62 remains with a Medium capacity to accommodate development.
- 4.34 The majority of areas assessed in the district are considered to have a Low/Medium or Low Landscape Capacity, with only small pockets Medium and Medium/High Landscape Capacity located around the large settlements. The Capacity Study has not identified any areas within the district as having a High capacity. Therefore, the Capacity Study continues to identify the Site as being located within one of the least constrained areas of the district; and in an area considerably less sensitive than much of the rest of the district, a large proportion of which remains is covered by the national level landscape designations for the High Weald AONB and the South Downs National Park.
- 4.35 The Capacity Study states that ***“a Low/Medium capacity rating indicates that development is likely to have an adverse effect on most of the character area and while smaller development may be possible in a very few locations within the character area, it will not be suitable for strategic scale development”*** and that ***“a Medium capacity rating indicates that there is the potential for limited smaller-scale development to be located in some parts of the character area, so long as there is***

regard for existing features and sensitivities within the landscape”, and paragraph 1.15 of the Capacity Study states that “it is possible to mitigate and compensate for the impacts of development in such a way as to ensure that environmental capacity is not breached.”

Mid Sussex Site Allocations Development Plan Document (December 2018)

- 4.36 The Site comprises Site 857: Land West of Meadow View Sayers Common, as identified in the Mid Sussex Site Allocations Development Plan Document. All sites are assessed against 17 criteria, with Criterion 8 covering landscape and Criterion 9 covering trees/Tree Preservation Orders (TPOs).
- 4.37 With regard to Criterion 8 Landscape, the Site is graded as having a Low/Medium constraint to residential development, going on to state that *“the development of this site has the potential to have an impact on the landscape. There are long distance views from the site to the south, and no strong defensible boundary or subsequent screening to the south. Development of the site would represent an incursion into the countryside”*.
- 4.38 With regard to Criterion 9 trees/TPOs, the Site is graded as having a Low/Medium constraint to residential development. The accompanying Methodology for Site Selection notes that this equates to *“parts of sites affected by trees, [which] will limit the developable area of the site”* and that the *“Tree Officer concludes that impacts can be mitigated”*.
- 4.39 The Methodology for Site Selection, accompanying the Site Allocations Development Plan Document, notes that a Low/Medium Landscape Capacity/Suitability for residential development is *“based on landscape evidence, [with] low/medium potential in landscape terms”*, and that the conclusions are drawn for each site dependant on which Landscape Capacity Area they are within (as determined by the landscape capacity studies, based on their assessment methodology) or comments received from specialist advisors.

5.0 LANDSCAPE AND VISUAL APPRAISAL

Overview

5.1 The Site and its surroundings were visited in November 2019, with **Site Appraisal Photographs A - E** illustrating the existing character of the Site. The locations from which the Site Appraisal Photographs were taken are shown on **Figure 4: Site Appraisal Plan**. The visual context of the Site is illustrated by **Site Context Photographs 1 - 22**, the locations of which are illustrated on **Figure 5: Visual Appraisal Plan 1** and **Figure 6: Visual Appraisal Plan**.

Landscape Appraisal

- 5.2 A landscape appraisal has been undertaken to ascertain the existing character of the Site. This is accomplished through recording and analysing the existing landscape features and characteristics, the way the landscape is experienced, and the value or importance of the landscape and visual resources in the vicinity of the Site. The elements of the landscape that contribute to landscape character include the built and natural form, the pattern of features, detailing, scale, planting, land use and human perception. In this regard, landscape character is derived as a result of the perception of, and action and interaction of, natural and human factors.
- 5.3 The Site comprises a single field of rough pasture is approximately 3 hectares (ha) in size, as illustrated in **Figure 4: Site Appraisal Plan**. The landform across the Site is relatively flat, as illustrated by **Site Appraisal Photographs A – E**, and is located broadly at an elevation of 15m AOD. The northern boundary adjoins Reeds Lane; the eastern boundary adjoins the rear garden boundaries of existing residential properties in Meadow View; and the southern boundary is delineated by the drainage ditch that runs from the southern corner of the Site of the Site to the western corner of the Site, at Reeds Lane.
- 5.4 PRoW 1/1A1 runs from Reeds Lane along the eastern boundary of the Site, connecting to PRoW Hu 11 to the south, and then the wider PRoW and Sustrans network, as illustrated on **Figure 4: Site Appraisal Plan**.
- 5.5 The Site is largely devoid of vegetation, with vegetation limited to its boundaries and fringes. A trimmed uniform hedge runs along the northern boundary of the Site, on the southern side of Reeds Lane, as illustrated in **Site Appraisal Photograph B**. Scrubby vegetation runs along the eastern boundary of the Site, as illustrated in **Site Appraisal Photographs A, B, C and D**. Vegetation along the drainage ditch delineating the southern boundary is limited to scattered clumps of scrubby vegetation, as illustrated in **Site Appraisal Photographs E**.

- 5.6 The Site is bounded by existing residential development in Meadow View, to the immediate east of the Site, and which is visible in **Site Appraisal Photographs A, B, and E**.
- 5.7 King Business Park is located to the immediate north of Reeds Lane; and the associated office and commercial buildings are visible across the Site, as illustrated in **Site Appraisal Photographs C, D and E**.
- 5.8 Whilst the Site is largely devoid of vegetation, the surrounding landscape has a strong framework of mature treebelts, hedgerows and individual trees; particularly to the north, south and immediate west of the Site, which combined with the undulating topography, provide enclosure to the Site, to the north, south and west, as illustrated in **Site Appraisal Photographs B, C and D**.
- 5.9 The Site is set within an existing edge of settlement context; is subject to the influence of the surrounding existing residential, office, commercial and industrial development; and is, therefore, within a more developed part of **Landscape Character Area 4: Hickstead Low Weald**. The Site's connection with the wider landscape is largely restricted; with the combination of boundary vegetation, and vegetation in the immediate locality of the Site, generally limiting views to the immediately surrounding landscape. The exception is for a short length of the southern boundary, where views out to the landscape to the south are obtained, as illustrated in **Site Appraisal Photographs A, B and C**, and where there are distant glimpses of the South Downs, to the south, seen above the intervening landform and vegetation.

Visual Appraisal

- 5.10 A visual appraisal has been undertaken to determine the relationship of the Site with its surroundings and its approximate extent of visibility within the wider landscape from publicly accessible locations. The visual context of the Site is illustrated by **Site Context Photographs 1 – 22**, the locations of which are illustrated on **Figure 5: Visual Appraisal Plan 1 and Figure 6: Visual Appraisal Plan 2**.
- 5.11 The potential visibility of the Site is largely determined by the intervening landform, as topographic features such as ridgelines and subtle undulations may block or curtail views towards the Site. In addition, land cover has an important role in determining potential visibility as woodland, tree-belts or built forms may contribute to additional screening, filtering or curtailing of views.
- 5.12 The effectiveness of vegetation as a screen depends to a considerable extent on its scale. A large mature feature will form a substantial screen throughout the year, but a hedgerow or intermittent tree-belt may only be effective during the summer months. Whilst small features, such as hedgerows and individual trees can be very important, particularly when their combined

effect is taken into account, they can be less effective screening features or visual barriers due to the seasonal nature of their effect.

- 5.13 **Site Context Photographs 1 – 9** illustrate views towards the Site from the locality of Sayers Common. **Site Context Photographs 1 – 9** illustrate that views of the Site are limited to the immediate vicinity of the Site. The residential, office, commercial and industrial development immediately adjoining the Site curtails views of the Site from within Sayers Common, as illustrated by **Site Context Photographs 1 and 2**.
- 5.14 **Site Context Photographs 3, 4 and 6** illustrate the views from Reed's Lane, in the immediate locality of the Site. **Site Context Photograph 3**, taken from the entrance to King Business Centre, illustrates the views looking south-west towards the Site, with views of the Site only becoming available on nearing the Site. The existing view is characterised by residential properties and buildings associated with King Business Centre, and potential residential development would be set within this context.
- 5.15 **Site Context Photograph 4**, taken from Reeds Lane immediately adjoining the Site, illustrates the open views of the Site that are only obtained from the short length of Reeds Lane, where it adjoins the northern boundary of the Site. The existing residential development within Sayer Common is visible within the view. Potential residential development would be visible, curtailing views out across the Site, and the replacing the existing views of residential development which forms the backdrop to part of the existing view. This view of potential residential development on the Site would be limited to the immediate length of Reeds Lane immediately adjoining the Site.
- 5.16 **Site Context Photograph 6** illustrates the view from Reeds Lane to the immediate west of the Site, looking east on approach to Sayers Common. This view demonstrates the well vegetated character of the immediate surroundings to the Site, providing screening to the Site, such that views of the Site are, and potential residential development on it would be, limited to its immediate locality.
- 5.17 **Site Context Photograph 5** illustrates the view from PRoW 1A1 to the north of the Site, looking south-east towards the Site. This again demonstrates the well vegetated character of the immediate surroundings of the Site, which combined with the relatively flat topography, result in views of the Site largely screened by intervening hedgerows and mature trees. The existing office and industrial buildings associated with King Business Centre are visible; and there are glimpses of the existing residential development within Meadow View. Potential residential development would be seen within this context, and would set behind, and filtered by, the vegetation along Reeds Lane.

- 5.18 To the further north, the combination of woodland cover, vegetation and relatively gentle topography curtails views of the Site.
- 5.19 In addition, the Site is, and potential residential development on the Site would be, screened in views from the High Weald AONB, through the combination of gently rising topography and increasing woodland cover to the north of the Site.
- 5.20 **Site Context Photograph 7** illustrates the view from PRoW 3/1A1 looking south. The dense treebelt to the west of the Site curtails views of the Site, and any potential development on it. Potential residential development on the Site would be well contained by the dense treebelt, limiting the encroachment of development into the immediate surrounding landscape. **Site Context Photograph 7** also illustrates the open views of the landscape to the south, which would remain unaffected by potential development on the Site.
- 5.21 **Site Context Photographs 8 and 9** illustrate the views from PRoW Hu 11 to the south of the Site. Again, these views illustrate how the combination of woodland cover, vegetation and relatively gentle topography curtails views of the Site, and thus potential residential development on it.
- 5.22 **Site Context Photograph 10**, taken from PRoWs 11A1 and 3/1A1, is representative of the views from more elevated land to the south of the Site in the vicinity of Albourne Green. The view illustrates the pattern of the landscape to the south of the Site, being an intricate mix of field boundary vegetation that divides the irregular arable land and pasture, combined with undulating topography. The buildings within the Valley Farm Business Park, to the west of the Site, are visible in the view; however, the Site is, and proposed development on the Site would be, screened from view by the combination of intervening vegetation and landform.
- 5.23 **Site Context Photographs 11, 12 and 13** illustrate the range of views from PRoWs 15/1A1, from elevated land to the south of Albourne, looking north towards the Site. The views illustrate the undulating character of the topography to the south of the Site, before rising up to the South Downs to the further south, as also illustrated on **Figure 2: Topography Plan**.
- 5.24 **Site Context Photograph 11 and 12** illustrates how the intricate mix of mature trees and vegetation, combined with undulating topography, screen views of the Site, and would screen potential residential development on the Site. The village of Albourne is glimpsed in views, as illustrated by **Site Context Photograph 11**, set within a framework of vegetation, which is characteristic of the pattern of settlement in the landscape.
- 5.25 **Site Context Photographs 14, 15 and 16** illustrate the sequence of views from PRoW 22A1 looking north towards the Site. The views are taken from land rising up to an elevated location where PRoW 22A1 joins 23A1, as illustrated on **Figure 2: Topography Plan**. Again, these

views illustrate how the combination of intervening vegetation and undulating landform prevent views of the Site; and would prevent views of potential residential development on the Site. There are glimpses of settlements, scattered farms and buildings in the landscape; set within the framework of mature vegetation and landform, which is again characteristic of pattern of settlement in the landscape.

5.26 **Site Context Photographs 17 – 22** illustrate the expansive views of the Low Weald landscape from elevated vantage points within the South Downs National Park. Scattered settlements, such as Henfield, Albourne, Hurstpierpoint and Hassocks, set within a strong complex landscape framework of mature woodlands, treebelts, trees and hedgerows, form a characteristic component of the panoramic views from the South Downs. The Site is not discernible in these views, and neither would potential residential development on the Site be discernible in these views. However, if potential development on the Site was visible, it would form a very small characteristic component in the views, with no overall change to the character of the views.

6.0 CONCLUSIONS

- 6.1 The Site is located on the western edge of the settlement of Sayers Common, to the immediate south of Reed's Lane and adjoining existing residential development in Meadow View to the immediate east. Existing substantial office, commercial and industrial development is located to the north of Reed's Lane, with King Business Park located to the north, immediately opposite the Site, and Valley Farm Business Park located to the west of the Site, off Reeds Lane.
- 6.2 The Site is located in the shallow valley created by the River Adur, within a Low Weald landscape, which then rises up through footslopes to the South Downs south of the Site, and up through Wealden fringes to the High Weald landscape north of the Site. The Site specifically falls within the Landscape Character Area 4: Hickstead Low Weald, as identified in the Landscape Character Assessment for Mid Sussex (2005), which is summarised as a lowland mixed arable and pastoral landscape, with a mix of scattered farmsteads and hamlets, with a strong hedgerow pattern, lying over low ridges and clay vales drained by the upper Adur streams. Consequently, the landscape pattern of the surrounding area is generally small-scale and enclosed, with an intricate mix of field boundary vegetation that divides the irregular arable land and pasture that is generally devoid of substantial tracts or areas of woodland.
- 6.3 However, the Site comprises a single pastoral field immediately adjoining the settlement of Sayers Common to the north-east and east, and Reed's Lane to the north, with substantial office, commercial and industrial development to the north-west of the Site; and is therefore within a more developed part of the character area.
- 6.4 Furthermore, there are no noteworthy features within the Site, with any vegetation limited to the existing boundaries of the Site; with a scrubby vegetation along the eastern boundary, a trimmed uniform hedgerow along the northern boundary with Reed's Lane, and with some scattered scrub along the southern boundary.
- 6.5 The Site does not exhibit any particular special or valued characteristics; and is located in an area exhibiting a higher degree of existing development than the wider landscape character area. Being located immediately adjacent to, and influenced by its proximity to, the existing settlement of Sayers Common, potential development of the Site would relate well to, and be compatible with the existing characteristic settlement pattern, reflecting the character of the immediate locality of the Site.
- 6.6 The most noteworthy features are the vegetation, hedgerows and trees on the Site, which, being located along the Site boundaries, would be largely retained, protected and enhanced in any event.

- 6.7 The Site's connection with the wider landscape is largely restricted, with the combination of boundary vegetation, and vegetation in the immediate locality of the Site generally limiting views to the immediately surrounding landscape.
- 6.8 Potential residential development on the Site would be well contained by the surrounding existing development and vegetation, limiting the encroachment of development into the immediate surrounding landscape to the east, north and west. The southern boundary is more open; however, with the appropriate landscape strategy, a sensitive transition from settlement edge to the immediate landscape to the south, characteristic of the existing settlement pattern in the landscape, would be created; successfully assimilating development into the immediate and wider landscape, with limited encroachment.
- 6.9 It would, therefore, be possible to accommodate residential development on the Site, retaining, protecting and enhancing the existing vegetation and trees on the eastern and southern boundary of the Site, with loss of any landscape features generally limited to a length of trimmed uniform hedge along Reed's Lane to facilitate access into the Site. The enhancement to the southern boundary would create a robust defined boundary to residential development on the edge of Sayers Common. As trees are limited to the boundaries of the Site, these would not pose a constraint to development within the Site, and would be retained, with any root protection areas accommodated within the proposals. PRow 1/1A1 would also be accommodated within the proposals along the eastern boundary.
- 6.10 With regard to views from the Site to the south, these can be retained in part through the design of the layout of the development and would still be available from the southern boundary of the Site.
- 6.11 There are no designated Listed Buildings, Conservation Areas, Scheduled Ancient Monuments, Registered Park and Gardens or nature conservation sites within, or in close proximity to the Site, and as such, it is relatively unconstrained by landscape, heritage or nature conservation designations.
- 6.12 Furthermore, the Site is not located close to any particularly highly valued or high quality landscapes, such as the High Weald AONB or South Downs National Park. The Site is, and potential residential development on the Site would be, screened in views from the High Weald AONB, through the combination of gently rising topography and increasing woodland cover to the north of the Site.
- 6.13 From elevated vantage points within the South Downs National Park, there are expansive views across the Low Weald landscape. Scattered settlements, such as Henfield, Albourne, Hurstpierpoint and Hassocks, set within a strong complex landscape framework of mature

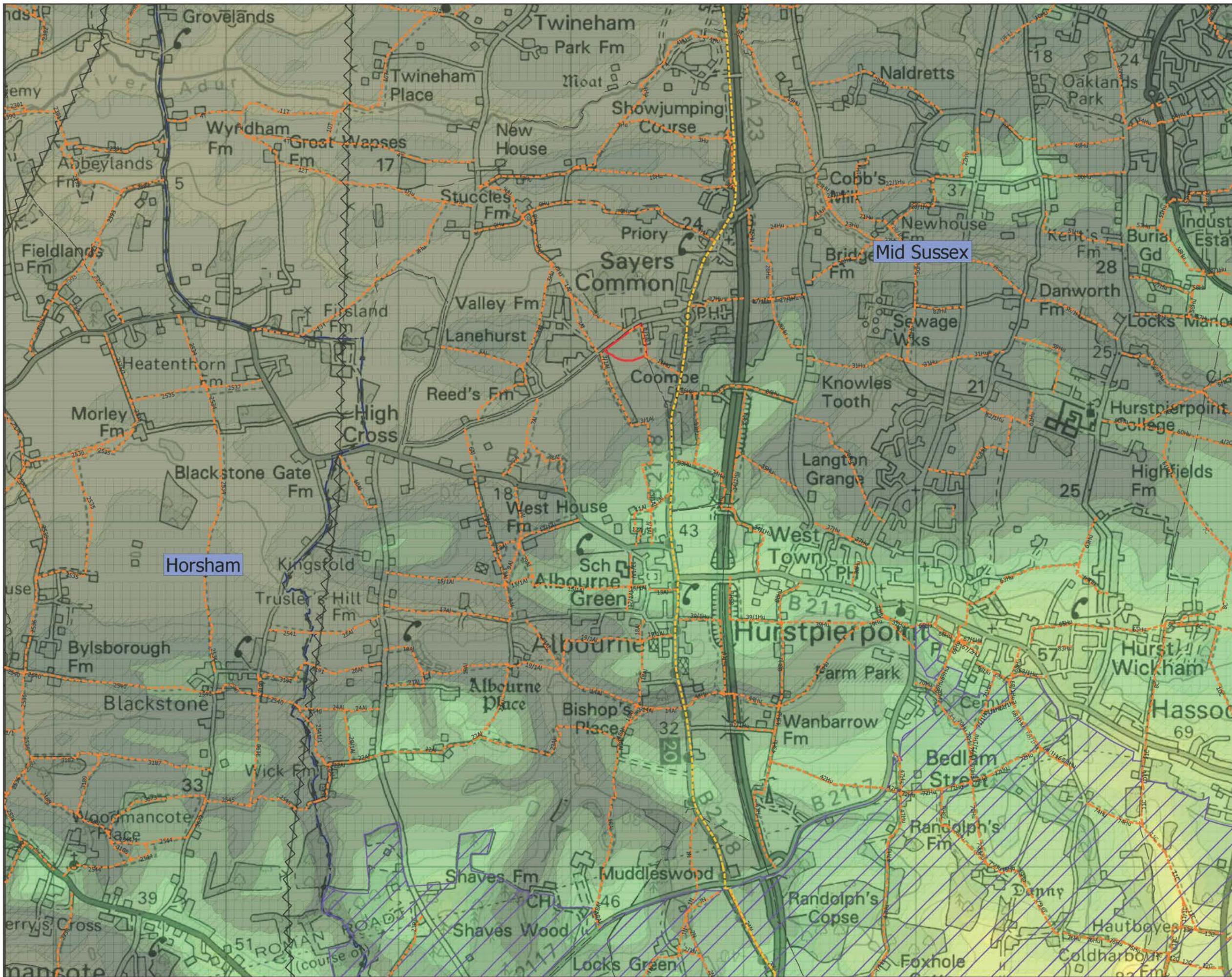
woodlands, treebelts, trees and hedgerows, form a characteristic component of the panoramic views from the South Downs. The Site is not discernible in these views, and neither would potential residential development on the Site be discernible in these views. However, if potential development on the Site was visible, it would form a very small characteristic component in the views, with no overall change to the character of the views.

- 6.14 Therefore, the Site is not conspicuous in any long distance views from the South Downs National Park or High Weald AONB, and is set in the context of the existing settlement Sayers Common, was would potential residential development on the Site.
- 6.15 Views of the Site, and potential residential development on the Site, would generally be limited to the immediate vicinity of the Site; in particular to the short length of Reeds Lane adjoining the northern boundary of the Site. In the locality of the Site, the well vegetated character of the immediate surroundings of the Site and surrounding existing development, combined with the relatively flat topography, limit views of the Site and would also screen views of potential residential development on the Site.
- 6.16 To the south, whilst the land rises, and there are elevated locations with views out to the north, the intricate mix of mature trees and vegetation, combined with undulating topography, screen views of the Site, and would screen potential residential development on the Site
- 6.17 In considering the landscape capacity of the Site to accommodate residential development, with reference to the Mid Sussex capacity studies, and the Site Allocations Development Plan Document, the Site is located on the very edge of LCA 63: Albourne Low Weald, immediately adjoining LCA 62: Hickstead – Sayers Common Low Weald, the latter of which has a higher capacity to accommodate residential development; the Site adjoins the existing edge of Sayers Common and is set within a more developed context than the wider landscape; such that the Site also has a higher capacity to accommodate residential development than the wider LCA 63.
- 6.18 Furthermore, many of the Landscape Character Areas assessed by the Capacity Study are considered to have a Negligible, Negligible to Low, or Low capacity with very few areas of the district identified as having a Low to Medium, Medium, Medium to High or High capacity for residential development. Therefore, the Site is relatively well suited to accommodate development when compared with the wider district.
- 6.19 With regard to Criterion 8 Landscape, the Site is graded as having a Low/Medium constraint to residential development, going on to state that ***"the development of this site has the potential to have an impact on the landscape. There are long distance views from the site to the south, and no strong defensible boundary or subsequent screening to***

the south. Development of the site would represent an incursion into the countryside”.

- 6.20 However, contrary to the above, the landscape and visual appraisal of the Site and the potential for residential development on the Site has demonstrated that incursion into the countryside will be very limited, and that the Site is, and potential development on the Site would be, screened in elevated views from the south, by the combination of the intricate mix of mature trees and vegetation and undulating topography. Therefore, the potential landscape and visual effects arising from residential development of the Site would be limited to the immediate locality of the Site, with no significant effect on the wider landscape and visual context.
- 6.21 The Site can therefore be considered to have a Medium capacity to accommodate residential development which, as defined in the Capacity of Mid Sussex District to Accommodate Development (June 2014), identifies that the Site would have the ***“potential for limited smaller-scale development to be located in some parts of the character area, so long as there is regard for existing features and sensitivities within the landscape”***, the latter of which can be successfully achieved, such that, on considering the limited extent of any landscape and visual effects, and the opportunities to mitigate them, ***“it is possible to mitigate and compensate for the impacts of development in such a way as to ensure that environmental capacity is not breached.”***
- 6.22 In summary, the Site immediately adjoins the settlement of Sayers Common, in an area of greater development than the wider landscape; and adjoins an area of ‘Medium’ landscape capacity to accommodate residential housing. Potential residential development on the Site would respond positively to the inherent character of its immediate locality, with very limited effects on landscape features or views. Therefore, considering the highly constrained nature of much of the District of the Mid Sussex, in landscape terms, the Site is one of the more suitable sites in Mid Sussex to accommodate residential development, such that it can be considered to have capacity for a small urban extension, being closely related to, and having regard for, the setting and form of existing settlement; existing features and sensitivities; and the character and sensitivity of adjacent landscape character areas.

ILLUSTRATIVE MATERIAL



The scaling of this drawing cannot be assured

Revision	Date	Drn	Cld
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LEGEND

- Site Boundary
- Mid Sussex District Boundary
- Contours/Spot Heights (Metres AOD) ^
- Public Rights of Way *
- Sustrans Cycle Route +
- South Downs National Park #

Elevation (metres aOD)

100 to 105
095 to 100
090 to 095
085 to 090
080 to 085
075 to 080
070 to 075
065 to 070
060 to 065
055 to 060
050 to 055
045 to 050
040 to 045
035 to 040
030 to 035
025 to 030
020 to 025
015 to 020
010 to 015
005 to 010
000 to 005

Sources:
 * OS Mapping
 # Natural England GIS Data Set
 ^ Historic England National Monument Record GIS Data Set
 * Ordnance Survey OpenStreetMap
 + Sustrans National Cycle Network GIS Data
 * Department for Transport Cycle Network Model
 * Department for Communities and Local Government GIS Data
 # Mid Sussex District Plan 2014-2021 - Adopted March 2014

Data called for comments and analysis mapping is based on publicly available sources at the time of preparation and does not constitute a warranty of accuracy. The user will remain liable for the accuracy of data derived from external sources.

FIGURE 2
 Project
 Land West of Meadow View,
 Sayers Common
 Drawing Title
 Topographic Features Plan

Date	Scale	Drawn by	Check by
19.11.2019	1:10,000 (B1) 1:20,000 (B2)	LH	LT
Project No	Drawing No	Revision	
23510	RG-LP-105	-	

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LEGEND

- Site Boundary
- Mid Sussex District Boundary
- Contours/Spot Heights (Metres AOD) ^
- Public Rights of Way *
- Sustrans Cycle Route +
- ★ Listed Buildings ~
- Ancient Woodland #
- Local Gap Prevention of Coalescence ##
- Rampion Offshore Windfarm Substation and Cable Route Boundary
- Location of Photographic Viewpoints (Site Appraisal Photographs: A-E)

Sources:
 - OS Mapping
 - Natural England GIS Data Set
 - Historic England National Monument Record GIS Data Set
 - East & West Sussex County Council GIS Data Set
 - Sustrans National Cycle Network GIS Data
 - Department of Transport Cycle Network Model
 - Department for Communities and Local Government GIS Data
 - Mid Sussex District Plan 2014-2019 - Adopted March 2019

Data utilised for contours and analysis mapping is based on publicly available sources at the time of preparation. Whilst using the British National Grid and/or other tools not be accurate. Barton Willmore shall not be liable for the accuracy of data derived from external sources.

FIGURE 4

Project:
**Land West of Meadow View,
 Sayers Common**

Drawing Title:
Site Appraisal Plan

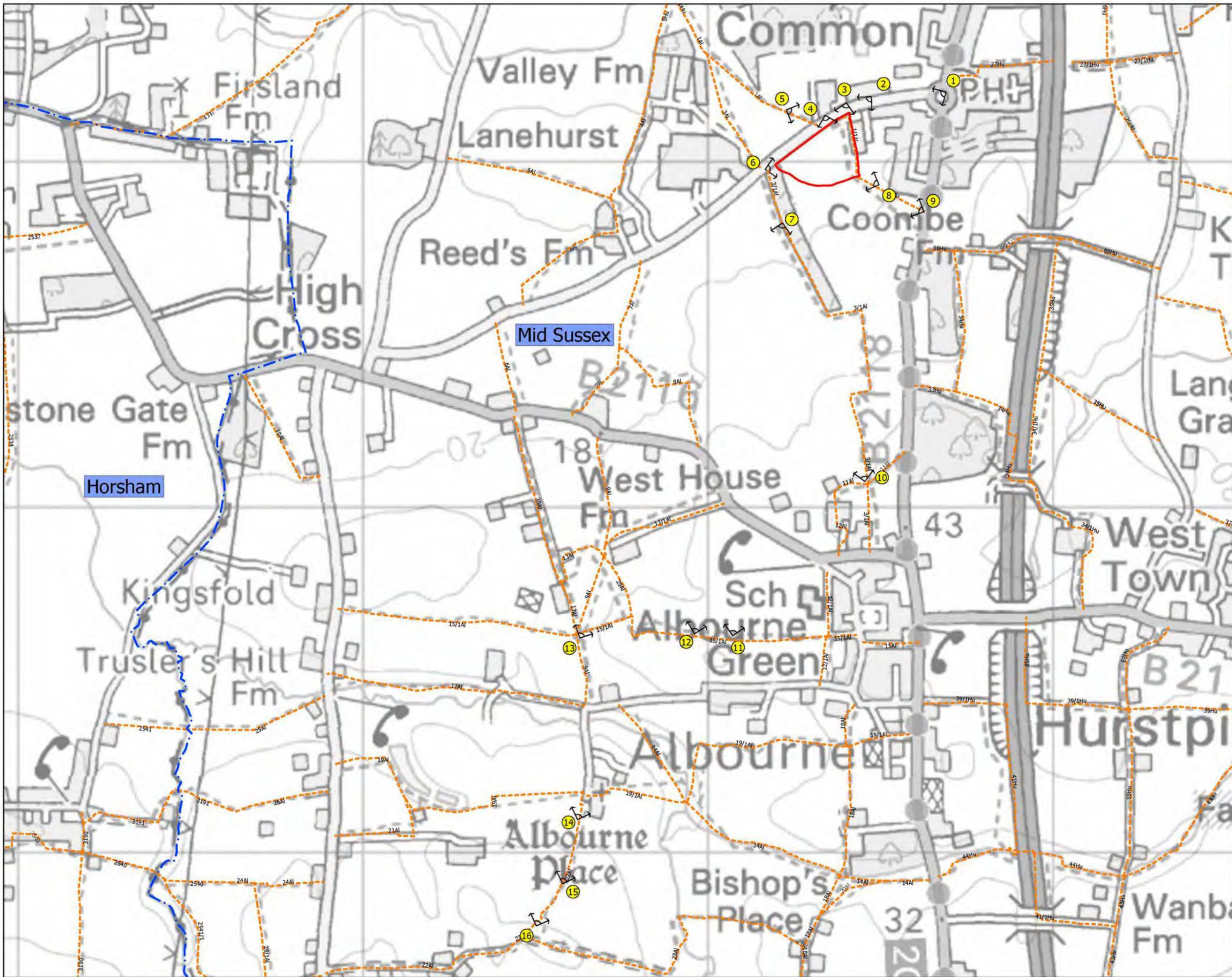
Date: 11.11.2019	Scale: 1:5,000 (A1) 1:10,000 (A3)	Drawn by: LH	Check by: LT
Project No: 23510	Drawing No: RG-LP-103	Revision:	

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The scaling of this drawing cannot be assured

Revision	Date	Drn	Ckd
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LEGEND

- Site Boundary
- Mid Sussex District Boundary ^
- Contours/Spot Heights (Metres AOD) ^
- Public Rights of Way *
- National Trails / Long Distance Walks #
- South Downs National Park #
- Area of Outstanding Natural Beauty #
- Location of Photographic Viewpoints (Site Context Photographs: 1-16)

Sources:
 - OS Mapping
 - Natural England GIS Data Set
 - East and West Sussex County Council GIS Data Set

Data collected for context and analysis mapping is based on publicly available sources at the time of preparation and is not a guarantee of accuracy. It is not intended to be used for legal purposes and is not liable for the accuracy of data derived from external sources.

FIGURE 5

Project:
 Land West of Meadow View,
 Sayers Common
 Drawing Title:
 Visual Appraisal Plan 1

Date: 15.11.2019	Scale: 1:5,000 @A1	Drawn by: LH	Check by: LT
Project No: 23510	Drawing No: RG-LP-104	Revision: -	

BARTON WILLMORE

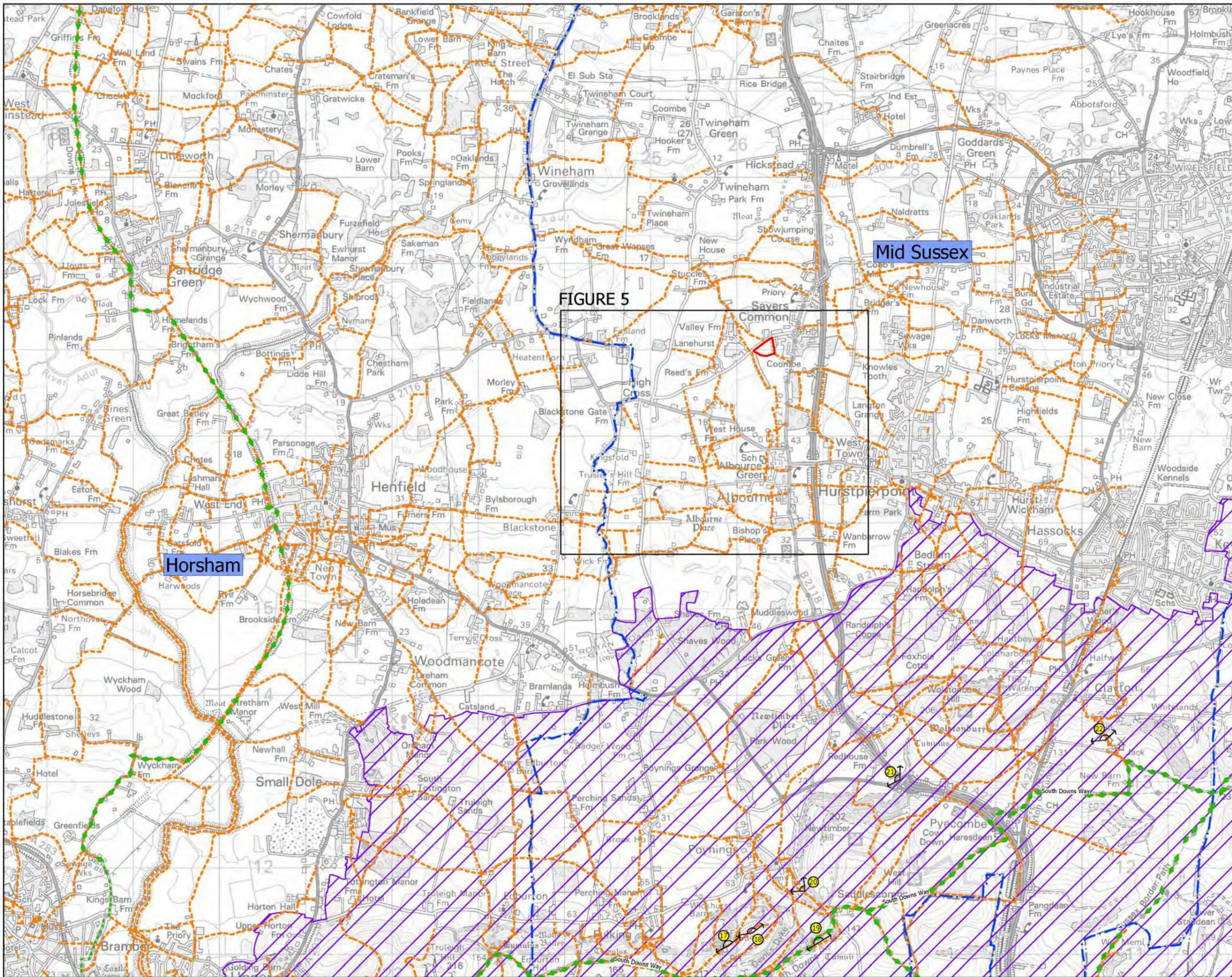
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1:2000 - 2209922500 - 2209922500 - Mapfield, Market Town/UA - Dwp & Register (Landscape) Land West of Meadow View, Sayers Common/23510/GP-104 Viewpoint Locations Planning - 4x A1



LEGEND

- Site Boundary
- Mid Sussex District Boundary ^
- Contours/Spot Heights (Metres AOD) ^
- Public Rights of Way *
- National Trails / Long Distance Walks #
- South Downs National Park #
- Location of Photographic Viewpoints (Site Context Photographs: 17-22)

Sources: * OS Mapping
 ^ Natural England GIS Data Set
 * Bath and West Glouce County Council GIS Data Set
 Data collected for this site and analysis mapping is based on publicly available sources at the time of preparation and may not reflect current ground conditions. The map is not to be used for the accuracy of data derived from external sources.

FIGURE 5

FIGURE 6

Project: Land West of Meadow View, Sayers Common
 Drawing Title: Visual Appraisal Plan 2

Date: 15.11.2019	Scale: 1:20,000 @A1	Drawn by: LH	Check by: LT
Project No: 23510	Drawing No: RG-LP-104	Revision: -	



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SITE APPRAISAL PHOTOGRAPH A: TAKEN FROM PUBLIC RIGHT OF WAY 1/1AI ON THE NORTHERN BOUNDARY OF THE SITE



SITE APPRAISAL PHOTOGRAPH B: TAKEN FROM THE NORTH-EASTERN CORNER OF THE SITE LOOKING SOUTH-WEST



SITE APPRAISAL PHOTOGRAPH C: TAKEN FROM THE EASTERN BOUNDARY OF THE SITE LOOKING WEST

LAND WEST OF MEADOW
VIEW,
SAYERS COMMON
SITE APPRAISAL
PHOTOGRAPHS: A - C

RECOMMENDED VIEWING
DISTANCE: 20CM @A1

DATE TAKEN: NOV 2019

PROJECT NUMBER: 23510

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SITE APPRAISAL PHOTOGRAPH D: TAKEN FROM THE SOUTHERN CORNER OF THE SITE LOOKING NORTH-WEST



SITE APPRAISAL PHOTOGRAPH E: TAKEN TO THE SOUTH OF THE SOUTHERN BOUNDARY LOOKING NORTH-EAST TOWARDS THE SITE

LAND WEST OF MEADOW
VIEW,
SAYERS COMMON
SITE APPRAISAL
PHOTOGRAPHS: D - E

RECOMMENDED VIEWING
DISTANCE: 20CM @A1

DATE TAKEN: NOV 2019

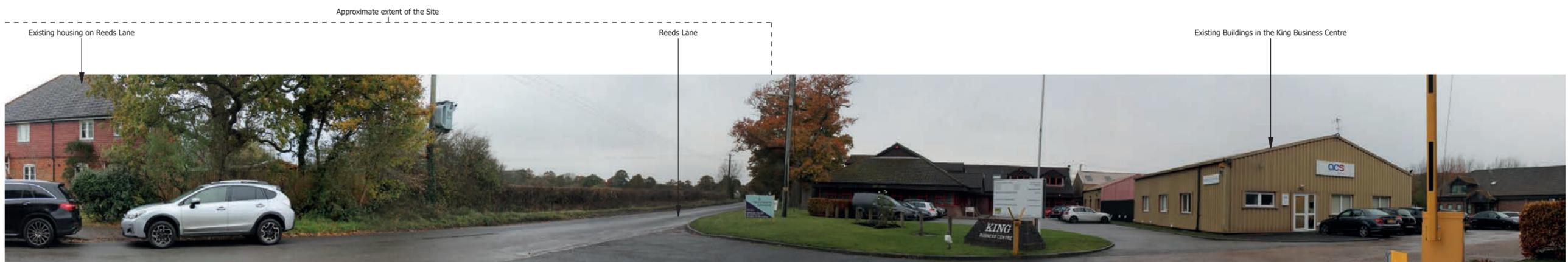
PROJECT NUMBER: 23510



SITE CONTEXT PHOTOGRAPH 1: TAKEN FROM THE JUNCTION OF REEDS LANE AND THE B2118, LOOKING WEST TOWARDS THE SITE



SITE CONTEXT PHOTOGRAPH 2: TAKEN FROM REEDS LANE LOOKING WEST TOWARDS THE SITE



SITE CONTEXT PHOTOGRAPH 3: TAKEN FROM ENTRANCE TO KING BUSINESS CENTRE LOOKING SOUTH-WEST TOWARDS THE SITE

LAND WEST OF MEADOW VIEW,
 SAYERS COMMON
 SITE CONTEXT
 PHOTOGRAPHS: 1 - 3

RECOMMENDED VIEWING
 DISTANCE: 20CM @A1

DATE TAKEN: NOV 2019

PROJECT NUMBER: 23510



SITE CONTEXT PHOTOGRAPH 4: TAKEN FROM REEDS LANE LOOKING SOUTH ACROSS THE SITE



SITE CONTEXT PHOTOGRAPH 5: TAKEN FROM 1AI LOOKING SOUTH-EAST TOWARDS THE SITE



SITE CONTEXT PHOTOGRAPH 6: TAKEN FROM REEDS LANE AND PROW 3/1AI LOOKING WEST TOWARDS THE SITE

LAND WEST OF MEADOW
VIEW,
SAYERS COMMON
SITE CONTEXT
PHOTOGRAPHS: 4 - 6

RECOMMENDED VIEWING
DISTANCE: 20CM @A1

DATE TAKEN: NOV 2019

PROJECT NUMBER: 23510

PRoW 3/1AI



SITE CONTEXT PHOTOGRAPH 7: TAKEN FROM PROW 3/1AI LOOKING SOUTH

Approximate extent of the Site

PRoW 11Hu



SITE CONTEXT PHOTOGRAPH 8: TAKEN FROM PROW 11 Hu LOOKING NORTH TOWARDS THE SITE

Approximate extent of the Site

PRoW 11 Hu

B2118



SITE CONTEXT PHOTOGRAPH 9: TAKEN FROM FOOTWAY ALONG THE B2118 (SUSTRANS ROUTE) AT START OF PROW 11 Hu, LOOKING NORTH-WEST TOWARDS THE SITE

B2118

LAND WEST OF MEADOW VIEW,
SAYERS COMMON
SITE CONTEXT
PHOTOGRAPHS: 7 - 9

RECOMMENDED VIEWING
DISTANCE: 20CM @A1

DATE TAKEN: NOV 2019

PROJECT NUMBER: 23510



SITE CONTEXT PHOTOGRAPH 10: TAKEN FROM PROWs 11AI AND 3/1AI LOOKING NORTH TOWARDS THE SITE



SITE CONTEXT PHOTOGRAPH 11: TAKEN FROM PROW 15/1AI LOOKING NORTH TOWARDS THE SITE



SITE CONTEXT PHOTOGRAPH 12: TAKEN FROM PROW 15/1AI LOOKING NORTH TOWARDS THE SITE

LAND WEST OF MEADOW
VIEW,
SAYERS COMMON
SITE CONTEXT
PHOTOGRAPHS: 10 - 12
RECOMMENDED VIEWING
DISTANCE: 20CM @A1
DATE TAKEN: NOV 2019
PROJECT NUMBER: 23510



SITE CONTEXT PHOTOGRAPH 13: TAKEN FROM JUNCTION OF PROWs 13A, 9A AND 15/1A LOOKING NORTH-WEST TOWARDS THE SITE



SITE CONTEXT PHOTOGRAPH 14: TAKEN FROM PROW 22AI LOOKING NORTH-EAST TOWARDS THE SITE



SITE CONTEXT PHOTOGRAPH 15: TAKEN FROM PROW 22AI LOOKING NORTH TOWARDS THE SITE

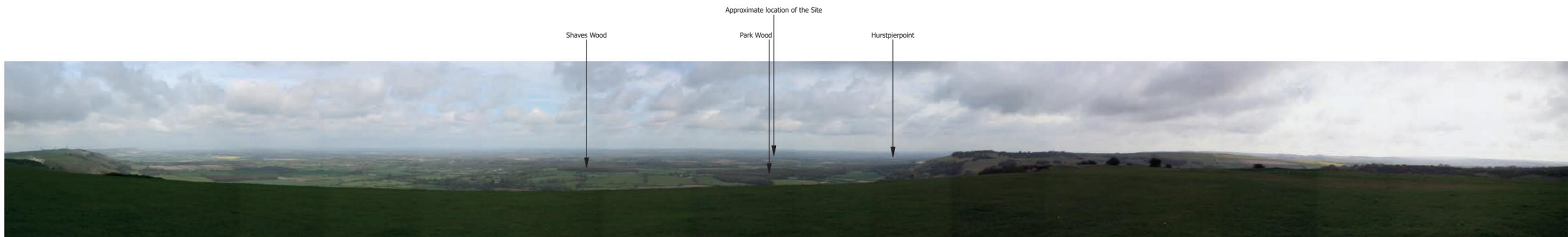
LAND WEST OF MEADOW VIEW,
 SAYERS COMMON
 SITE CONTEXT
 PHOTOGRAPHS: 13 - 15
 RECOMMENDED VIEWING
 DISTANCE: 20CM @A1
 DATE TAKEN: NOV 2019
 PROJECT NUMBER: 23510



SITE CONTEXT PHOTOGRAPH 16: TAKEN FROM PROW 22AI LOOKING NORTH TOWARDS THE SITE



SITE CONTEXT PHOTOGRAPH 17: VIEW FROM DEVIL'S DYKE VIEWPOINT



SITE CONTEXT PHOTOGRAPH 18: VIEW FROM DEVIL'S DYKE CAR PARK

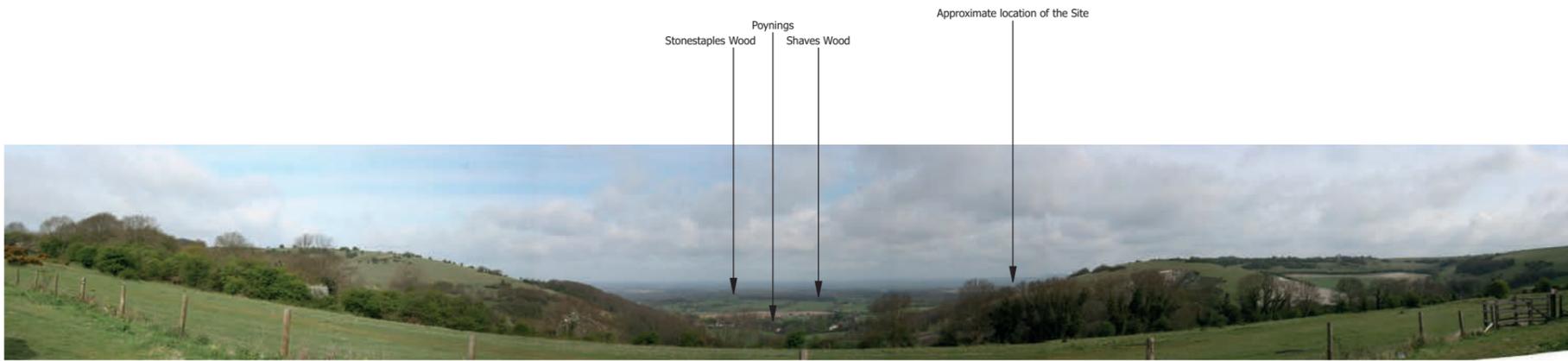
LAND WEST OF MEADOW
VIEW,
SAYERS COMMON
SITE CONTEXT
PHOTOGRAPHS: 16 - 18

RECOMMENDED VIEWING
DISTANCE: 20CM @A1

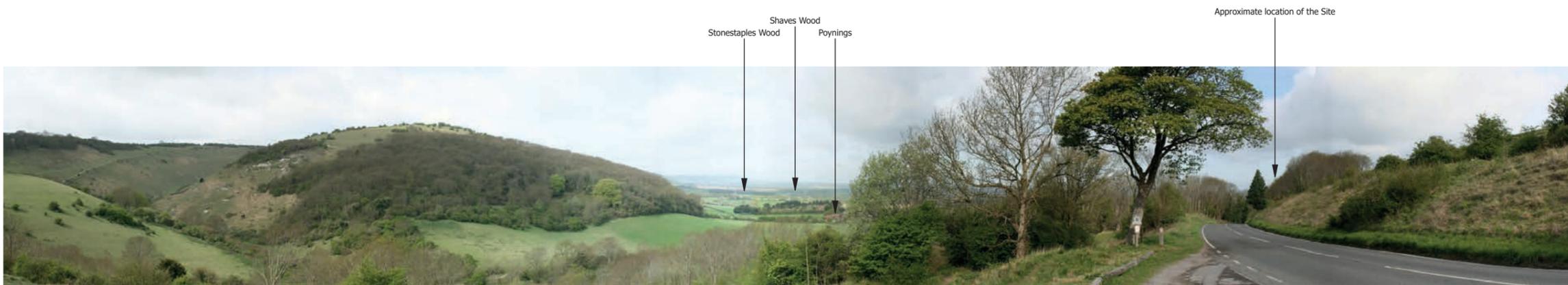
DATE TAKEN: MAY 2010/
NOV 2019

PROJECT NUMBER: 23510

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SITE CONTEXT PHOTOGRAPH 19: DEVIL'S DYKE, SUMMER DOWN VIEWPOINT



SITE CONTEXT PHOTOGRAPH 20: VIEWPOINT SOUTH OF POYNINGS



SITE CONTEXT PHOTOGRAPH 21: VIEW FROM A23 OVERBRIDGE AT PYECOMBE

LAND WEST OF MEADOW
VIEW,
SAYERS COMMON
SITE CONTEXT
PHOTOGRAPHS: 19 - 21
RECOMMENDED VIEWING
DISTANCE: 20CM @A1
DATE TAKEN: MAY 2010
PROJECT NUMBER: 23510



SITE CONTEXT PHOTOGRAPH 22: VIEW FROM CLAYTON WINDMILLS

LAND WEST OF MEADOW
VIEW,
SAYERS COMMON
SITE CONTEXT
PHOTOGRAPH: 22

RECOMMENDED VIEWING
DISTANCE: 20CM @A1

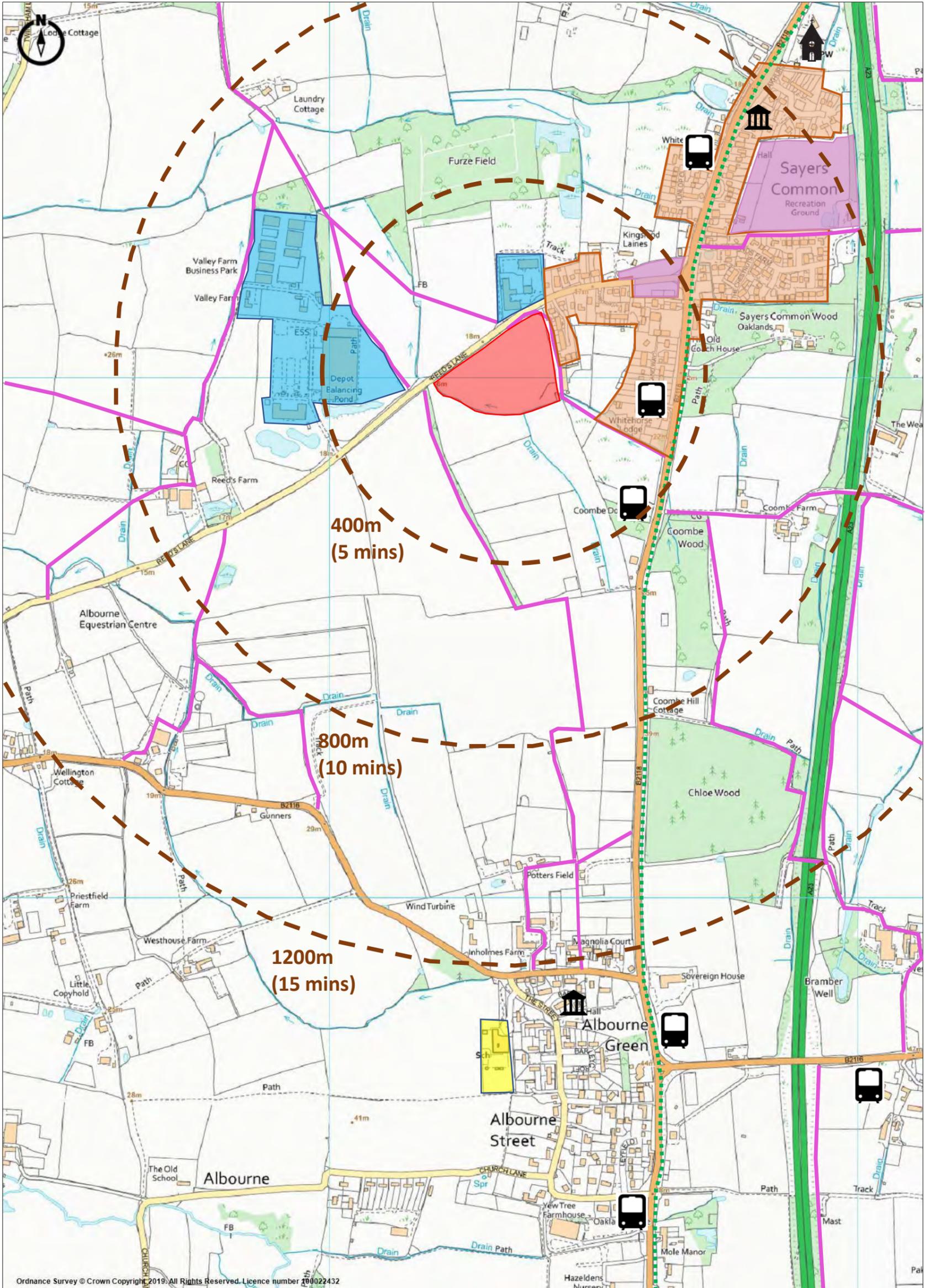
DATE TAKEN: MAY 2010

PROJECT NUMBER: 23510

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APPENDIX 5

ACCESSIBILITY PLAN



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 Sayers Common Built Up Area

 Land west of Meadow View (Ref. 857)

 Employment Land

 School

 Recreation / Sport Ground

 Public Right of Way

 Sustrans Cycle Route

 400 metre (5 min walk) distance

 Village Hall

 Bus Stop

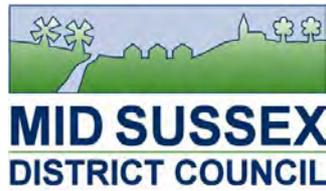
Bus Route 100 – Hourly service from 0655 to 1820 Monday to Friday and from 7.55 to 18.20 on Saturday

Bus Route 273 – Every 2.5 hours from 0519 to 1323 Monday to Friday, then from 1646 to 18.06, and every 1.5 hours from 0802 to 1759 on Saturday

Site Allocations DPD: Regulation 19 Consultation Response

Policy:

ID:	709
Response Ref:	Reg19/709/3
Respondent:	Mrs L Wilford
Organisation:	Barton Willmore
On Behalf Of:	Retirement Villages Developments
Category:	Promoter
Appear at Examination?	✓



Site Allocations Development Plan Document Regulation 19 Submission Draft Consultation Form

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

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

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

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

The Site Allocations DPD is available to view at:

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

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

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

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

How can I respond to this consultation?

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

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

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

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

E-mail: LDFconsultation@midsussex.gov.uk

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

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

1. Personal Details

Title	Mrs
First Name	Lucy
Last Name	Wilford
Job Title (where relevant)	Associate Planner
Organisation (where relevant)	Barton Willmore LLP
Respondent Ref. No. (if known)	
On behalf of (where relevant)	Retirement Villages Development Ltd & Notcutts Ltd
Address Line 1	The Observatory
Line 2	Castle Hill Drive
Line 3	Castle Hill
Line 4	Ebbsfleet Valley
Post Code	DA10 1EE
Telephone Number	07964912446
E-mail Address	Lucy.wilford@bartonwillmore.co.uk

.....

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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:

Retirement Villages Development Ltd & Notcutts Ltd

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

11

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

Please refer to accompanying submission

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

Please refer to accompanying submission

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

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

Please refer to accompanying submission

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:

Given the nature and extent of the objections, which also relate to a specialist form of accommodation which the respondent specialises in delivering and its recent appeal decision in the District (also referenced in our representations) we consider oral participation in the EiP is essential to ensure the matters raised are thoroughly explored and examined.

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:

Lucy Wilford

Date:

28/09/2020

Thank you for taking time to respond to this consultation



HAZELDENS NURSERY, ALBOURNE

MID SUSSEX DISTRICT COUNCIL SITE ALLOCATIONS DPD
(REGULATION 19) CONSULTATION
CONSULTATION RESPONSE

On Behalf of
Retirement Village Development Ltd & Notcutts Ltd

September 2020

HAZELDENS NURSERY, ALBOURNE

**MID SUSSEX DISTRICT COUNCIL SITE ALLOCATIONS DPD
(REGULATION 19) CONSULTATION**

CONSULTATION RESPONSE

**ON BEHALF OF
RETIREMENT VILLAGES DEVELOPMENT LTD & NOTCUTTS LTD**

SEPTEMBER 2020

Project Ref:	29583/A5
Status:	Final
Issue/Rev:	01
Date:	September 2020
Prepared by:	Lucy Wilford
Checked by:	Huw Edwards
Authorised by:	Huw Edwards

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Ref: 29583/A5/LW/sjo
Date: September 2020

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CONTENTS

	PAGE NO.
1.0 INTRODUCTION	01
i) Overview	01
ii) Scope and Summary of Representations	01
2.0 HAZELDENS NURSERY, ALBOURNE	03
3.0 PLANNING POLICY CONTEXT	04
i) National Planning Policy Framework (NPPF)	04
ii) National Planning Practice Guidance (NPPG)	05
iii) Adopted Mid Sussex District Plan 2014-2031	06
4.0 NEED FOR EXTRA CARE	07
5.0 AMENDMENTS TO SA DPD	09
6.0 ADDITIONAL SUPPORTING EVIDENCE	12
i) Sustainability Appraisal (Incorporating Strategic Environmental Assessment) Regulation 18, July 2020	12
ii) Mid Sussex Infrastructure Delivery Plan (IDP), Regulation 19 Version, March 2020	12
7.0 CONCLUSIONS	22

APPENDICES

- APPENDIX 1: Site Location Plan**
- APPENDIX 2: Hazeldens Appeal Decision**
- APPENDIX 3: Regulation 18 Representations**
- APPENDIX 4: Need Assessment**
- APPENDIX 5: Need Assessment Update**
- APPENDIX 6: Draft Site Allocation Policy**

1.0 INTRODUCTION

i) Overview

- 1.1 These representations are prepared by Barton Willmore LLP on behalf of Retirement Villages Developments Ltd (RVD) and Notcutts Ltd, in response to Mid Sussex District Council's (MSDC) Regulation 19 Site Allocations DPD (SA DPD) consultation.
- 1.2 On behalf of our client RVD, we are promoting the comprehensive development of Hazeldens Nursery, Albourne (the Site) for C2 extra care development – see Site Location Plan (**Appendix 1**). The Site has previously been promoted through the Council's Call for Sites to inform the "Strategic Housing and Economic Land Availability Assessment", site ref 58. The Site has also been subject to recent planning applications for extra care development. The most recent application, (ref DM/19/1001) for 84 units has subsequently been consented at Appeal (**Decision – Appendix 2**).
- 1.3 These representations are made within the context of this most recent Appeal decision, the Adopted Development Plan, prevailing Government Guidance and should be read alongside our previous representations to the Regulation 18 consultation document (**Appendix 3**).

ii) Scope and Summary of Representations

- 1.4 These representations are submitted in respect of MSDC's Regulation 19 SA DPD, July 2020 and object to the following:
- Policy SA11: (Additional Housing Allocations), where it fails to include the Site as an allocation for C2 extra care; and
 - The proposals map where it fails to include the Site as an allocation for extra care.
- 1.5 Allied to the above, we seek the inclusion of a new policy to positively address and support the provision of extra care on non-allocated sites to meet the significant identified need, which the Council is currently failing to recognise by making no allocations specifically for this use.
- 1.6 We further object to the Council's evidence base informing the SA DPD, specifically with regards to:

- Sustainability Appraisal (incorporating Strategic Environmental Assessment), Regulation 19, July 2020; and
- Infrastructure Delivery Plan, Regulation 19 Version, March 2020.

1.7 In summary, it is demonstrated that the SA DPD is **“Unsound”** and is not **“Legally Compliant”** because it fails to consider and address the identified need to deliver specialist accommodation, specifically extra care, contrary to Local Plan Policies DP25 and DP30, and National planning policy.

1.8 For the DPD to be found **“Sound”** and **“Legally Compliant”**, the need for specialist accommodation must be re-visited in the DPD, through the allocation of Hazeldens Nursery for extra care housing development, following the grant of permission. In addition, a further policy must be included to aid the delivery of additional extra care units to address the significant residual unmet need.

2.0 HAZELDENS NURSERY, ALBOURNE

2.1 The Site is being promoted for inclusion in the SA DPD for C2 extra care development following the grant of Outline planning permission for extra care housing at Appeal (Decision at **Appendix 2**) comprising apartments and cottages with associated communal facilities. The permitted development comprises the following main elements:

1. extra care units comprising a mixture of apartments and cottages;
2. Club House or also known as the Central Facilities Building including:
 - Local shop including click and collect lockers (accessible to the wider public);
 - 2 no. workshops (available to local artisans and residents);
 - Foyer including offices for staff, administration and care operators;
 - Library;
 - Lounge;
 - Restaurant and bar; and
 - Treatment and function rooms.
3. Publicly accessible electric charging points;
4. Off-Site traffic calming works to the London Road.
5. Residents, staff and visitors will also have access to a site mini-bus serving the development.

2.2 The development is designed to be a community that will operate as a single planning unit, with restrictions on occupation, being both age (at least 1 person per household/unit aged at least 65yrs) and being in need of 'care'. A minimum of two hrs of care is also to be provided per week to that household/ unit.

2.3 As already indicated, planning consent for the development was granted at Appeal on 11 September 2020 (see **Appendix 2**). In granting consent for the proposals, the Inspector critically concluded that:

Need

- There is a significant level of current unmet need now for extra care housing, particularly for leasehold which is of particular importance and the development will contribute to meeting (para 93 and 137);

- The unmet need for extra care will significantly increase over the plan period (para 93);
- The Council has failed to recognise and is not proposing to plan to address an unmet need for extra care which is clearly evident (para 93).

Benefits

- The development is likely to benefit the local housing market by freeing up family housing and contributing more generally to addressing the housing crisis (para 95);
- The proposals will secure public benefits through the provision of the Shop, lockers, workshops, provision of publicly accessible electric charging points and off-site traffic calming works (paras 96-102);
- The proposals will secure social benefits in terms of the health and wellbeing of its elderly residents (paras 103-104);
- Economic benefits will be secured by jobs created by the development (in its construction and operation) and also savings to the NHS through the health and wellbeing benefits provided to its residents (paras 103-104).

2.4 The appeal decision has clear and direct implications for the evidence base to the SA DPD on this issue, the same evidence having been fundamental to the Council's evidence to the Appeal. The Inspector found it to be out-of-date and that it failed to grasp the realities of the needs of the growing population of older people or to form a proper basis on which to plan to meet those needs. As set out further in this Statement, following the grant of permission the Site should be included in the SA DPD and an additional policy included which expressly supports the provision of specialist accommodation for the elderly, particularly extra care, to ensure the identified unmet need is met. This is necessary for the SA DPD to be "**Justified**", "**Effective**", "**Consistent with National Policy**" and therefore "**Sound**".

3.0 PLANNING POLICY CONTEXT

3.1 This section provides an overview of the National and Local planning context in relation to the delivery of housing development for older people including Extra Care developments. This provides important context to the SA DPD and whether it is **“Sound”**. Critically it establishes that:

- The need to provide accommodation for older people is critical;
- That the need for older people’s accommodation should be addressed in planning policies, this includes considering allocating sites to provide greater certainty or providing indicative figures;
- Extra care housing is a specialist type of housing for older people; and
- Any unmet need for specialist accommodation should be addressed in the SA DPD.

i) National Planning Policy Framework (NPPF)

Older Persons Housing

3.2 On 19 February 2019, the revised National Planning Policy Framework (NPPF) was published by Central Government, setting out its planning policies for England and how these are expected to be applied, in both plan-making, decision-taking and in achieving sustainable development. This includes supporting the objective of significantly boosting the supply of homes, including the needs of groups with specific housing requirements. To assist in this objective, the NPPF (para 61) requires Local Planning Authorities (LPAs) to consider, inter alia:

“... the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, ...” (Our emphasis)

3.3 The NPPF Annex defines “older people” as:

“People over or approaching retirement age, including the active, newly retired through to the very frail elderly; and whose housing needs can encompass accessible, adaptable general needs housing through to the full range of retirement and specialised housing for those with support or care needs.”

3.4 Local Plans should plan positively for the development and infrastructure required in the area to meet the objectives, principles and policies of the Framework. This should be undertaken using robust and up-to-date evidence about the economic, social and environmental characteristics and prospects of the area. This includes meeting the specialist housing needs for older people.

ii) National Planning Practice Guidance (NPPG)

3.5 The recently updated (26 June 2019) National Planning Practice Guidance (NPPG) addresses “housing for older people” more specifically. The introduction of such specific guidance only goes to further demonstrate the seriousness of the shortfall in such provision, which needs to be addressed now.

3.6 This guidance explains (Para: 001 Ref ID: 63-001-20190626) that:

- The need to provide housing for older people is critical. People are living longer lives and the proportion of older people in the population is increasing. In mid-2016 there were 1.6 million people aged 85 and over; by mid-2041 this is projected to double to 3.2 million [our emphasis]; and
- Offering older people, a better choice of accommodation to suit their changing needs can help them live independently for longer, feel more connected to their communities and help reduce costs to the social care and health systems.

3.7 Therefore, an understanding of how the ageing population affects housing needs is something that must be considered from the early stages of plan-making through to decision-taking.

3.8 The guidance goes on to explain that:

- Plan-making authorities should set clear policies to address the housing needs of groups with particular needs such as older and disabled people [our emphasis].
- These policies can set out how the plan-making authority will consider proposals for the different types of housing that these groups are likely to require. They could also provide indicative figures or a range for the number of units of specialist housing for older people needed across the plan area throughout the plan period [our emphasis]. Paragraph: 006 Reference ID: 63-006-20190626.
- Allocating sites can provide greater certainty for developers and encourage the provision of sites in suitable locations. This may be appropriate where there is an identified unmet need for specialist housing [our emphasis]. The location of housing

is a key consideration for older people who may be considering whether to move (including moving to more suitable forms of accommodation). (Para: 013 Ref ID: 63-013-20190626).

- Recognises that there are different types of specialist accommodation for older people, which includes Extra Care (Para: 010 Reference ID: 63-010-20190626).
- Plan-making authorities will need to count housing provided for older people against their housing requirement. For residential institutions, to establish the amount of accommodation released in the housing market, authorities should base calculations on the average number of adults living in households, using the published Census data. (Para: 016 Ref ID: 63-016-20190626).

iii) **Adopted Mid Sussex District Plan 2014-2031**

- 3.9 Policy DP25 (Community Facilities and Local Services) in the Adopted Local Plan sets out that *"community facilities and local services to meet the local needs will be identified through Neighbourhood Plans or a Site Allocations Development Plan Document produced by the District Council"*. The supporting text confirms that for the purpose of this policy that community facilities and local services includes "specialist accommodation and care homes". C2 extra care accommodation is a specialist form of accommodation and would fall within the scope of this policy, as also confirmed by the recent Hazeldens Nursery Appeal decision (para 22).
- 3.10 Policy DP30 (Housing Mix) includes similar provisions to ensure the delivery of specialist accommodation and states *"If a shortfall is identified in the supply of specialist accommodation and care homes falling within Use Class C2 to meet demand in the District, the Council will consider allocating sites for such use through a Site Allocation Document, produced by the District Council."*
- 3.11 The Adopted Local Plan therefore clearly sets out that it is incumbent on MSDC through the preparation of the SA DPD to assess and if necessary address the need for specialist accommodation. As set out further in this Statement, MSDC has fundamentally failed to consider the need for specialist accommodation in the preparation of the SA DPD and therefore fails to address the identified unmet need.

4.0 NEED FOR EXTRA CARE

4.1 Extra care, is just one form of specialist accommodation for the elderly and the following section does not consider the need for all forms of specialist accommodation, which may not just be restricted to the needs of the elderly or to extra care. However, by its nature extra care housing is both a particularly appropriate response to the needs of a growing population of older people and a form of development for which specific site allocations and / or policy recognition is required to help facilitate delivery.

4.2 Paras 80-93 of the Hazeldens Appeal decision (**Appendix 2**), considers in detail the need for extra care and determined that there is a *"significant level of current unmet need, in particular for extra care leasehold housing Furthermore, this will significantly increase over the Local Plan period."* (para 93) [our emphasis]. The Inspector does not conclude what the level of need is, but gives it (and significantly the leasehold element), the highest weight possible (substantial weight) as a planning consideration in favour of the Appeal proposals. Irrespective, it was determined in evidence that:

- The Council's assessment of need (HEDNA¹ Addendum, which formed part of the evidence base for the now adopted Local Plan) is out-of-date (para 87);
- The Appellant's assessment of the tenure split is more credible (para 90); and
- There are no leasehold extra care units in the pipeline to address the identified need (para 91).

4.3 Significantly, the Inspector determined that the situation of the significant unmet need both now and in the future is a direct result of the Council failing to progress swiftly with the SA DPD as well as failing to recognise and therefore address an unmet need. Para 95 states that:

"This situation has not been helped by the slow progress on the SA DPD and the failure to recognise an unmet need that is clearly evident. The Council's riposte that it is not being inundated by enquiries or application for this type of development does not seem to me to be a very robust or objective yard stick on which to rely. For all these reasons I consider that the provision of extra care units by the Appeal development to be a matter of substantial weight" [our emphasis]

4.4 Consequently it is self-evident that the current Local Plan policy provisions in DP25 and DP30 are inadequate and the unmet need must be further addressed in the SA DPD.

¹ Housing and Economic Development Assessment Addendum, August 2016

- 4.5 At **Appendices 4 and 5** is the most up-to-date assessment of need, as submitted to the Inquiry on behalf of RV, together with the accompanying note updating both our and the Council's supply position and applying a different tenure split to the Council's assessment of need. As above the Council's assessment of need was found to be out-of-date. Table 2 at **Appendix 5** (as replicated below) provides the most up-to-date assessment of need as set out in our evidence.

Table 1: Extra Care Need

Year 2020	Need	Shortfall (need less supply)
Of which 33% And 67%	694 231 for rent 463 leasehold	552 145 for rent 407 leasehold
Year 2030	Need	Shortfall (need less pipeline & supply)
of which 33% And 67%	939 313 for rent 626 leasehold	665 95 rent 570 leasehold

- 4.6 Our assessment of need (above) sets out that there is an unmet need now for at least 552 extra care units, rising to 665 by 2030. Hazeldens will contribute to meeting the leasehold need (the tenure in the most need), reducing need within this tenure to 323 now and 486 in 2030, although this level of need remains significant. In terms of the implications of this assessment of need, it can be seen that with the existing supply and pipeline of extra care for rent around two thirds of needs will be met by 2030. One or two additional extra care schemes for rent would meet the residual need. By contrast, around 5-6 leasehold extra care developments are required over the coming ten years assuming an average size of 85 units per development, though this may be reduced if the average scheme size is increased. Across all tenures a total of around 6-8 significant new developments will be required to meet the need for extra care housing.
- 4.7 Based on this most up-to-date assessment of need (the Council has not provided any further assessment), further policy intervention is essential to ensure this unmet need is addressed, in line with local and National planning policy.

5.0 AMENDMENTS TO SA DPD

5.1 It is clear that there is an identified and unmet need that the SA DPD is failing to address contrary to National and Local Planning policy and without further policy intervention the unmet need will continue to prevail and worsen. To address the issue and to make the SA DPD "**Sound**", it must be amended to:

1. Include Hazeldens Nursery as a site allocation specifically for extra care and Policy SA11 (Additional Housing Allocations) amended accordingly to reflect the allocation alongside the accompanying proposals map:
2. Include a new policy that expressly identifies the need for extra care accommodation and provides a positive policy basis against which future applications can be assessed, supporting and promoting their provision and therefore providing greater certainty of delivery.

5.2 The inclusion of the Site within the SA DPD is entirely consistent with other allocations in the DPD some of which are already consented but are nonetheless included. The development proposals meet an identified need which MSDC should be planning to meet and the development of the Site for extra care has found to be necessary and acceptable. In accordance with guidance in the NPPG (Para: 013 Ref ID: 63-013-20190626) the allocation of the Site also provides greater certainty over delivery, considering the Site only currently benefits from Outline permission. A draft Site allocation policy is therefore provided at **Appendix 6**.

5.3 Notwithstanding the permission at Hazeldens Nursery, there remains an identified unmet need for extra care that the Council is failing to recognise and address, as set out in the Hazeldens Appeal decision (para 95). Whilst it is recognised that Site Allocation SA20 includes for the provision of a Care Community (C2), whether this will include extra care is currently unknown (what is meant by a care community is undefined and could simply be a care home, which is not the same as extra care) and of itself, can only go some small way towards addressing the identified need which is significant. To address the need further policy intervention is therefore required, in line with National and Local planning policy to support and promote its provision. The following policy is therefore proposed:

There is an identified need for at least 665 additional extra care units (Use Class C2) by 2030, of which at least 570 need to be leasehold. The Council will support proposals that will contribute to meeting this need. Such developments will be permitted within towns and villages within the defined built-up-area boundaries, having regard to Local Plan policy DP26:

Character and Design and where the development does not cause harm to the character and function of the settlement.

Outside defined built-up area boundaries, proposals for C2 extra care development will be supported where a site is allocated for that purpose either in the Site Allocations DPD or a Neighbourhood Plan, or it can be demonstrated that:

- **The Site is contiguous with or does not cause significant harm to the existing pattern of development in the settlement;**
- **The development is demonstrated to be sustainable having regard to the accessibility of local services and facilities and any services and facilities that might be provided as part of the proposals.**

5.4 The proposed wording closely aligns with Adopted Local Plan Policy DP6 (Settlement Hierarchy) for consistency. However, in the case of extra care it provides for some additional flexibility recognising the specialist nature of extra care and its sustainability credentials, in terms of the services and facilities it can provide on-site, reducing reliance on the private car. Furthermore, outside settlement boundaries, it does not seek to limit unit numbers to 10 (as Policy DP6 currently does). Extra care developments of this size would simply not be viable, given the level of services and facilities that are provided on Site and as such greater flexibility is essential for the policy to be **“Effective”**. However, the scale of the development proposed should not cause harm to the character of the settlement, providing a safeguard against disproportionate development.

5.5 The inclusion of the policy is considered to be within the remit of the SA DPD, which under Section 3, already includes other “Development Policies”. Furthermore, it does not conflict with Policy SA10 (Housing) which does not take account of the need for C2 development in overall housing numbers, which are in any event expressed as a “minimum”. If this policy is not included (or similar), then other allocations must be made to address the need for the plan to be **“Sound”**.

5.6 In conclusion the above changes are necessary to make the SA DPD **“Legally Compliant”** and **“Sound”** by ensuring that it is:

- **Positively Prepared:** By ensuring the identified unmet need for extra care is met, where current local policy provisions are failing to address the need for extra care.
- **Justified:** Is based on available evidence of need and addresses the provisions of Local Plan policies LP25 and LP30, which looks to the SA DPD to address identified unmet need for specialist accommodation, a need the Council is currently failing to recognise.

- **Effective:** Ensures the need is addressed now and is thus deliverable, rather than deferring the issue when the need will only worsen.
- **Consistent with National Policy and thus Legally Compliant:** National Policy identifies the need to provide accommodation for older people is critical and thus looks to Local Authorities to set clear policies to address this need now.

6.0 ADDITIONAL SUPPORTING EVIDENCE

i) Sustainability Appraisal (Incorporating Strategic Environmental Assessment) Regulation 19, July 2020

- 6.1 The Sustainability Appraisal (SA) does not identify the need for specialist accommodation (beyond residential nursing care, para 4.2) as a sustainability issue or problem to be addressed. It also does not identify the need for specialist accommodation, particularly for the elderly, as an indicator for Social Objective 1, *"to ensure that everyone has the opportunity to live in a home suitable for their needs and which they can afford"* (pg 32), focusing solely on housing completions generally and provision of affordable housing.
- 6.2 Section 6 of the SA does not consider the need for other forms of specialist housing outside C3 housing. Nor does it address the requirements of Policies DP25 or DP30, which looks to the Site Allocations DPD to consider allocating sites for specialist accommodation to meet identified needs where there is a shortfall. As has already been identified, there is a significant unmet need.
- 6.3 The SA fails to address the need for specialist elderly accommodation and is wholly not in accordance National policy. The SA is silent on elderly accommodation and has therefore misdirected the Site Allocation DPD into not considering the need to allocate or address the need for (C2) extra care accommodation or any other specialist forms of accommodation. In doing so it has failed to properly consider the ways in which the Plan can contribute to improving social conditions and failed to consider reasonable alternatives, which is required to ensure that the Plan contributes to the achievement of sustainable development.
- 6.4 In the absence of such considerations the SA DPD cannot be considered to be **"positively prepared"**, **"Justified"**, **"Effective"** or **"Consistent with National Policy"** and is therefore **"Unsound"** and not **"Legally Compliant"**.

ii) Mid Sussex Infrastructure Delivery Plan (IDP), Regulation 19 Version, March 2020

- 6.5 Whilst it is acknowledged that the IDP focuses on the infrastructure and community facilities required to support the proposed site allocations, it fails to acknowledge the need to provide for specialist accommodation, such as extra care accommodation, which the Local Plan (pg 74) specifically lists as a "community facility" and should be planned for in the Site Allocations Document, as set out in Local Plan Policy DP25.

- 6.6 The need to deliver specialist accommodation must therefore also be addressed in the IDP and should have been formative to the SA DPD so that it is "**Justified**" and "**Effective**" and therefore "**Sound**".
- 6.7 The same objections were raised in response to the Reg 18 SA and IDP and the comments have failed to have been addressed, nor has the Council considered further the need for (C2) extra care or other forms of specialist accommodation for the elderly through the preparation of additional evidence.

7.0 CONCLUSIONS

7.1 It is self-evident from the very recent Hazeldens Nursery Appeal decision (Appendix 2), that there is an identified and unmet need for C2 extra care (which was afforded significant weight in allowing the Appeal), which the Council is failing to address, via existing policies in the currently adopted Local Plan and the Regulation 19 SA DPD. This is a direct result of the Council failing to consider and address this matter through background evidence, misdirecting the SA DPD, which in turn has also failed to address the need by not including sufficient allocations or other policies to support its provision.

7.2 Consequently, the SA DPD is contrary to adopted Local Plan Policies DP25 and DP30 which looks to the SA DPD to address the need for specialist accommodation, including extra care. It is further contrary to the NPPF and NPPG which recognises the need to provide accommodation for older people is critical and directs that Local Planning Authorities should set out clear policies to address need.

7.3 The SA DPD is therefore “**Unsound**” and not “**Legally Compliant**” and objections are made to the following:

- Policy SA11: (Additional Housing Allocations), where it fails to include Hazeldens Nursery as an allocation for C2 extra care; and
- The proposals map where it fails to include Hazeldens Nursery as an allocation for extra care.

7.4 Allied to the above, we seek the inclusion of a new policy to positively address and support the provision of extra care on non-allocated sites to meet the significant identified need.

7.5 We further object to the Council’s evidence base informing the SA DPD, specifically with regards to those listed below, where they do not consider the need for specialist accommodation and no other evidence has been prepared in this regard.

7.6 Evidence base documents objected to:

- Sustainability Appraisal (incorporating Strategic Environmental Assessment), Regulation 19, July 2020; and
- Infrastructure Delivery Plan, Regulation 19 Version, March 2020.

- 7.7 In summary, it is demonstrated that the SA DPD is **“Unsound”** and not **“Legally Compliant”** because it fails to consider and address the identified need to deliver specialist accommodation, specifically extra care, contrary to Local Plan Policies DP25 and DP30, and National planning policy.
- 7.8 For the DPD to be found **“Sound”** and **“Legally Compliant”**, the need for specialist accommodation must be re-visited in the DPD, through the allocation of Hazeldens Nursery for extra care housing development, following the grant of permission. In addition, a further policy must be included to aid the delivery of additional extra care units to address the significant residual unmet need based on out up-to-date assessment.

APPENDIX 1

Site Location Plan

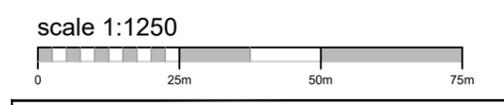
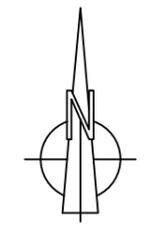


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 Where applicable this drawing is to be read in conjunction with the Consultants' drawings.

REV	DESCRIPTION	DATE	AUTH	CHK'D
A	Issued for Planning	07.03.19	MK	

KEY:



PLANNING



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PROJECT
 London Road

Albourne
 For: Retirement Villages

DRAWING
 Location Plan

SCALE	DATE	AUTHOR	CHK'D
1: 1250 @ A3	Mar 19	MK	

JOB NO.	DRAWING NO.	REV
RETI150215	LP.01	A

CLIENT REF.

738

Site Allocations DPD: Regulation 19 Consultation Response

Policy:

ID:	738
Response Ref:	Reg19/738/3
Respondent:	Ms K Lamb
Organisation:	DMH Stallard
On Behalf Of:	Welbeck - Imberhorne
Category:	Promoter
Appear at Examination?	✓



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

Date 28 September 2020
Your ref SA20
Our ref 0704/296724-8

Dear Sirs

**Mid Sussex Site Allocations DPD Regulation 19 Consultation
Land south and west of Imberhorne Upper School, East Grinstead – Policy SA20
On behalf of Welbeck Strategic Land (II) LLP**

DMH Stallard LLP act on behalf of Welbeck Strategic Land (II) LLP (“Welbeck”) in relation to the promotion of land west of East Grinstead (also known as land at Imberhorne Farm), allocated at policy SA20 of the Regulation 19 Site Allocations DPD (“SA DPD”). Welbeck wholly support the inclusion of the site within the SA DPD; it accords with the strategic policies of the District Plan and is based on robust evidence base. We therefore submit that policy SA20 is sound, in accordance with the tests set out in the NPPF.

Welbeck and DMH Stallard have consulted with Mid Sussex District Council (MSDC), West Sussex County Council (WSSCC) and East Grinstead Town Council (EGTC) for some time, to bring forwards an appropriate proposal for the land west of East Grinstead, that delivers against the housing need for East Grinstead, including the need for housing for older people, whilst also providing for wider infrastructure needs such as the provision of secondary, primary and early years education, GP provision and a Strategic SANG (Suitable Alternative Natural Green Space).

It is recognised that there are local concerns that the proposal is, in part, are contrary to the East Grinstead Neighbourhood Plan (EGNP), Welbeck wholly support neighbourhood plans as an important part in shaping communities and delivering against local development needs. However, the EGNP was adopted in 2016, prior to the adoption of the District Plan in 2018, and as such, it does not reflect the latest calculation of housing, or other, needs. The EGNP does however, at policy SS8 promote public open space, including SANGS, playing fields, allotments and cemetery on land west of Imberhorne Farm, the proposal delivers against the majority of these uses. Furthermore, it has the ability to release land at Imberhorne School, Windmill Lane, as allocated at Policy SS3 for housing development. As such, the proposal

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seeks to unlock allocations within the EGNP whilst also meeting housing needs as identified in the higher order District Plan.

Policy SA20 - A Sustainable, Healthy Community for East Grinstead

Policy SA20 allocates the land west and south of Imberhorne Upper School (Imberhorne Farm) for a range of uses that will deliver a new sustainable community for East Grinstead, reducing the need to travel through significant on-site opportunities, but also benefiting from connectivity to the existing area through good bus links and footway / cycleways such as the Worth Way. The allocation will deliver against the identified housing need for East Grinstead and Mid Sussex, as adopted in the District Plan, boosting housing in accordance with the NPPF.

Welbeck are committed to the delivery of the proposal as set out in Policy SA20 and wholly support the Council's identification of the site through the Local Plan process, acknowledging the significant evidence base that has been undertaken and shared with the Council. It also reflects significant site assessment which has been undertaken by the Council at site level and strategically, particularly in relation to transport and highway capacity.

In summary and as defined by Policy SA20, Welbeck are committed to delivering:

- Approximately 550 dwellings, including 30% affordable housing;
- A Care Community;
- Land for a 2FE primary school and early years provision;
- 4ha (net) of land for expansion and consolidation of Imberhorne Secondary School;
- Local centre, including GP provision;
- Public open space; and
- 40ha of Strategic Suitable Alternative Natural Greenspace (SANG).

At present, the Concept Masterplan is in draft form, however this is enclosed within these submissions. It is based on the significant evidence base undertaken so far and considerable consultation with the Council to date. As such, it is considered to be a sound approach to masterplanning for all the proposed uses, demonstrating deliverability of the scheme.

The evidence base has been submitted to MSDC throughout the process, from initial site submission through to the Council's Regulation 19 'Site Library'. Welbeck commend the Council for sharing a suite of 'Site Library' documents, to share the evidence base with members of the public in the interests of transparency. The latest documents are submitted alongside these representations and include:

- Concept Masterplan 2020
- Care Community Capacity Sketch Layout 2020

- Vision Document 2020
- Landscape and Visual Impact Appraisal 2020
- Transport Appraisal 2020
- Heritage Statement 2020
- Flood Risk and Drainage Strategy 2020
- Ecological Report 2020
- Care Community Demand Study 2019

These reports, combined with MSDC's own evidence base, demonstrate that the site is suitable for development, and should be read alongside these representations.

The District Plan did not allocate any housing in East Grinstead notwithstanding it being a Category 1 settlement. It is acknowledged that the EGNP allocates some sites for housing (including land at Imberhorne Lower School), but the District Plan followed the EGNP and identifies a minimum residual housing requirement (post 2017) of 1,145 for East Grinstead. The residual housing need has been revised as part of the SA DPD process to account for further commitments and the Sustainability Appraisal supporting the SA DPD (February 2020) states that the revised residual housing figures for East Grinstead is 706 dwellings (paragraph 6.31 – Table 13).

East Grinstead is a Category 1 settlement, as defined by policy DP6 of the District Plan, which recognises it as a *“Settlement with a comprehensive range of employment, retail, health, education, leisure services and facilities. These settlements will also benefit from good public transport provision and will act as a main service centre for the small settlements.”*. The Sustainability Appraisal (SA) supporting the Regulation 19 document recognises that the SA DPD should plan for at least the residual housing need. Furthermore, that in accordance with Policy DP4, the residual requirement should be spatially distributed in general accordance with the established settlement hierarchy, this approach was found sound through the District Plan process and we support the Council's continued application of the spatial distribution of housing. The allocation of land at Imberhorne Farm (policy SA20) will contribute towards that residual need of the district, and of East Grinstead (c706 dwellings) and in accordance with the settlement hierarchy.

Acknowledging that there is a residual housing need in Category 1 settlements, all of which arises from an unmet need in East Grinstead, the Council have rightly considered all options for development around the town. However, there are few remaining directions in which to expand the town without impinging on nationally protected areas. The land west of East Grinstead is one of the least environmentally constrained areas around the town; land to the north (within Tandridge District) is Green Belt and land to the east and south forms part of the High Weald Area of Outstanding Natural Beauty (AONB). Furthermore, the Council's landscape evidence base comprising the 'Capacity of Mid Sussex District to Accommodate Development 2014' and 'Landscape Capacity Study 2007', identifies land to the west of East Grinstead as one of only 3 locations within the District considered to have Medium /

High capacity for development. As such, there are very few locations to meet the residual housing need, and land at Imberhorne Farm has the capacity to accommodate development without an impact on nationally protected areas, on a site which is relatively unconstrained.

Paragraph 72 of the NPPF acknowledges that the supply of new homes can often be best achieved through planning for larger scale development, such as extensions to towns, providing that they are well located and designed. East Grinstead is a Category 1 Settlement, and the only top tier settlement in the north of the District, it is therefore a highly sustainable settlement. Furthermore, the NPPF acknowledges that this is often a way of meeting needs in a sustainable way, such proposals are able to:

- a) consider the opportunities presented by existing or planned investment in infrastructure, the area's economic potential and the scope for net environmental gains;*
- b) ensure that their size and location will support a sustainable community, with sufficient access to services and employment opportunities within the development itself (without expecting an unrealistic level of self-containment), or in larger towns to which there is good access;*
- c) set clear expectations for the quality of the development and how this can be maintained (such as by following Garden City principles), and ensure that a variety of homes to meet the needs of different groups in the community will be provided;*
- d) make a realistic assessment of likely rates of delivery, given the lead-in times for large scale sites, and identify opportunities for supporting rapid implementation (such as through joint ventures or locally-led development corporations); and*
- e) consider whether it is appropriate to establish Green Belt around or adjoining new developments of significant size.*

In accordance with this criteria, Policy SA 20 will deliver a sustainable community, with sufficient access to services and employment. The proposed development will deliver a range of additional land uses in addition to the 550 dwellings proposed, including; land for a primary school (and early years provision), land for expansion of Imberhorne Secondary School, a Care Community (housing for older people), and significant open space including a Strategic SANG. The development will provide social and economic opportunities within the proposal itself, as well as being well located close to existing employment opportunities (Birches Industrial Estate and the Town Centre).

The development will also promote healthy communities, as required by Section 8 of the NPPF. Paragraph 91 of the NPPF requires that policies should aim to achieve healthy, inclusive and safe places, the development of land west of East Grinstead, will deliver against these objectives as follows:

- It will promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other, through the delivery of primary and secondary education, mixed housing tenures and housing for older people (paragraph 91 of the NPPF).
- The scheme will deliver additional early years, primary and secondary education on the site, to meet the needs of the local area as well as the need arising from the proposal itself (paragraph 94 of the NPPF).
- It will reduce the need to travel by car. The site is well linked to existing bus routes and is within walking/cycling distance of a Train Station. It will include significant opportunities for new footways and cycleways, linking the site to the Worth Way and other existing routes and will promote active travel (paragraphs 91 and 98 of the NPPF)
- It also has a range of uses on the site, which will reduce the need to travel, including a local centre, education and employment needs and is close to existing employment opportunities, and a wider range of local shops.
- The significant open space, including strategic SANG, totalling over 50ha will provide opportunities for healthy lifestyles such as walking and cycling, it will also promote social interaction. The additional land for Imberhorne Secondary School will provide superior sports provision for the School, but will also be available for use by the wider community (paragraph 96 of the NPPF).
- The local centre and Care Community provides an opportunity to deliver new health care services to the west of East Grinstead (subject to local need, defined by the CCG) (paragraph 91 of the NPPF).

Importantly, the proposal delivers much more than simply standard housing to meet the residual housing needs of East Grinstead and the wider area, it delivers a suite of additional benefits to deliver a new sustainable community. The details of the proposal are outlined below, and reflect the Council's criteria as set out in Policy SA20.

Access

The main scheme access will be via Imberhorne Lane, through the creation of a new junction with Heathcote Drive. In addition, there is a secondary point of access for the Care Community and for emergency vehicles only, to the south of the main access point, also onto Imberhorne Lane. This has been subject of assessment by West Sussex Highways Authority, who are in agreement with the design and approach to site access.

Meeting the needs of Imberhorne Secondary School

The proposal will deliver an additional 4ha (net) of land to Imberhorne Secondary School, enabling the consolidation of Imberhorne School campuses as identified within the EGNP at Policy SS3.

Imberhorne Secondary School is currently split across 2 sites over 1.5km apart. Lower School, which serves School Years 7 – 9, is on Windmill Lane and Upper School is on Imberhorne Lane, and serves School Years 10 – 13. The Lower School site is allocated within the EGNP (Policies EG6 and SS3) for c200 dwellings and is therefore included within the MSDC housing trajectory for the delivery of housing across the plan period.

The Lower School is in need of significant investment, but there are also management and financial issues arising from having split school sites, including onsite administration, commuting of teaching staff between the campuses, but also the availability of facilities to all students. WSCC and Imberhorne School have long been committed to consolidating the school campuses on the Imberhorne (Upper) Lane site, as outlined in the EGNP. Welbeck have worked with WSCC to agree a land swap which would provide a net increase in school land of 4ha, to include enhanced sports facilities and allow for consolidation of the school sites onto the Imberhorne Lane site. The land swap will also provide a second point of access to the wider site, which can also serve the new school facilities which will be made available to the wider community.

Therefore, the delivery of policy SA20, enables the consolidation of Imberhorne School campuses to include significant enhanced, modern facilities as well as the release of land at Imberhorne Lower School for housing, in accordance with the EGNP (policies EG6 and SS3) and the MSDC housing trajectory. As such, the proposal not only delivers enhanced secondary educational facilities, but it provides c550 dwellings towards the residual housing need and unlocks the c200 dwellings already allocated in the EGNP. It also accords with the approach set out in the NPPF (paragraph 94) which highlights the importance of providing a sufficient choice of school places to meet the needs of existing and new communities, taking a collaborative approach to meeting this requirement.

2FE Primary School and Early Years Provision

The proposal will deliver c2.2ha of land for a new two form entry primary school and early years provision. It is acknowledged that due to the expansion in population, local school are nearing capacity, additionally, the development itself will generate a need for more school spaces. As such, to meet these needs, which have been confirmed by West Sussex County Council, and ensure the needs of future generations are met, the proposal will deliver land for a 2FE entry primary school.

The Concept Masterplan seeks to deliver the school in initial phases of the proposal, adjoining the existing built up area boundary (BUAB) and existing residential development. It is also located close to the new playing fields for Imberhorne Secondary School, to enable sharing of the sports facilities if appropriate. Furthermore, the siting of the school also provides an active entrance to the development whilst providing a green buffer between built form and the listed buildings of Imberhorne Farm.

Community Hub

The proposal will deliver a small mixed-use community hub at the entrance to the site. The mixed-use hub can deliver a range of community facilities to meet the needs of the development and the wider area, including a GP surgery, as outlined in Policy SA20. East Grinstead currently benefits from only three GP surgeries, all of which are on the east of the town, the inclusion of a GP surgery within the site will offer health care provision on the west of the town to both existing and future residents. It is intended at this stage, that the mixed-use hub could provide a range of community uses, whilst ensuring that it does not detract from other local shopping parades.

Care Community

A Care Community is proposed in the south east parcel of the site, it will have a direct access onto Imberhorne Lane (although it is proposed that further access into the site will be for emergency vehicles only). The proposals, at this stage, are indicative, but a draft scheme layout is enclosed, this will provide a mix of extra care and independent care dwellings all at a maximum of two storeys.

The indicative proposal will deliver a total of 141 units, of which 109 would be defined as 'extra care' and 32 'independent care', both fall within Use Class C2.

A Demand Study has been produced by Avison Young (enclosed), this identifies that the population of 65 and over, is expected to increase 12.1% between 2017 and 2022, within a 10 mile radius of the site. Additionally, the report identifies a total need for extra care of 1,827 dwellings but a supply of only 165 dwellings in the catchment of the site. As such, there is a significant unmet need for extra care housing within the site area. Additionally, the Council acknowledge within the HEDNA, and through policy DP25 of the District Plan, that there is a need for specialist housing for older people, that would be met through the SA DPD.

Paragraph 61 of the NPPF requires that the housing needs of different groups, including older people, should be assessed and reflected in planning policies. The Planning Policy Guidance has a number of paragraphs on the importance of planning for the needs of older people. It acknowledges that people are living longer and the proportion of older people in the population is therefore increasing. It therefore states that *"Offering older people a better choice of accommodation to suit their changing needs can help them live independently for longer, feel more connected to their communities and help reduce costs to the social care and health systems."*

The Council have undertaken an assessment of housing needs for older people through the HEDNA Addendum 2016 supporting the District Plan. The HEDNA Addendum identifies shortfalls (at 2014) for nearly all types of housing for older people, including Sheltered

Housing (Independent living) (-9%), Enhanced Sheltered Housing (Independent Living) (-61%) and Extra Care provision (-36%). Additionally, the Demand Study undertaken for Welbeck, by Avison Young, and enclosed herewith, expands on that assessment, demonstrating the extent of housing need for older people within the broad locality of the site.

The NPPF and PPG place great weight on ensuring that the housing needs of all groups are met, including housing for older people. The delivery of a care community on the site, through Policy SA20, will deliver towards this current unmet need, particularly in the absence of alternative site provision.

Strategic SANG, Public Open Space and Allotments

The proposal will deliver a Strategic SANG of c42 hectares to the west, beyond the north/south track between The Gullege and Felbridge (locally known as 'The Gullege'). The Strategic SANG has been designed by specialist consultants (Barton Willmore – Landscape, and Ecology Partnership – Ecology) and in consultation with MSDC to ensure that it provides the appropriate environment in accordance with Natural England's guidance, including a circular walk of 3km. It provides a wildlife pond, additional native tree and scrub planting, a wildflower meadow and points of interest including a possible look out tower and benches. The proposed SANG masterplan is shown on the Concept Masterplan.

The 3km walk will also connect to a wider network of public rights of walk, including 'The Gullege' towards Felbridge, the Imberhorne Farm track, within the green corridors to be provided within the site, and also towards the Worth Way, a linear Country Park. As such, there are myriad of opportunities for walking in addition to onsite provision.

The provision of 42ha is considerably in excess of that required by the development itself. The Strategic SANG will provide mitigation against recreational activity on the Ashdown Forest Special Protection Area (SPA), encouraging existing and future residents to use this area for recreation and dog walking. It provides mitigation for the proposed development, but also for schemes in the north of the District, enabling continued housing growth against the identified housing needs, whilst ensuring the continued protection of the Ashdown Forest SPA. Therefore, complying with national and local planning policy and the relevant environmental legislation.

The scheme has also been designed to provide significant formal and informal open space and green corridors throughout the site, which is identified in the EGTC at policy SS8. Furthermore, the provision of a SANG to the west of the development safeguards against further encroachment of development in this location, protecting from coalescence with Crawley Down beyond. This can be used by existing and future residents. This will include children's play space, an equipped area of play and allotments.

Delivery

Welbeck support the Council's identification of the timescales for development of the proposal. Welbeck have undertaken significant site assessments which could support a planning application at the earliest opportunity, there are no constraints to the delivery of the site in the 1 – 5 year plan period.

Furthermore, there is a pressing need to deliver the site to enable the expansion and consolidation of Imberhorne Secondary Schools onto the Imberhorne Lane site, which can only be realised through the release of the land identified through Policy SA 20. Any delay to the release of the site would result in future deterioration of the facilities and therefore education provision at the Imberhorne Lower School site, as well as a delay to the release of that site for housing, as set out in the EGNP. The early delivery of the school proposals will also unlock the development of land at Imberhorne Lower School, as identified within the EGNP, which is also critical to housing delivery in the plan period.

Policy SA20 amendments

Welbeck acknowledge the considerable work undertaken by MSDC to produce the SA DPD and the detailed policies within it. Welbeck also welcome the amendments to the policy arising from the Regulation 18 consultation. However, we still have concern with the reference to the possible provision of plots for Gypsies, Travellers and Travelling Showpeople.

Policy SA20 will deliver significant local infrastructure over and above that normally required of a site of this size and significantly more than other sites within the District Plan and SA DPD. Whilst this is a reflection of local infrastructure needs, any further district level infrastructure provision puts at risk the viability of the site and would place onerous burden on the proposals.

Furthermore, detailed masterplanning of the site has been undertaken, which shows how the proposed uses can be assimilated onto the site. The masterplanning to date, does not account for land for gypsies, travellers and travelling showpeople and it is questioned how this could be delivered on the site in a satisfactory way without the loss of other land uses proposed through the policy requirements. Welbeck therefore object to the inclusion of this provision through policy SA20.

MSDC SA DPD Evidence Base

SHELAA Site Assessment (Site Ref. #770)

Welbeck have undertaken a suite of site assessments which have been shared with the relevant statutory consultees, including the District Council as part of the Call for Sites, the

Regulation 18 Consultation, Site Allocation Library and throughout the process of site promotion. The latest site assessment, submitted to the Council as part of the Site Allocation Library (in addition to the Concept Masterplan and Vision Document), and contained herewith includes:

- Highways Appraisal
- Landscape and Visual Impact Appraisal
- Ecology Report
- Flood Risk and Drainage Strategy
- Heritage Statement

Tree surveys have also been undertaken, but as trees and hedgerows are confined to field boundaries and will be largely untouched by the development, they are not enclosed as they are also large documents. However, they have been made available to the Council at earlier stages of the site promotion process, and can be made available again if necessary, but it is welcomed that the Council acknowledge in the SHELAA that trees are not a constraint to development.

The above site assessment has enabled MSDC, their external consultants and statutory consultees to make an informed assessment of the site through the SHELAA process, which Welbeck largely support as a detailed and sound appraisal of the suitability of the site for development. Welbeck support the robust SHLEAA process, the Council commenced with early engagement with developers and the public on the methodology prior to commencing the site selection process. The Council have then undertaken a number of steps (a 'sifting' exercise) to determine whether sites are compliant with the strategic policies of the District Plan and then assess individual sites for suitability.

As part of the sifting exercise, the Council identified a short list of 51 sites (as set out in the Sustainability Appraisal 2020), the land west of Imberhorne Lane (SHELAA #770) is included within this short list. The site assessment process then goes further within the SA process both individually and in comparison with other sites.

Generally, Welbeck support the SHELAA assessment of the site, which concludes that the site offers considerable development potential. Additionally, we welcome the acknowledgement of infrastructure improvements that are associated with the proposals, most notably, the secondary school, primary school (and early years), GP, housing for older people and a Strategic SANG. However, Welbeck object to parts of the site assessment which do not reflect the in-depth site assessment undertaken, nor the amendments that have been carried out throughout the site promotion process and in conjunction with the Council, which has resulted in an amendment to the site boundary. These include:

1. Ecology

The site assessment suggests that Natural England have concerns regarding high density housing south of Felbridge, however, those representations are a collective response to wider land at Imberhorne Farm (site #770), a site in Crawley Down (site #686) and the additional land at Imberhorne Farm (site #561), which is proposed as a Strategic SANG and not for housing development. Given that the SHLEAA capacity of these sites collectively is 2,800 dwellings, we strongly object to the assessment and advice of Natural England and its use within the SHELAA which is wholly inappropriate as the basis to assess the potential impacts arising from the development of c550 dwellings on the edge of East Grinstead as a standalone site.

We contest the SHELAA assessment of impacts on the Worth Way Local Wildlife Site (LWS) and Hedgecourt SSSI, which conflicts with the findings of the Ecology Report contained herewith. It is acknowledged that Hedgecourt SSSI is a popular local walking route. However, Hedgecourt is approximately 1.9km away from the nearest point of the development proposed on land at Imberhorne Farm. Furthermore, Hedgecourt Lake is separated from the site by the A264, a main road. Alternatively, residents of the proposed development will have access to an onsite Strategic SANG and the Worth Way, so it is highly unlikely that there will be significant recreational use of Hedgecourt Lakes by residents of the proposed development.

The response from Natural England as summarised in the SHELAA site assessment, suggests that there could be harm to the Worth Way Local Wildlife Site, however, the summary also advises that Natural England have no details of the scale or type of the proposed development and have assessed the cumulative impacts of 2,800 dwellings (of which only 550 are allocated) and as such, it must follow that their assessment can be given very little weight. The Worth Way is already a well used recreational route, it is on the national cycle route (Route 21), it provides an important recreational route but also a safe pedestrian and cycle link to the Town Centre, as such, it is not considered that any further recreational use should be discouraged.

Furthermore, the SHELAA assessment only acknowledges the potential for biodiversity net gain within the consultation, it does not include it within the assessment of ecological impacts. The site is farmland and significant open space is proposed, including an onsite Strategic SANG and a range of ecological improvements, this has the potential to offer significant biodiversity net gain. This should be included within the assessment.

We request that MSDC and Natural England review the impacts of the proposed development individually (ie. not in conjunction with other sites, particularly those not promoted for housing development) and in light of the evidence. The SHELAA process is an assessment of individual sites and not of cumulatively effects of combined, not allocated sites. This would alter the assessment of the impacts on SSSI/SNCI/LNR, which would

become 'amber', noting the lower level of harm and the potential for mitigation (as concluded on site #686).

2. Heritage

Welbeck also object to the Council's assessment of heritage impacts as set out in the SHLEAA, this does not reflect the most recent evidence submitted to the Council, the specialist advice provided to Welbeck by Orion Heritage, or the amendments which have been made to the proposals as part on ongoing dialogue with MSDC's Conservation Officer. Furthermore, the SHELAA site boundary is wider than the area proposed for allocation, disregarding the removal of the south-west field from the proposals in accordance with feedback from the Council's Heritage Officer.

The SHLEAA assessment states that the development would engulf Imberhorne Farm and Imberhorne Cottages, which would lead to high levels of Less Than Substantial Harm. We do not agree with this assessment, but nonetheless, have amended the concept masterplan prior to the Regulation 19 consultation (and included within the Site Library) to remove development from the field to the west of Imberhorne Farm and Imberhorne Cottages. This will retain a sense of rurality to the remaining farmstead, this is reflected in the latest site allocation boundary and has been agreed by the Council.

Furthermore, the indicative layout for the Care Community has been prepared to retain views of Imberhorne Cottages (the Care Community is proposed as two storey buildings only). Our specialist advisors have therefore concluded that there will be Less than Substantial Harm on the low end of the scale in respect of Imberhorne Farm and Imberhorne Cottages.

Similarly, the Council's SHELAA assessment concludes that the introduction of housing around Gullege Farm would erode its rural setting resulting in Less Than Substantial Harm on the high end. We strongly disagree. The predominant outlook of Gullege Farmhouse is to the south towards the Worth Way, and not from the north. The concept masterplan and site allocation boundary have been amended to reflect discussions with the Council's Conservation Officer, removing the field between Gullege Farm and Imberhorne Farm, which our specialist advisors conclude would result in only a low level of Less than Substantial Harm.

As such, we respectfully request that MSDC review the evidence submitted in support of the proposals and the changes that have been made since the Regulation 18 proposal as a result of consultation with the Council and consequently reflected in the change in the site allocation boundary.

Notwithstanding the above, we welcome the Council's application of the NPPF (paragraph 196) and balancing the perceived harm to these listed building against

the public benefits of the proposal.

Sustainability Appraisal

Welbeck support the Council's thorough assessment of the 'sifted sites' which subject to minor amendments is a sound evidence base to support the SA DPD.

Following the SHELAA process, the Council have appropriately assessed the sites through the Sustainability Appraisal (SA) categorising the land west of Imberhorne Upper School (Site Ref #770) as one that performs well and should therefore be taken forwards to site allocation. Crucially, this supports the delivery of housing at East Grinstead, to meet the identified residual housing need.

Welbeck support the Council's sustainability appraisal of the site at pages 129 and 130 of the SA (referred to as Option E), acknowledging that the site will positively contribute ('++') towards the residual housing need of East Grinstead.). As a large site, it is also capable of accommodating a range of housing types and sizes, including small family dwellings and affordable housing; the site will also delivery housing for the older population through the proposed Care Community.

In conclusion, the SA (page 130) notes that weight should be afforded to those sites that can contribute towards this residual requirement, where the positives would outweigh the negative impacts, this wholly accords with the presumption in favour of sustainable development set out in the NPPF.

Although we wholly support the SA process and assessment of the land west of East Grinstead (now referred to as land east and south of Imberhorne Upper School), it does not appear to identify the additional positive contributions the proposal will make towards education and health through the delivery of a 2FE primary school, land for Imberhorne Secondary School, a Care Community and GP surgery. Paragraph 3.30 of the SA identifies that primary schools are at 93% capacity in the East Grinstead area, whilst East Grinstead secondary schools are at 89%. The delivery of land for the expansion and consolidation of Imberhorne Secondary School and land for a new primary school, will allow for further capacity within the wider area over and above that required for the site alone. Additionally, Welbeck are committed to delivering a GP surgery where supported by the CCG, which would improve the assessment of the health objective from a negative score to a positive one.

Additionally, it is questioned how sites in Felbridge (SHELAA sites 196 and 595 for example) are stated to have positive regeneration outcomes whereas strategic development at East Grinstead will has a lesser effect on regeneration. Felbridge is a small settlement with minimal services, furthermore, the majority of Felbridge is in Tandridge District and Surrey County and therefore it is questioned what regeneration could be delivered through

these small sites, which would benefit Mid Sussex District. Conversely, strategic development at East Grinstead will positively support the Town Centre through an increase in population and therefore footfall, encouraging new investment in the Town Centre, we therefore submit that the assessment of regeneration impacts arising through the development of land at Imberhorne (Option E) should be enhanced to '++'.

Furthermore, we submit that the assessment of the biodiversity impacts should be improved to at least 'O'. It is acknowledged that the site is adjacent to Ancient Woodland and the Worth Way, a Local Wildlife site, however, there will be no direct impact on these designations as they fall outside the site. Additionally, through the delivery of the proposal, significant landscaped open space will be delivered, including 17ha of formal and informal open space and c40ha of Strategic SANG, both of which will deliver ecological enhancements over the current farmed use of the land. Additionally, the Environmental Bill has had its second reading and is likely to become made legislation over the Plan Period, requiring biodiversity net gains.

Policy 35 – Safeguarding of Land for and Delivery of Strategic Highway Improvements

Welbeck support policy SA35 which seeks to safeguard land for, and deliver, strategic highway improvements, and commends MSDC for identifying and seeking to deliver improvements to existing infrastructure, such as local road networks. MSDC have undertaken a sustainability appraisal of the policy and delivery of these improvements, which unsurprisingly gives rise to overwhelming positive outcomes. Welbeck in conjunction with MSDC and WSCC have considered a range of possible highway improvement projects which could be secured through policy SA35 and have provided sufficient evidence to the Highways Authority that these schemes will offer a betterment to future journey times along the corridor; all proposed developments in the area which would have an impact on the A264/A22 corridor would be required to make contributions towards these improvements. The SA DPD does not need to identify the scheme of improvements but be confident that there are schemes which could be delivered, furthermore, to secure the detailed scheme would be inflexible.

Plan making should look to the future and set a framework not only for addressing housing and economic needs, but also social, environmental and infrastructure priorities (paragraphs 15 and 20 of the NPPF). Policy 35 seeks to identify improvements to the A22 Corridor at the Felbridge, Imberhorne Lane and Lingfield junctions; development in and around East Grinstead, including that allocated at policy SA20, will be expected to make contributions towards these strategic highways improvements for the overall betterment of the traffic movement through the Town. Paragraph 22 of the NPPF requires that strategic policies look to a minimum period of 15 years from adoption, to anticipate and respond to long-term requirements, including infrastructure, policy 35 wholly accords with this principle.

Conclusion

In summary, Welbeck wholly support Policy SA20 and SA35 of the SA DPD and the evidence base underpinning these policies, which seek to meet the housing and future infrastructure needs of East Grinstead in accordance with the NPPF and the District Plan. It is submitted that the SA DPD accords with the strategic policies of the District Plan and seeks to positively deliver against the residual housing requirement in accordance with the spatial strategy and settlement hierarchy.

Welbeck believe that the SA DPD is:

- a) **Positively prepared** – it provides a strategy which seeks to meet more than the residual housing requirement in order to ensure flexibility in the market and to account for the potential for some sites not to come forwards, whilst according with the principles of sustainable development by focusing on the most sustainable settlements. It also unlocks land at Imberhorne Lower School, as identified in the EGNP, which is included in the Council’s housing trajectory.
- b) **Justified** – the SA DPD is the most appropriate strategy, the Council have reviewed a large pallet of sites and then undertaken further detailed site assessment through the SA process, identifying a suite of sites which perform well individually but also against the spatial distribution set out within the District Plan.
- c) **Effective** – the Council have confirmed with site proponents that sites are deliverable and the SA DPD identifies the delivery timescales for each site. In relation to policy SA20, the Council in consultation with Welbeck have evidenced that the site is capable of being delivered within the plan period.
- d) **Consistent with national policy** – these representations demonstrate how the allocation of land at policy SA20 is consistent with national policy, including additional meeting infrastructure needs (housing for the older population, education, health care, highways, ecology and access to open space).

We submit that policies SA20 and SA35 meet the tests of soundness as set out in the NPPF subject to the minor amendments set out in these representations.

Welbeck would like to be kept up-to-date with the progress of the SA DPD and reserve the right to participate in the forthcoming Examination Hearings. For further information, or to discuss, please contact Katie Lamb on 01293 605192 or katie.lamb@dmhstallard.com.

Yours faithfully



DMH Stallard LLP

Site Allocations DPD: Regulation 19 Consultation Response

Policy:

ID:	748
Response Ref:	Reg19/748/
Respondent:	Ms L Brook
Organisation:	Sussex Wildlife Trust
On Behalf Of:	
Category:	Statutory Consultee
Appear at Examination?	x



Sussex
Wildlife Trust

Contact: Laura Brook
E-mail: swtconservation@sussexwt.org.uk
Date: 28 September 20

By email only

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Mid Sussex District Council Submission Draft Site Allocations Development Plan Document (DPD) (Regulation 19 Consultation August – September 2020)

The Sussex Wildlife Trust wish to submit the following comments to the Regulation 19 consultation for the - Mid Sussex District Council Submission Draft Site Allocations Development Plan Document (DPD)

Overview comments - Site Allocations

As stated in our Regulation 18 comments The Sussex Wildlife Trust (SWT) appreciates that the DPD site selection methodology led to the exclusion of sites that were likely to result in an impact on locally designated sites, as explained in figure 3.1 of the Site Selection Paper 3. This is very welcome and SWT considers this approach to be in line with the NPPF requirement to distinguish between the hierarchy of designated sites and allocate land with the least environmental or amenity value (paragraph 171). Local Wildlife Sites act as core areas within the district's ecological network and therefore should be maintained and enhanced.

That said, overall SWT is very concerned about the proportion of greenfield sites being allocated within the DPD, particularly given that no site specific ecological data appears to have been provided or considered in the site selection process.

The NPPF is clear that local authorities should make as much use as possible of previously developed land. However with over 60% of housing allocations obviously on greenfield, and another 18% appearing to contain some element of greenfield, SWT are particularly concerned

SWT therefore does not believe that the DPD is consistent with national policy as it does not comply with paragraph 118 of the NPPF.

In the Regulation 18 Consultation submitted by SWT, we highlighted that The NPPF is clear that plans and policies need to be justified – based on proportional and up-to date evidence (paragraphs 31 and 35). SWT acknowledge that we were given the opportunity in October 2018 to comment on a number of candidate sites which had the potential to impact on locally designated sites. In our letter to MSDC (dated 15/10/18) we stated that:

'Should MSDC decide that SHELAA sites proceed to allocation within the DPD, SWT recommends that they are subject to up to date ecological surveys. This will enable MSDC to evaluate each allocation's suitability for delivering sustainable development, in line with the Mid Sussex Local Plan evidence base and in particular, policies 37 (Trees woodland and Hedgerow) and 38 (Biodiversity).'

SWT note that all of the housing site allocation policies include requirements under 'Biodiversity and Green Infrastructure' which is welcome. However, these do not appear to be strategic in nature in terms of considering a robust evidence base. In particular, it appears that it is assumed that sites will be able to deliver both the number

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of dwellings allocated and net gains to biodiversity, when no evidence has been provided of the current biodiversity value or how this is likely to be impacted.

SWT is therefore disappointed that we are unable to identify any site-specific ecological evidence by this final round of consultation. Given the current uncertainty of the ecological value individually and cumulatively of the site allocations. **It is not clear how MSDC can ensure the net environmental gains will be delivered by the DPD as required by paragraphs 8, 32, 170 and 174 of the NPPF.**

Overview comments – Sustainability

We also see no evidence that consideration has been given to the capacity for the district's natural capital to absorb this level and location of development. The NPPF is clear that delivering sustainable development means meeting the needs of the present without compromising the ability of future generations to meet their own needs. In achieving this, local planning authorities must pursue all three objectives; economic, social and environmental, in mutually supportive ways ensuring net gains across all three.

It is not clear that any of the greenfield sites allocated meet the environmental objective. In Particular, none of the allocated greenfield sites are considered to have a positive impact on any of the 8 environmental objectives within the Sustainability Appraisal (SA). Many have negative or unknown impacts, and for biodiversity it appears that only formal designations have been considered.

Although the lack of ecological information available makes it very hard for SWT to assess the potential impact of any of the site allocations or the assessment of their suitability against the SA objectives, we are particularly concerned about additional sites that are not considered to be sustainable, namely SA12 and SA13.

The addition of these two 'marginal' sites takes the number of units allocated within Category 1 settlements to 1409, this is 703 units above the minimum residual housing figure for Category 1 as demonstrated in *Table 2.4: Spatial Distribution of Housing Requirement*. If you take account of the undersupply for some of the other sized settlements, there is still a total oversupply of 484 dwellings as demonstrated in *Table 2.5 Sites DPD housing Allocations*. This oversupply is not justified within the DPD or supporting evidence base. Removing these 'marginal' sites will still result in the DPD that delivers more than the minimum housing requirement in the lifetime of the local plan. We note that again the impacts on biodiversity for these sites are listed as unknown in the SA simply because no site specific ecological information has been assessed.

SWT asks MSDC to reduce the amount of greenfield land allocated within the DPD and consider the environmental capacity of the district in a more robust fashion. Any assessment of allocated sites should look at their individual, collective and multifunctional role in delivering connectivity and function for biodiversity. This would ensure the DPD reflects the requirements under sections 170 & 171 of the NPPF.

SA GEN: General Principles for Site Allocations

It appears that this policy has now been placed in the main body of the Draft Plan. SWT welcomes the inclusion of wording within this policy that recognises the importance of biodiversity informing planning applications. We also acknowledge that it highlights the importance of delivering biodiversity net gains through forthcoming development.

For clarity SWT would propose that there is an amendment to the wording relating to ecological information as we want to ensure that developers are aware that this information is required before validation/determination of the application, so earliest opportunity is not misunderstood as after permission has been approved.

SWT propose the following amendment to the first bullet point under the section references Biodiversity and Green Infrastructure (~~struck through~~ means a proposed deletion and **bolded text** references a proposed addition)

- Carry out **and submit** habitat and species surveys at the earliest opportunity in order **to inform the design and** ~~to~~ conserve important ecological assets from negative direct and indirect effects.

Comments for Site Allocations

As stated previously, without more detailed ecological information for each of the allocated sites it is difficult for SWT to assess their suitability for development. However, we will make some site specific comments based on the aerial photographs and desktop information available to us.

A lack of comments does not constitute support for the allocation.

SA12: Land South of 96 Folders Lane, Burgess Hill

As stated under our general comments, SWT does not believe that the allocation of this greenfield site is justified. It is not required to deliver the overall minimum residual housing requirement or that required for Category 1 settlements and is not considered sustainable within the SA. We acknowledge that the number of the dwellings for the site has been reduced by 3, however the biodiversity impacts for this site are still listed as unknown as no site specific ecological information has been provided. The site appears to contain hedgerow and trees and is clearly connected to a wider network of linear habitats.

SWT therefore does not believe that the Allocation is consistent with national policy as it does not comply with paragraph 171 of the NPPF.

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

As with SA12, SWT objects to the allocation of this greenfield site. It is not justified by MSDC's own evidence base and does not represent sustainable development. Again the biodiversity impacts for this site are still listed as unknown as no site specific ecological information has been provided. However, the site appears to contain rough grassland, hedgerows and trees and is clearly connected to a wider network of linear habitats and ponds with potential for priority species.

SWT therefore does not believe that the Allocation is consistent with national policy as it does not comply with paragraph 171 of the NPPF.

SA15: Land South of Southway, Burgess Hill

SWT objects to the allocation of a designated Local Green Space for housing. This is not compliant with NPPF paragraph 101 which states that policies for managing development within Local Green Space should be consistent with those for Green Belts i.e. in line with the requirements of chapter 13 of the NPPF.

We do not believe that MSDC have justified the 'inappropriate construction of new buildings' within a local green space. In particular, the fact that this area of the LGS is 'overgrown and inaccessible' does not negate its value. The Burgess Hill Neighbourhood Plan states that this LGS is an important "green lung" for the west of Burgess Hill, a function which does not require accessibility. The NPPF is clear that LGSs should only be designated where they are demonstrably special. The Planning Inspector who examined the Burgess Hill Neighbourhood Plan clearly felt that this had been demonstrated and therefore the site should be protected.

SWT therefore does not believe that the Allocation is consistent with national policy as it does not comply with paragraphs 99-101 of the NPPF.

SA19: Land south of Crawley Down Road, Felbridge

SWT is very concerned about this significant greenfield allocation given the lack of any baseline biodiversity data and its proximity to Hedgecourt Lake SSSI and The Birches ancient woodland. SWT would like to see much more evidence of the current value of the site, in particular in terms of ecosystem services delivery. There also needs to be further consideration of the cumulative impacts when combined with policy SA20.

SWT therefore does not believe that the Allocation is consistent with national policy as it does not comply with paragraph 171 & 175 of the NPPF.

SA20: Land south and west of Imberhorne Upper School, Imberhorne Lane, East Grinstead

SWT commented on this allocation in our letter dated (dated 15/10/18) and stated that up to date ecological surveys should be conducted in order to assess the site's suitability for delivering sustainable development. It is disappointing that this information has not been provided. Without it we cannot assess the ability of this site to meet the environmental objectives required by the NPPF. We note that the allocation boundary appears to be amended from the Regulation 18 consultation and that a section of the Worth Way LWS, namely part of Imberhorne Cottage Shaw ancient woodland, appears to no longer be within the allocation. We would ask MSDC to inform SWT if this is not the case.

SWT remain concerned that this Allocation is not consistent with national policy as it does not comply with paragraph 171 & 175 of the NPPF

SWT note the policy requirements under Biodiversity and Green Infrastructure heading includes a bullet point which states:

Potential impacts of the development on Hedgecourt Lake SSSI, which is accessible via existing PRoW to the north and the Worth Way LWS to the south should be understood and adequately mitigated.

SWT propose the following amendment to this bullet point to ensure clarity of the importance of avoid within the mitigation hierarchy is fulfilled as per 175 of the NPPF (~~struck through~~ means a proposed deletion and **bolded text** references a proposed addition)

*Potential impacts of the development on Hedgecourt Lake SSSI, which is accessible via existing PRoW to the north and the Worth Way LWS to the south should be understood **so they can be avoided and if this is not possible adequately mitigated or, as a last resort, compensated for.***

DEVELOPMENT POLICIES

SA35: Safeguarding of Land for delivery of Strategic Highways improvements

SWT acknowledges that the Regulation 19 consultation now includes maps of the broad locations for the safeguarding, which did not appear to be present in the main body of the Regulation 18 draft DPD.

We note that the policy refers to how new development in the area of safeguarding should be carefully designed. Given that the NPPF encourages a net gain to biodiversity through development, we would expect the policy wording to reflect that biodiversity gains are design carefully into the development to ensure they are not compromised by future schemes. We therefore propose the following amendments to the policy wording to ensure that it complies with sections 170 & 171 of the NPPF.

SWT propose the following amendment to the Policy Wording (~~struck through~~ means a proposed deletion and **bolded text** references a proposed addition)

*'New Development in these areas should be carefully designed having regard to matters such as building layout , noise insulation, landscaping , the historic environment, **biodiversity net gains and means of access.***

SA36: Wivelsfield Railway Station

While we support the integrated use of sustainable transport it is disappointing to see another area allocated as Local Green Space within a made Neighbourhood Plan being developed. As stated in our comments for policy SA15, the suitability of the LGS designation was assessed by a Planning Inspector and found sound. It should therefore be preserved through the DPD. SWT is particularly concerned as the Burgess Hill Neighbourhood Plan states that this Local Green Space is:

'Land immediately west of Wivelsfield Station, north and south of Leylands Road: The land parcel is rich in birdlife and reflective of the historic field pattern. The Land is an important open space that is particularly well used by dog walkers.'

Whilst it appears that not all of the LGS has been allocated for the upgrading of the station, we are not clear of the biodiversity value of the area that has been allocated. If MSDC are minded to retain the policy, SWT would like to see consideration of the compensation required for the loss of the LGS and in particular the rest of the LGS managed/enhanced in a way that benefits the assets lost.

SWT therefore does not believe that the Development Policy is consistent with national policy as it does not comply with sections 99-101 of the NPPF.

SA37: Burgess Hill /Haywards Heath Multifunctional Network

SWT remain supportive of measures to embed multifunctional networks in delivering non-motorised sustainable transport options, but remain concerned at the level of uncertainty from this policy. We appreciate that the regulation 19 consultation now embeds a map within the main document, which provides an indication of safeguarded routes for the cycleway. As stated in our Regulation 18 comments the creation of a network could aid or hinder connection and function in the natural environment, therefore the policy should be clear in its intention. In particular, we are unclear how this route has been selected and what ecological information has been considered. Any impacts on biodiversity should be avoided through good design and particular consideration should be given to the value of sensitive linear habitats such as hedgerows. Lighting and increased recreational use both have the potential to harm biodiversity and must be considered at an early stage. It would not be appropriate to safeguard a route that has not yet been assessed in terms of potential biodiversity impacts.

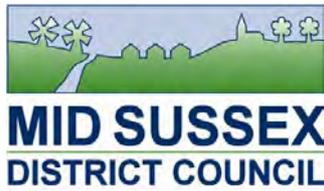
Yours sincerely,

Laura Brook
Conservation Officer
Sussex Wildlife Trust

Site Allocations DPD: Regulation 19 Consultation Response

Policy:

ID:	753
Response Ref:	Reg19/753/3
Respondent:	Mr J Pearson
Organisation:	Lewis and Co Planning
On Behalf Of:	Globe Homes
Category:	Promoter
Appear at Examination?	✓



Site Allocations Development Plan Document Regulation 19 Submission Draft Consultation Form

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

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

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

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

The Site Allocations DPD is available to view at:

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

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

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

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

How can I respond to this consultation?

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

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

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

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

E-mail: LDFconsultation@midsussex.gov.uk

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

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

1. Personal Details

Title	<input type="text" value="Mr"/>
First Name	<input type="text" value="Joseph"/>
Last Name	<input type="text" value="Pearson"/>
Job Title (where relevant)	<input type="text" value="Senior Planning Consultant"/>
Organisation (where relevant)	<input type="text" value="Lewis & Co Planning"/>
Respondent Ref. No. (if known)	<input type="text"/>
On behalf of (where relevant)	<input type="text" value="Globe Homes"/>
Address Line 1	<input type="text" value="2 Port Hall Road"/>
Line 2	<input type="text" value="Brighton"/>
Line 3	<input type="text"/>
Line 4	<input type="text"/>
Post Code	<input type="text" value="BN1 5PD"/>
Telephone Number	<input type="text" value="01273 413700"/>
E-mail Address	<input type="text" value="Joseph.pearson@lewisplanning.co.uk"/>



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

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

Part B – Your Comments

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

Name or Organisation:

Globe Homes

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 Policy SA Draft Policies Map

4. Do you consider the Site Allocations DPD is:

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

4b. Sound Yes No

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

	Sound	Unsound
(1) Positively prepared	<input 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**.

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.

See supporting letter for full details. The assessments that inform allocations within the DPD are not accurate and result in the allocation of less sustainable sites for new residential development.

The DPD has not been positively prepared or justified and as a result is not effective or consistent with national policy as more suitable and sustainable development sites have been excluded without good reason.

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.

The assessment of our client's site at land to the rear of 2 Hurst Road and to the west of London Road, Hassocks is inaccurate and the Sustainability Appraisal draws conclusions that are not supported by its methodology. Our client's site forms one of the most sustainable locations for new residential development and should be allocated accordingly.

See supporting letter for further details.

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

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

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

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

Yes, I wish to participate at the oral examination

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

The Council have failed to accurately assess our client's site despite representations to them throughout the preparation process setting out the inaccuracies in their previous assessments.

It is therefore imperative that these assessments and the decision to allocate other sites within the DPD are closely scrutinised by the Inspector and we would be happy to participate in the oral part of the examination so these matters can be fully considered.

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:

Joseph Pearson

Date:

10/09/2020

Thank you for taking time to respond to this consultation

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

Sent by email only to: LDFconsultation@midsussex.gov.uk

10th September 2020

Dear Sir/Madam,

Site Allocations DPD Consultation

Thank you for the opportunity to comment on the Site Allocations Development Plan Document. We write to you on behalf of Globe Homes who are promoting a site comprised of land to the rear of 2 Hurst Road and to the west of London Road.

These comments follow our earlier representations on the Regulation 18 (Issues and Options) Consultation for this Development Plan Document (attached at Appendix A).

Site ownership is shared with the Clayton with Keymer Parochial Church Council (PCC) who own the north-eastern part of the site. The PCC are also promoting the site and support a residential allocation of the whole site.



Site Location Plan

Summary

The assessments that inform the allocations within the proposed submission Site Allocations DPD do not accurately reflect the merits of our client's site and lead to decisions to allocate less sustainable sites for new residential development contrary to national policy and guidance. For example:

- The rationale applied to our client's site contradicts assessments on other allocated sites and leads to unjustified and inconsistent conclusions
- The sustainability appraisal draws conclusions that are not supported by its methodology
- The scoring for our client's site (within the sustainability appraisal) gives neutral scores to clear positive benefits, which would show our client's site as a more sustainable location for development than other allocated sites

We consider that the proposed submission documents fail to meet the legal requirements for the Sustainability Appraisal and the tests of soundness in terms of the Site Allocations DPD's justification, effectiveness and consistency with national policy.

Site Description

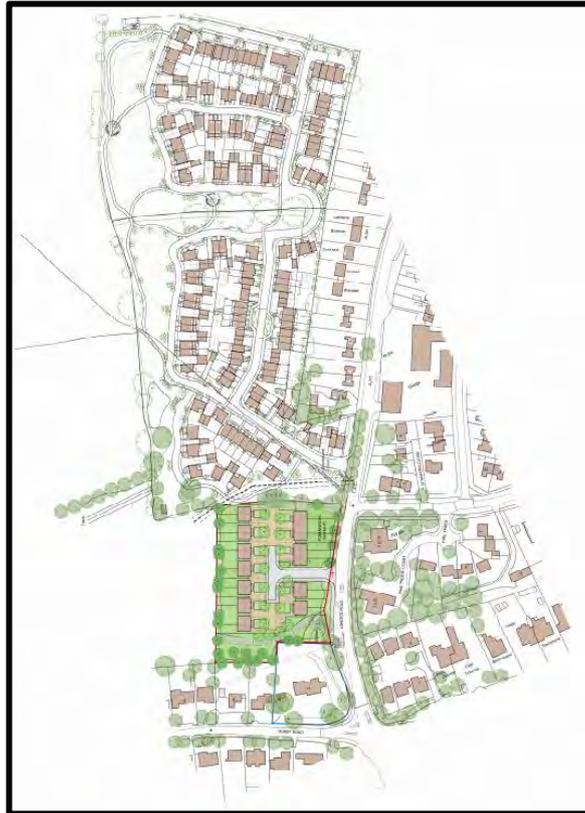
Our client's site is located within Hassocks in the south of the District and lies at the rear of 2 Hurst Road, to the west of London Road. Hassocks is a category 2 settlement with a wide range of services and railway station.

Land at the rear of 2 Hurst Road is the most sustainable site within Hassocks for new residential development and performs significantly better in terms of sustainable development objectives than the majority of site allocations within the DPD. The site is within 500m of the train station and village centre, under 15mins (1.2km) walking distance from three schools (Hassocks Infants School, Downlands Community School and Windmills Junior School) and 950m from the village Health Centre.

The site is referred to in the Site Selection paper as '*Land opposite Stanford Avenue, London Road, Hassocks*' (SHLAA Reference 210). The site has been identified as suitable, available and achievable for residential development. Ongoing transport and archaeology work shows that any potential adverse impacts can be appropriately mitigated or avoided entirely. The site scores very favourably against most of the identified environmental criteria. The site also adjoins a recent development (to the north) and its development would help create a new defensible western boundary to the settlement.

The site is unaffected by flood risk, would not affect any designated heritage assets, ancient woodland, SSSIs, local nature reserves, or other notable constraints. The District Council's arboricultural experts have concluded that any adverse impacts on TPO trees within and surrounding the site can be avoided or appropriate mitigated.

Close attention has been given to the access arrangements for the site to ensure that any development of the site would not result in severe impacts to the highway network, particularly given the close proximity of the nearby junction. Off-site highway works have been identified by our client's appointed highway consultant and further work is being undertaken to fully address advice from West Sussex County Council.



Outline plan showing how 25 homes could feasibly be accommodated within the site (alongside the new Barratt Homes development to the north)¹

Proposals for 25 new homes on the site were refused in 2018 due to the location of the site outside (but adjoining) the defined built-up area boundary. The Site Selection Paper considers the site to have a potential housing yield of 45 new units. The site can therefore accommodate a significant development that would provide clear benefits to the parish and deliver much needed new homes.

Our client and the District Council (through their SHELAA process) are in agreement that between 25 and 45 homes would be an appropriate yield for the site. It should be noted that the approved development on the Barratt Homes site to the north of the site would be delivered at a density of 24.4 dwelling per hectare. The 25-home scheme proposed would deliver a comparable density appropriate to the character of the wider area and would ensure that existing natural features within the site (including TPO trees) can be comfortably incorporated into the development.

¹ Indicative plan - not intended as a final layout

Whilst the site is clearly appropriate for new housing development, failure to allocate the site for a larger quantum of development would likely result in the site coming forward as a windfall site of 9 units or less. This would be a less efficient use of the site, would not generate a requirement for affordable housing types and may prevent the District Council from securing infrastructure contributions. Support through a specific allocation in the Site Allocations DPD would make the proposals an exception to District Plan Policy DP12 and would allow a better-quality development to proceed in principle.

The allocation of this site would create a coherent overall approach to the growth and development of Hassocks over the Plan period to 2031. A self-contained residential development within our client's site, alongside other sites to the western side of London Road would also complete a defensible western boundary to the village.

Proposed Submission Site Allocations DPD

The Site Allocations DPD seeks to allocate new housing land to meet what is described as the District's 'residual' housing need to 2031. However, the clear backdrop to this document is an urgent need for additional housing across the sub-region – with unmet need in neighbouring authorities highlighted under Policy DP5 of the District Plan.

Whilst a future review of the Plan is expected to address this unmet sub-regional need, it is evident that the Site Allocations DPD should deliver new housing wherever it is appropriate and sustainable to do so, as the issues of unmet needs in neighbouring authorities worsen. This document cannot be considered in a vacuum and its soundness must be considered in the context of present-day evidence of housing needs.

The Government's housing delivery test provides reliable evidence that five of the eight local authorities within the Coastal West Sussex and Greater Brighton Strategic Planning area have failed to deliver their minimum housing requirement over recent years (in addition to the unmet need not addressed through their Local Plans). This under-delivery will further exacerbate the scale of unmet needs across the sub-region identified through the District Plan and the social and economic sustainability impacts of failing to adequately address these needs.

There is therefore an evidenced need for additional housing development where appropriate sites are available to meet this wider unmet need within the Coastal West Sussex and Greater Brighton sub-region. The authorities struggling to deliver their minimum housing requirements include Adur (56% delivered), Brighton (70% delivered) and Lewes (93% delivered) – those authority areas closest to our client's site.

In addition to these needs across relevant housing market areas, the proposed new Standard Method for housing need shows that the District Plan strategy still has an under-provision of housing as the figures show an annual increase in housing need of 191 homes a year in Mid Sussex alone. Across the wider housing market areas that affect Mid Sussex the shortfall is more pronounced, with a 1,108 home shortfall (per annum) in the North West Sussex area

alone (Crawley, Horsham and Mid Sussex) and a further 2,039 home shortfall (per annum) across the Coastal West Sussex area.

Although the Site Allocations DPD is not intended to provide a full review of the District Plan housing strategy, these objective facts provide an up-to-date background of the worsening housing crisis that is affecting the local area. Much of this information has been available to the local planning authority through the preparation of the DPD and should have informed the decisions being made on the Site Allocations DPD itself through the Sustainability Appraisal and assessment of alternatives. This is discussed further below.

Policy SA GEN is clear that site allocations should support sustainable transport objectives and provide a high degree of integration and connectivity between new and existing communities and our client's site offers significantly better potential for integration than other edge of settlement sites proposed for allocation.

Sustainability Appraisal

The DPD states that 'reasonable alternatives' were assessed through the Sustainability Appraisal. We previously raised concerns about significant factual flaws in the assessments for Hassocks and flaws in the methodology for considering marginal sites.

We do not consider that our client's site should be considered a 'marginal site' as it scored lower on some objectives than we believe is accurate and otherwise achieves a comparable score to the allocated site at Shepherds Walk.

The Council's conclusion (page 133) that Option (b) [the Shepherds Walk site] performs "more positively" is fundamentally incorrect as the same scores are achieved across all 16 Objectives (albeit with a minor variation between different objectives). The conclusion goes on to state that the Shepherds Walk site "*can contribute towards growth required at category 2 in the settlement hierarchy*" but then rejects our client's site on the basis that it is not needed – this is entirely contradictory.

In addition to the above, our client's site is given a neutral score when assessed in terms of education, despite being within walking distance of local schools – clearly a positive.

The site is within walking distance of all local services and lies in close proximity to Hassocks railway station. There is a bus stop directly outside the site. Sustainable modes of transport are therefore very much a genuine travel choice and private car use would be minimised. Despite this, the site is given a score of "?" when assessed against the District's Transport objectives.

The Sustainability Appraisal assessment of the site therefore poorly reflects actual performance against sustainability objectives and this flawed assessment likely leads to flawed conclusions discussed further below. The site has been identified as a 'marginal site' despite being clearly suitable for sustainable residential development.

Reasonable alternatives

We are also concerned that the Council have not rigorously considered the reasonable alternative of allocating more of, or all, remaining sites (that meet the Council's own suitability criteria). Their reasons for rejecting this alternative are that:

- The District Plan supports a minimum requirement of 16,390 homes throughout the Plan period, and a significant increase in housing delivery *may* not be supported by the existing evidence base
- Allocating additional housing is not in accordance with the District Plan strategy
- There *may* be negative in-combination effects

These conclusions are not based on any evidence and don't demonstrate any genuine attempt to investigate whether this approach could lead to any of the negative effects described in this section of the Sustainability Appraisal. We would expect to see an actual assessment of the in-combination impact of allocating all suitable sites within each settlement – especially given the significant amount of work already invested into the site selection process. We doubt that any 'in-combination' adverse impacts would genuinely outweigh the benefits of additional housing delivery (particularly given the known under-delivery of housing across many neighbouring local authority areas).

For example, in Hassocks only two sites have been included in this forty-seven site shortlist. The allocation of both sites would clearly not result in an unbalanced spatial distribution or deliver a significantly higher amount of housing for the settlement than that envisaged in the District Plan housing strategy.

A slightly more robust assessment of these considerations would likely result in different policy outcomes and the preparation of the Site Allocations DPD (subject to similar scrutiny to the District Plan) provides a reasonable opportunity to reconsider some of the evidence base that underpins the District Plan strategy.

It may well be the case that in some settlements the in-combination effects would be significant enough to outweigh the benefits of allocating all sites (Ansty may be one such location where this could be the case) but the assumptions given for ruling out the allocation of additional sites are broad and generalised and this position has not been justified.

Air Quality

In the Proposed Submission Site Allocations DPD the site remains a 'marginal site' which has been considered for allocation but excluded for the following reason (paragraph 6.47 of the Sustainability Appraisal):

"The site at Hassocks is on the edge of an Air Quality Management Area, and may impact upon it. Hassocks need has been exceeded by better performing sites, including a strategic allocation within the District Plan"

This is entirely speculative, and has not been justified with no further investigation undertaken or contact with the site owners about this matter. The Council have produced air quality modelling for Stonepound Crossroads AQMA² to assess potential scenarios from the Site Allocations DPD but they have not included any scenario where our client's site is allocated – despite this clearly being a central matter in their decision to exclude the site and one of only two potential development options within the settlement.

Notwithstanding this, the modelling shows that there will be a negligible impact on air quality at Stonepound Crossroads and the long-term trend since 2013 has been a downward trend of NO₂ levels at this location. Modelling shows that the annual mean NO₂ concentrations are predicted to be well below the national (maximum) objective of 40 µgm⁻³ with results at relevant receptors ranging from 12.9 to 29.9 µgm⁻³. The highest anticipated increase from the Site Allocations DPD is a 1.2% increase and in this location guidance from the Institute of Air Quality Management³ is clear that even a change of up to 5% would have a negligible impact.

This modelling shows that Hassocks can accommodate additional development without having a significant adverse impact on air quality – which will continue to improve to the end of the Plan period at this location, particularly as motor vehicle technology advances and fleet buying choices change. If the local planning authority are concerned about the potential for a significant adverse impact from residential development of our client's site then they should incorporate that scenario into their modelling.

In addition to the above, our client's site is much more sustainably located than other 'marginal' sites identified for allocation. The site would therefore have a significantly reduced impact on air quality and pollution than the identified sites that would necessitate car use for many normal day-to-day activities. Further details are provided below.

Comparison with allocated sites

Instead of allocating our client's site, the Council have prioritised the allocation of three additional 'marginal' sites in Burgess Hill. The District Plan and other site allocations already focus a significant proportion of the District's housing development in Burgess Hill at a scale vastly exceeding Burgess Hill's own need (as stated within the 'Justification' at 6.47 of the Sustainability Appraisal).

In contrast, the local planning authority have stated that 'Hassocks need has been exceeded' in their conclusions for our client's site – in direct contradiction to their decision to allocate these other marginal sites.

There is no direct comparison of all marginal sites, which have been instead subjected to arbitrary and sometimes contradictory commentary. Compared comparatively to the other marginal sites that have been supported through the Sustainability Appraisal, our client's site scores significantly better in terms of access to services:

² <https://www.midsussex.gov.uk/media/4726/reg-19-sites-dpd-stonepound-crossroads.pdf>

³ Land-Use Planning & Development Control: Planning For Air Quality (January 2017)

	Train Station	Town/Village Centre	Schools	Health Centre
Land to the rear of 2 Hurst Road	500m	500 - 750m	Hassocks Infants School: 750m Downlands Community School: 1.2km Windmills Junior School: 1.3km	950m
Land south of Folders Lane and east of Keymer Road, Burgess Hill (Site 557)	1.2km	1.4km	Birchwood Grove Primary School: 1.05km Burgess Hill Girls School: 1.05km	1.15km
Land east of Greenacres, Keymer Road and south of Folders Lane (Site 738)	1km-1.5km	1.2km-1.4km	Birchwood Grove Primary School: 500-800m Burgess Hill Girls School: 800m-1km	880m-1.2km
Land south of 96 Folders Lane, Burgess Hill (Site 827)	1.9km	2.1km	Birchwood Grove Primary School: 850m Burgess Hill Girls School: 1.5km	1.75km
Haywards Heath Golf Course (Site 503)	1.8km – 2.5km	3.2km	Lindfield Primary Academy: 1.5km – 2.2km Blackthorns Community Primary Academy: 1.65km - 2.3km Oathall Community College: 1.35km - 2.05km	1.7km – 2.3km

Given the distances from relevant services, walking and other sustainable modes of transport will be a genuine travel choice for future residents. In contrast, distances on the proposed allocations will make this a less attractive option for future residents despite these sites being within a Category 1 settlement. The logic of allocating these sites over our client's site is therefore not supported by the sustainability objectives identified by the Council in their preparation of the Site Allocations DPD. We believe that our client's site should be prioritised for allocation on this basis.

Whilst the Category 1 settlements have a greater range of services available, this does not necessarily provide sustainability benefits if those services can only reasonably be reached by private car. The methodology for selecting these sites over other 'marginal' sites is therefore flawed and this exercise has meant these sites have not been assessed on an objective evidence-led basis.

The Site Allocations DPD assessed two suitable sites in Hassocks and allocates the other Hassocks site, at Shepherds Walk. Shepherds Walk is further from all services, partially within a flood zone and is three times further from the train station (500m from our client's site) but both have a '?' score for transport. The Sustainability Appraisal shows the Shepherds Walk site as performing better in terms of access to education even though the site is 600m further from any education facilities in the village than our client's site. These significant flaws in the assessment result in the Council incorrectly concluding that the Shepherds Walk site is the 'most strongly performing site in Hassocks'.

Allocations identified within the current draft of the DPD therefore do not represent the most sustainable and appropriate strategy for meeting the District's residual housing needs. We consider that the allocation and residential development of our client's site would better meet the objectives of the Site Allocations DPD. A residential development of the site would integrate well with the village of Hassocks and represent a highly sustainable location for delivering the additional housing required. The site has no significant development constraints.

The site has been assessed through the Mid Sussex Strategic Housing and Employment Land Availability Assessment (Site Ref. 210) and the Site Selection process forming part of the evidence base for the Site Allocations DPD. These assessments find the site to be suitable, available and achievable.

Although our client's site performs better than other allocated sites, the significant unmet housing needs across the subregion show that there is a clear need for appropriate housing sites to be allocated for development and the site could be allocated in addition to (rather than instead of) other allocations within the DPD.

Other matters

The District Council's Site Selection Paper 3 negatively describes the landscape capacity of the site as 'low' but also indicates that the site is screened from public views and would only

impact on private views from existing properties to the south of the site. The assessment is clear that this scoring relates to views out of the existing settlement rather than views towards Hassocks from the surrounding countryside (or National Park) and notes that the natural screening around the eastern and northern edges of the site would minimise any impact if retained. The site is surrounded by development on three sides and the site, along with the adjacent field to the west, is well screened from longer views.

The site would deliver a complementary development alongside the Barratt Homes development on London Road. Combined, the developments will set a new, defensible edge to the village that will reinforce the policy intentions of other District-wide and Neighbourhood Plan policies.

Conclusion

We believe that the site clearly presents a positive opportunity for residential development in a highly sustainable location that positively contributes to the objectives of the District Plan. The assessment of marginal sites is not sufficiently robust and results in less sustainable sites being identified for allocation.

Lewis & Co Planning would welcome the opportunity to discuss these matters in greater detail. Please contact Joseph Pearson or Simon Bareham on 01273 413700.

Yours faithfully,

Lewis & Co Planning
Joseph.pearson@lewisplanning.co.uk

Appendix A – Site Allocations DPD Regulation 18 Consultation Response

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

Sent by email only to: LDFconsultation@midsussex.gov.uk

20th November 2019

Dear Sirs,

Site Allocations DPD Consultation

Thank you for the opportunity to comment on the Site Allocations Development Plan Document. We write to you on behalf of Globe Homes who are promoting a site comprised of land to the rear of 2 Hurst Road and to the west of London Road.

Site ownership is shared with the Clayton with Keymer Parochial Church Council (PCC) who own the north-eastern part of the site. The PCC are also promoting the site and support a residential allocation of the whole site.



Site Location Plan

Allocations identified within the current draft of the DPD do not represent the most sustainable and appropriate strategy for meeting the District's residual housing needs. We consider that the allocation and residential development of our client's site would better meet the objectives of the Site Allocations DPD. A residential development of the site would integrate well with

the village of Hassocks and represent a highly sustainable location for delivering the additional housing required. The site has no significant development constraints.

The site has been assessed through the Mid Sussex Strategic Housing and Employment Land Availability Assessment (Site Ref. 210) and Site Selection Paper 3, which forms part of the evidence base for the Site Allocations DPD.

These assessments find the site to be suitable, available and achievable. Ongoing transport and archaeology work shows that any potential adverse impacts can be appropriately mitigated or avoided entirely. The site scores very favourably against the identified environmental criteria and has excellent access to existing services.

The District Council's Site Selection Paper 3 negatively describes the landscape capacity of the site as 'low' but also indicates that the site is screened from public views and would only impact on private views from existing properties to the south of the site. The assessment is clear that this scoring relates to views out of the existing settlement rather than views towards Hassocks from the surrounding countryside (or National Park) and notes that the natural screening around the eastern and northern edges of the site would minimise any impact if retained. The site is surrounded by development on three sides and the site, along with the adjacent field to the west, is well screened from longer views.

We firmly believe that our client's site at 2 Hurst Road provides a more sustainable location for residential development than other allocated sites. The site offers excellent access to local shops, services and facilities, would result in no significant adverse impacts and allocation within the Plan would deliver a complementary development alongside the Barratt Homes development on London Road. Combined, the developments will set a new, defensible edge to the village that will reinforce the policy intentions of other District-wide and Neighbourhood Plan policies.

Our representations below set out our concerns with conclusions reached in the Plan preparation process thus far and the merits of our client's site both individually and comparably.

Sustainability Appraisal

The Sustainability Appraisal is a detailed and useful piece of work that rightly informs the selection of sites for allocation. However, there are significant factual flaws in the assessments for Hassocks and flaws in the methodology for considering marginal sites.

The site has successfully passed through each of the three stages of the Council's methodology for refining the sites into a shortlist for potential allocation. The site, referred to in the Site Selection paper as '*Land opposite Stanford Avenue, London Road, Hassocks*', was not ruled out following the high level assessment (Site Selection Paper 2) or the detailed site assessment (Site Selection Paper 3) but has instead been excluded through the Sustainability Appraisal process for the following stated reason:

“The SA finds that although the site performs reasonably strongly in relation to the SA objectives, it is not the most strongly performing site in Hassocks. Allocation of Site 210 is therefore unnecessary to meet the spatial strategy.”

Flawed Assessment of Hassocks Sites

This is based on a flawed assessment of the other site at Shepherds Walk in Hassocks (Site 221).

For example, the site options assessment for Hassocks within the Sustainability Appraisal shows the Shepherds Walk site as performing better in terms of access to education even though the site is 600m further from any education facilities in the village than our client’s site.

Other than that incorrect assessment, our client’s site performs significantly better against other objectives. For example, the allocated Shepherds Walk site is further from all services, partially within a flood zone and is three times further from the train station (500m from our client’s site – but both have a ‘?’ score for transport). These significant flaws in the assessment result in the Council incorrectly concluding that the Shepherds Walk site is the ‘most strongly performing site in Hassocks’.

We ask that this assessment be revisited as we consider that a factually accurate assessment would show our client’s site to be the most sustainable growth option for Hassocks.

Subjective Assessment of Marginal Sites

Our client’s site is one of ten ‘marginal’ sites that have been excluded from allocation despite the positives of potential development outweighing any potential negative impacts. These sites have been subject to further consideration as additional sites that would provide flexibility but there has been no comparison between sites.

Instead our client’s site has been rejected on the basis of its proximity to an Air Quality Management Area, despite there being no evidence that the development would result in harm to local air quality and couldn’t result in improvements to the AQMA. Other sites, including the allocation at Shepherds Walk, would utilise this busy junction on a day-to-day basis but have not been rejected on this basis.

Compared comparatively to the four marginal sites that have been supported through the Sustainability Appraisal, our client's site scores significantly better in terms of access to services:

	Train Station	Town/Village Centre	Schools	Health Centre
Land to the rear of 2 Hurst Road	500m	750m	Hassocks Infants School: 750m Downlands Community School: 1.2km Windmills Junior School: 1.3km	950m
Land south of Folders Lane and east of Keymer Road, Burgess Hill (Site 557)	1.2km	1.4km	Birchwood Grove Primary School: 1.05km Burgess Hill Girls School: 1.05km	1.15km
Land east of Greenacres, Keymer Road and south of Folders Lane (Site 738)	1km-1.5km	1.2km-1.4km	Birchwood Grove Primary School: 500-800m Burgess Hill Girls School: 800m-1km	880m-1.2km
Land south of 96 Folders Lane, Burgess Hill (Site 827)	1.9km	2.1km	Birchwood Grove Primary School: 850m Burgess Hill Girls School: 1.5km	1.75km
Haywards Heath Golf Course (Site 503)	1.8km – 2.5km	3.2km	Lindfield Primary Academy: 1.5km – 2.2km Blackthorns Community Primary Academy: 1.65km - 2.3km	1.7km – 2.3km

			Oathall Community College: 1.35km - 2.05km	
--	--	--	--------------------------------------------------------	--

Clearly, the services available to prospective residents of our client's site would be like to use all these services on foot, with easy access to the train station offering significant employment and leisure opportunities further afield without the need for private car use. The development of this site would therefore have a significantly reduced impact on air quality and pollution than the identified sites that would necessitate car use for many normal day-to-day activities.

Whilst the Category 1 settlements have a greater range of services available, this does not necessarily provide sustainability benefits if those services can only reasonably be reached by private car. The methodology for selecting these sites over other 'marginal' sites is therefore flawed and this exercise has meant these sites have not been assessed on an objective evidence-led basis.

Reasonable alternatives

We are also concerned that the Council have not rigorously considered the reasonable alternative of allocating more of, or all of, the remaining 47 sites (that meet the Council's own suitability criteria). Their reasons for rejecting this alternative are that:

- The District Plan supports a minimum requirement of 16,390 homes throughout the Plan period, and a significant increase in housing delivery *may* not be supported by the existing evidence base
- Allocating additional housing is not in accordance with the District Plan strategy and would be better delivered following sufficient testing
- There *may* be negative in-combination effects

These conclusions are not based on any evidence and don't demonstrate any genuine attempt to investigate whether this approach could lead to any of the negative effects described in this section of the Sustainability Appraisal. We would expect to see an actual assessment of the in-combination impact of allocating all suitable sites within each settlement – especially given the significant amount of work already invested into the site selection process. We doubt that any 'in-combination' adverse impacts would genuinely outweigh the benefits of additional housing delivery (particularly given the known under-delivery of housing across many neighbouring local authority areas).

For example, in Hassocks only two sites have been included in this forty-seven site shortlist. The allocation of both sites would clearly not result in an unbalanced spatial distribution or deliver a significantly higher amount of housing for the settlement than that envisaged in the District Plan housing strategy.

A slightly more robust assessment of these considerations would likely result in different policy outcomes and the preparation of the Site Allocations DPD (subject to similar scrutiny

to the District Plan) provides a reasonable opportunity to reconsider some of the evidence base that underpins the District Plan strategy.

It may well be the case that in some settlements the in-combination effects would be significant enough to outweigh the benefits of allocating all sites (Ansty may be one such location where this could be the case) but the assumptions given for ruling out the allocation of additional sites are broad and generalised.

Land to the rear of 2 Hurst Road

Our client's site has excellent access to local services. Hassocks Railway Station is under 500m from the site, the village centre is under 700m away and local primary school and GP services are all within a 15-minute walk.

For all of the identified services, our client's site performs better than the proposed allocation at Shepherds Walk as well as allocations within the draft Neighbourhood Plan and adopted District Plan.

On this basis, the published site assessments are flawed and don't fairly assess the sustainability of the site and its location within the village. The District Council's conclusion that the residual housing need for Hassocks "*could be met at more sustainable locations*" is not justified as demonstrated above.

The District Council have not objected to residential development at this location in principle. Proposals for 25 new homes on the site were refused last year due to its location of the site outside the defined built-up area boundary and the lack of an allocation or other policy within the Development Plan which would overcome that issue. However, the site is contiguous with the built-up area boundary of Hassocks and surrounded by development on three sides. It would therefore be a suitable windfall site for a development of up to nine new homes under District Plan Policy DP6.

However, we do not consider this to be a more sustainable approach than allocating the site for a larger development that would maximise the benefits of developing the site. The Site Selection Paper considers the site to have a potential housing yield of 45 new units. The site can therefore accommodate a much more significant development that would provide clear benefits to the parish and deliver much needed new homes.

When compared to the allocated sites to the north of Hassocks the site clearly has a less significant impact on the wider countryside. Support through a specific Plan policy would make the proposals an exception to District Plan Policy DP12 and would allow a better-quality development to proceed in principle.

The allocation of this site would create a coherent overall approach to the growth and development of Hassocks over the Plan period to 2031. A self-contained residential development within our client's site, alongside other sites to the western side of London Road

would complete a defensible western boundary to the village and would serve to reinforce other policy objectives within the Plan such as local and neighbourhood plan policies on Local Gaps.

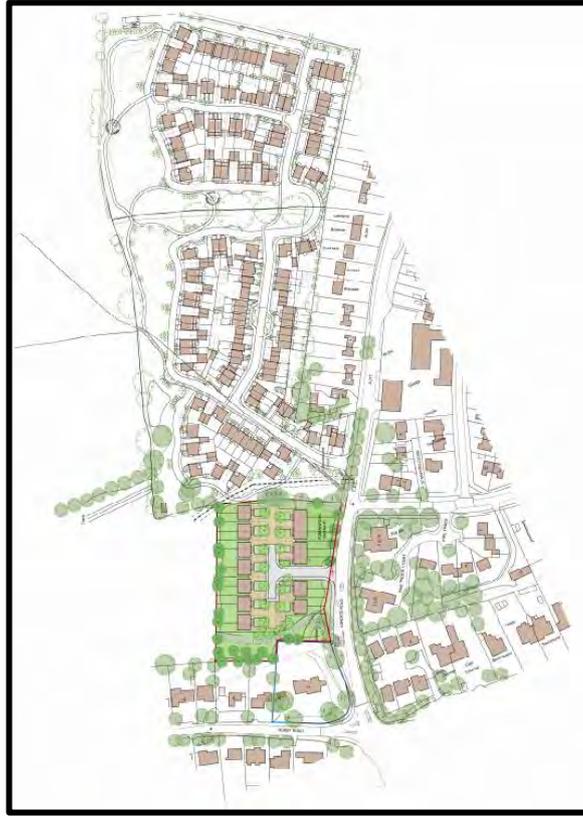
Any allocation should optimise the potential of the site to accommodate development in accordance with paragraph 123 of the National Planning Policy Framework and District Plan Policy DP26 (Character and Design). This is particularly true of sites that are well served by public transport, and the proposed site has excellent access to train services.

Our client and the District Council (through their SHELAA process) are in agreement that between 25 and 45 homes would be an appropriate yield for the site. It should be noted that the approved development on the Barratt Homes site to the north of the site would be delivered at a density of 24.4 dwelling per hectare. The 25-home scheme proposed would deliver a comparable density appropriate to the character of the wider area and would ensure that existing natural features within the site (including TPO trees) can be comfortably incorporated into the development.

Under existing planning policies, this scale of development could likely only be delivered through allocation in a development plan document and would be best achieved through allocation in the emerging Site Allocations DPD or Neighbourhood Plan.

The site is unaffected by flood risk, would not affect any designated heritage assets, ancient woodland, SSSIs, local nature reserves, or other notable constraints. Further work is being undertaken to fully assess the site's archaeological potential and ensure any impacts on any identified archaeological assets are appropriately mitigated. The District Council's arboricultural experts have concluded that any adverse impacts on TPO trees within and surrounding the site can be avoided or appropriately mitigated.

Close attention has been given to the access arrangements for the site to ensure that any development of the site would not result in severe impacts to the highway network, particularly given the close proximity of the nearby junction. Off-site highway works have been identified by our client's appointed highway consultant and further work is being undertaken to fully address advice from West Sussex County Council.



Outline plan showing how 25 homes could feasibly be accommodated within the site (alongside the new Barratt Homes development to the north)¹

Summary

We believe that the site clearly presents a positive opportunity for residential development in a highly sustainable location the positively contributes to the objectives of the District Plan. We do not consider that two sites identified as suitable growth options for Hassocks have been accurately compared. Similarly, the assessment of marginal sites is not sufficiently robust and results in less sustainable sites being identified for allocation.

Lewis & Co Planning would welcome the opportunity to discuss these matters in greater detail. Please contact Joseph Pearson or Simon Bareham on 01273 413700.

Yours faithfully,

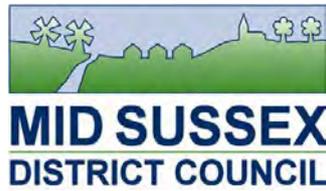
Lewis & Co Planning
Joseph.pearson@lewisplanning.co.uk

¹ Indicative plan - not intended as a final layout

Site Allocations DPD: Regulation 19 Consultation Response

Policy:

ID:	757
Response Ref:	Reg19/757/5
Respondent:	Mr C Noel
Organisation:	Strutt and Parker
On Behalf Of:	Croudace Henfield Road Albourne
Category:	Developer
Appear at Examination?	✓



Site Allocations Development Plan Document Regulation 19 Submission Draft Consultation Form

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

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

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

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

The Site Allocations DPD is available to view at:

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

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

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

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

How can I respond to this consultation?

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

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

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

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

E-mail: LDFconsultation@midsussex.gov.uk

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

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

1. Personal Details

Title	<input type="text" value="Mr"/>
First Name	<input type="text" value="Craig"/>
Last Name	<input type="text" value="Noel"/>
Job Title (where relevant)	<input type="text"/>
Organisation (where relevant)	<input type="text" value="Strutt and Parker"/>
Respondent Ref. No. (if known)	<input type="text"/>
On behalf of (where relevant)	<input type="text" value="Croudace Homes"/>
Address Line 1	<input type="text" value="201 High Street"/>
Line 2	<input type="text" value="Lewes"/>
Line 3	<input type="text"/>
Line 4	<input type="text"/>
Post Code	<input type="text" value="BN7 2NR"/>
Telephone Number	<input type="text" value="01273407045"/>
E-mail Address	<input type="text" value="craig.noel@struttandparker.com"/>

.....

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

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

Part B – Your Comments

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

Name or Organisation:

Craig Noel – Strutt and Parker on behalf of Croudace Homes

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 Policy SA Draft Policies Map

4. Do you consider the Site Allocations DPD is:

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

4b. Sound Yes No

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

	Sound	Unsound
(1) Positively prepared	<input 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.

Please refer to representation from Strutt & Parker dated 28th September 2020

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

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

Please refer to representation from Strutt & Parker dated 28th September 2020

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

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

Please refer to representation from Strutt & Parker dated 28th September 2020

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

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

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

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

Yes, I wish to participate at the oral examination

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

We reserve a right to participate at the oral part of the examination

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

10. Please notify me when:

(i) The Plan has been submitted for Examination

(ii) The publication of the recommendations from the Examination

(iii) The Site Allocations DPD is adopted

Signature:



Date:

28/09/2020

Thank you for taking time to respond to this consultation



Mid Sussex District Council Site Allocations DPD

Regulation 19 Consultation

Representations on behalf of Croudace Homes



Our ref: CN 208855

28th September 2020

Appendix 1 – Site Plan, Land South of Henfield Road, Albourne

Appendix 2 – Representation on behalf of Croudace Homes – Regulation 18 Consultation

Introduction

- 1.1. Strutt and Parker are instructed by Croudace Homes (South Thames) to respond to the Regulation 19 consultation Site Allocations Development Plan Document (SADPD) published by Mid Sussex District Council in July 2020. Croudace has a legal interest in land at Albourne which it is promoting for new housing alongside additional open space, a community orchard and a potential scheme to assist the village primary school to facilitate a safer drop-off and pick-up arrangement for parents.
- 1.2. Croudace are a well-established five-star house builder with an excellent track record of housing delivery. They are committed to bringing this opportunity forward.
- 1.3. Land South of Henfield Road is identified edged red on the plan at Appendix 1. Our representation on behalf of Croudace Homes in response to the Regulation 18 SADPD (attached at Appendix 2) included a summary of information on the technical work undertaken in support of the proposal.
- 1.4. The site was not considered further by MSDC following the detailed site assessment (February 2020), ostensibly for sustainability reasons.
- 1.5. This representation focusses on the spatial strategy for the District, its relationship to sustainability, and the associated housing numbers addressed through the Regulation 19 proposals.

Spatial Strategy for the District

- 2.1. It is notable that the Regulation 19 SADPD under-delivers housing numbers in Category 3 settlements when assessed against District Plan targets. We consider that this shortcoming should be addressed prior to advancing the SADPD by identification of additional sites in Category 3 Medium Sized Villages. This will have sustainability advantages in addition to meeting the District Plan targets, including ensuring that the spatial distribution of affordable housing provision more accurately mirrors that anticipated in the District Plan.
- 2.2. The District Plan table which identified the spatial distribution of the housing requirement (page 32 of the District Plan) also provides minimum figures for each of the settlement Categories.
- 2.3. The minimum housing requirement for Category 1 settlements (Towns) has been revised to 706 dwellings, from the figure of 840 units in the Regulation 18 document. In Category 2 settlements (Local Service Centres), this has decreased from 222 dwellings to 198 dwellings (as a result of planning permission being granted at Land North of Shepherds Walk, Hassocks). In Category 3 (Medium Sized Villages), the requirement has reduced from 439 to 371. In Category 4 the requirement has decreased from 6 units to 5. These housing supply figures have been revised following an update to completion, commitments and windfall figures.
- 2.4. Despite the minimum residual requirement for Category 3 decreasing, this category remains the most underrepresented in the proposed site allocations. Only 238 of the minimum 371

MSDC SADPD Reg 19: Representations on behalf of Croudace Homes

homes required are proposed in the Regulation 19 SADPD, providing a shortfall of 133 dwellings. This position is shown in the table below:

Category	Settlements	District Plan Allocations	Minimum Requirement (2014-2031)	Minimum Residual (2017 +)	Minimum Residual Reg 18 SADPD	Minimum Residual Reg 19 SADPD	Reg19 SADPD Sites	Category Difference
1 Towns	Burgess Hill, E Grinstead, Haywards Heath	3,287	10,653	1,272	840	706	1069	363
2 Larger Village	Crawley Down, Cuckfield, Hassocks	500	3,005	838	222	198	105 (Figure does not include recent consent at Shepherds Walk, Hassocks)	37
3 Medium Village	Albourne, Ardingly, Ashurst Wood, Balcome, Bolney, Handcross, Horsted Keynes, Pease Pottage, Sayers Common, Scaynes Hill, Sharpthorne, Turners Hill, West Hoathly	600	2,200	311	439	371	238	-133
4 Smaller Village	Ansty, Staplefield, Slaugham,, Twineham, Warninglid	0	82	19	6	5	12	7
5	Hamlets	N/A	N/A	N/A	N/A	N/A	N/A	
Windfall			450					
Total			16,390	2,439	1,507	1,280	1,764	

Table 1: Spatial Distribution of Housing Requirement (Source of data: SADPD Regulation 18 and 19 draft documents.)

- 2.5. The number of dwellings at Site Allocation 27 (Land at St Martins Close (West) Handcross) has reduced from 65 to 30 dwellings because the Slaugham Neighbourhood Plan is now made and Land at St Martins Close (East) is now a commitment as at 1st April 2020. Therefore, only 30 units are identified to avoid double counting. However, there would still be a shortfall of 103 units in Category 3 if the additional 30 dwellings had been included in the housing figures.
- 2.6. The Settlement Sustainability Review (May 2015) forms part of the evidence base for the Mid Sussex District Plan (2014-2031). Paragraph 1.4 notes the Settlement Sustainability Review (May 2015) identifies strategic allocations for housing at Burgess Hill. However, additional “housing development is proposed to be met at the district’s other towns and villages to help meet the needs of existing communities.” This suggests housing supply should be proposed across the numerous settlements and not concentrated to only a select number.
- 2.7. As Table 1 shows, there is over-provision in the Category 1 settlements against under provision in Category 2 and 3 settlements. The approved settlement hierarchy constitutes a policy for delivering the spatial strategy, ensuring a sustainable pattern of development across the District. It would be wrong therefore to regard additional provision in Category 1 settlements as essentially more sustainable than provision in accordance with the spatial strategy. The latter has been formulated to produce an appropriate balance of development across settlements in the interests of sustainability.
- 2.8. The settlement hierarchy table included as part of District Plan Policy DP6 outlines the characteristics and functions of a Category 3 settlement: “Medium sized villages providing essential services for the needs of their own residents and immediate surrounding communities.” As a result, settlements within Category 3 should be considered as sustainable settlements.
- 2.9. Thus, there is sufficient justification for amending the Site Allocations DPD to increase the number of sites and units allocated within Category 3 settlements, to ensure consistency with the District Plan and the approved spatial strategy, and in turn support a sustainable pattern of development.

Housing Supply

- 3.1. Policy SA10 (Housing) within the SADPD Regulation 19 sets out how the Council propose to distribute housing across the district. Policy SA11 (Additional Housing Allocations) proposes how the 1,764 dwellings required through the SADPD will be distributed. The figure of 1,764 dwellings presents an excess of 484 dwellings above the residual amount required of 1,280.
- 3.2. Nevertheless, there is a clear under provision of homes in Category 3 settlements and therefore the settlements cannot meet their guideline (Policy DP6) residual housing requirement.
- 3.3. 158 sites out of 253 sites were taken forward following a High level Assessment (Site Selection Paper 1). Following the Detailed Evidence Testing stage (Site Selection Paper 3), 51 sites remained as having potential for allocation and were subject to further evidence base testing and assessment. The SADPD Regulation 19 document includes 22 housing allocations. This

is a narrow proportion of the sites that were positively assessed and were regarded as having potential for allocation following the Detailed Evidence Testing stage.

- 3.4. Whilst there is an over-supply from the 22 sites proposed for allocation, this may not be a sufficient buffer should sites fall out of the allocations process between now and adoption. In addition, the non-deliverability of any proposed site allocation could result in the Council jeopardising housing supply for the District.
- 3.5. MSDC should consider allocating more sites in the SADPD to ensure a continuous supply of sites during the plan period. Therefore, it would be sensible to look at settlements that are not currently meeting the residual housing requirement, most notably Category 3 settlements, to provide the necessary flexibility.

Assessed Housing Options and Sustainability Appraisal

- 4.1. This section is an update to assessed housing options and sustainability appraisal discussion presented in the representation in response to the SADPD Regulation 18 document.
- 4.2. MSDC are required to assess potential reasonable alternative strategies against the selected approach developed for the purposes of the Regulation 19 version of the SADPD. Similarly, to the preparation of the Regulation 18 draft document, the Council purports to have carried out that exercise by considering three potential Options for the SADPD consultation, as set out in the SADPD Sustainability Appraisal – Non-technical Summary Regulation 19 (July 2020).
- 4.3. As with the SADPD Sustainability Appraisal Regulation 18 document (September 2019), the Options presented were not sufficiently different in terms of addressing the approved spatial strategy. 20 of the 22 sites ultimately identified in the selected Option were common to all 3 Options.
- 4.4. Option B included three additional sites at Burgess Hill (Category 1 settlement) while Option 3 included those sites plus a 3rd site at Haywards Heath (again a Category 1 settlement). This means that the choice around options was solely a choice around the overall number of units to be delivered in excess of the minimum residual requirement. There was no reasonable alternative presented in relation to the spatial strategy and the distribution of development between the settlement categories. Options B and C simply added additional dwellings to Category 1 settlements and did not seek to redress imbalances between the other settlement categories. The choice provided was against delivering either 144, 484 or 774 dwellings above the minimum residual requirement. In each scenario, the minimum target provision was exceeded in Category 1, 2 and 4 settlements. None of the Options met the Category 3 target residual minimum.
- 4.5. This is surprising given that there are nearly the same number of settlements in Category 3 (13) than in all of the other settlement categories where sites are proposed for allocation combined (14). It is not credible that there are no potentially suitable additional Category 3 sites that might be considered as reasonable alternatives for the purpose of the sustainability appraisal.

- 4.6. Paragraph 1.36 of the Sustainability Appraisal (July 2020) says that additional sites should ideally be drawn from sites from the highest settlement category in the hierarchy. As noted at paragraph 4.5, all additional sites were only considered from Category 1 settlements.
- 4.7. Housing supply should not be directed primarily at Category 1 settlements, not only because that would be contrary to the Spatial Strategy in the District Plan, but indeed because Category 3 settlements should be considered as sustainable locations to provide housing in Mid Sussex. There is strong justification that settlements in Category 3 of the Settlement Hierarchy should be considered as sustainable locations for site allocations as locations outside of the main town centres become increasingly desirable places to live, and there is less need to commute to offices in the main towns. An increase in home-working has eased pressures on public transport links in the District, and will continue to do so as employers prepare for the longevity of home-working.
- 4.8. The assessment criteria in the Sustainability Appraisal should be reviewed as a result of rapidly changing employment environments in response to the COVID-19 crisis; the pandemic has shifted transport movements and commuting patterns, in particular.

Windfalls

- 5.1. The Regulation 19 SADPD proposes to increase the windfall allowance to 84 dwellings per annum, amounting to a total of 504 dwellings over the final 7 years of the Plan period (2024-2031). Proportionately then, there are more windfall units to be provided for than are now proposed to be identified in categories 2 and 3 combined.
- 5.2. Part of this increase is attributed to the inclusion of sites of up to 9 units in the assessment. MSDC are still very reliant on the delivery of homes from windfall sites. This could potentially negatively impact the delivery of affordable housing. In addition, site-specific infrastructure requirements are more readily made out in policies supporting the delivery of allocated sites, meaning that generally speaking greater public benefit can be anticipated in plans where a higher proportion of the number of dwellings targeted are to be provided on sites specifically allocated in Local Plans. It is also important to note that windfall sites cannot be assumed to come forward in proportion to the balance of development contemplated through the spatial strategy. This means that the spatial strategy may be further compromised (in addition to the under-provision in categories 2 and 3 identified above), given that windfall developments most commonly derive from within the larger settlements. These issues can be overcome by identifying more housing sites through the SADPD, and specifically with Category 3 settlements.
- 5.3. Without allocating further sites to meet the adjusted housing need, there will be a greater reliance on windfall sites. The Council is therefore encouraged to rely less on non-identified sources of housing growth (which by their nature are unpredictable in relation to the realisation of the spatial strategy) and to plan more effectively by identifying additional sites for allocation in the SADPD.

Suitability of Albourne

- 6.1. Albourne is acknowledged to be one of 13 settlements within Category 3 in the settlement hierarchy, identified as a Medium-Sized Village that provides essential services and which is capable of accommodating additional residential development. The District Plan identifies a minimum residual requirement for Category 3 settlements of 311 dwellings. This has been increased to 371 in the context of the current Regulation 19 consultation. The current draft SADPD delivers 238 units in such settlements, an under-provision of 133 units.
- 6.2. Under-provision is also apparent within Albourne itself. Table 12 produced at paragraph 6.12 of the sustainability appraisal demonstrates that (in addition to the 133-unit shortfall across Category 3 Settlements), the Regulation 19 SADPD under-delivers against the expectation for sustainable growth for Albourne – namely a further 36 dwellings. The SADPD does not allocate any sites in Albourne, leaving at least 36 units to be found if the residual for the village is to be met. The Albourne Neighbourhood Plan (made September 2016) identifies very little in the way of housing allocations to meet this identified shortfall (only 2 dwellings under policy ALH2).
- 6.3. In terms of sustainability and connectivity, Albourne is a Category 3 settlement in the District Plan hierarchy. Bus stops within 350m of the Croudace site serve Sayers Common, Hurstpierpoint, Keymer, Burgess Hill, Horsham, Crawley, and Brighton. The closest train station is at Hassocks – a 15-minute cycle journey or 25-minute bus journey away. Albourne's position within the settlement hierarchy recognises that there is access to sufficient services and facilities to justify additional housing during the plan period.
- 6.4. Of the thirteen Category 3 settlements, eight fall entirely within the AONB. Albourne on the other hand is not subject to any national or local landscape designations. The Croudace site at Land South of Henfield Road is well-placed to help to re-balance the spatial strategy, address the sustainable needs of Albourne itself, and do so while delivering additional benefits including affordable housing, open space and improved arrangements to support the primary school. It is wrong for this site to be ruled out on sustainability grounds when it would clearly contribute towards achieving the balance of growth anticipated by the spatial strategy established in the adopted Local Plan, following a full sustainability appraisal.

Albourne Primary School

- 7.1. One of the key advantages of Land South of Henfield Road is that Albourne Primary School abuts the site to the east. The school takes pupils from Hurstpierpoint, Sayers Common, Poynings, Pyecombe, Newtimber and Albourne itself.
- 7.2. The majority of children are driven to school as a result, but there is no suitable parking or drop-off arrangements. Parents tend to park along Henfield Road/ HOLDERS, and have to cross the main road to get to the school gates.
- 7.3. There are community aspirations for a safe drop-off/pick up arrangement to be made, which is not currently possible within the school's control. There is an opportunity to find a solution to this problem through the allocation of the Croudace site in the SADPD.

- 7.4. Croudace are conducting an online survey which aims to seek the views of parents to establish whether there is a need for a drop-off/parking area to serve Albourne Primary School and how this could be delivered.
- 7.5. The survey is still 'live.' However, responses to thus far establish that 79% travel to the Primary School by car, and all car users would find a dedicated parking area close to the school useful, with most saying they would use a dedicated parking area every day.
- 7.6. The survey responses are further evidence that a school drop-off/parking area would be of great benefit to parents at school.

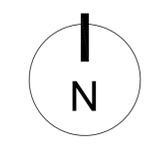
Summary

- 8.1. It is evident from the figures published in the Regulation 19 SADPD that there remains a significant shortfall of homes in Category 3 settlements across the District. In particular, there are no sites identified in Albourne, despite the findings of the sustainability appraisal.
- 8.2. Our representation at Regulation 18 highlighted that there are suitable sites to meet an acknowledged shortfall in housing provision against the District Plan's residual minimum requirements, both in Albourne, and in Category 3 settlements generally.
- 8.3. As noted in our previous representation, the Regulation 19 SADPD over-relies on windfall development, and more so in the latest iteration of the DPD. If the SADPD relies too heavily on windfall despite the availability of suitable residential sites, it cannot be considered justified, effective or consistent with national policy and therefore would be unsound. Difficulties with delivery on some of the District Plan's strategic sites and the unproven response to Policy DP6 mean that further site allocations are the safest way to ensure that a five-year supply is maintained through the Plan period.
- 8.4. Land South of Henfield Road, Albourne is well-suited to meet an acknowledged shortfall in housing provision against the District Plan's residual minimum requirements in Albourne, and in Category 3 settlements generally. An allocation of this site has the potential to deliver policy-compliant affordable housing in a sustainable manner, and further local benefits including a much-needed solution to primary school parking /drop-off problems which would be a great benefit to teachers and parents. Land South of Henfield Road is in single ownership and Croudace are in a position to commit to the delivering homes at the at the site within a short phasing timeline.
- 8.5. We do not consider the SADPD to be 'sound' in its current form. In addition to the heavy reliance on windfall sites, the approach to reasonable alternatives presented in the Sustainability Appraisal (July 2020) is not consistent with the spatial strategy of the District Plan. The SADPD not only under-provides for housing in Category 3 settlements, but MSDC also risk not meeting housing numbers across the District if any of the proposed site allocations are non-deliverable.

KEY



Boundary of Proposed Housing Area Approx. 2.98Ha



1:1000 @ A1 0 10 20 30 40 Metres



**Mid Sussex District Council
Site Allocations DPD**

Regulation 18 Consultation

Representations on behalf of Croudace Homes



Our ref: CN 208855

19 November 2019

Appendix A – Site Plan, Land South of Henfield Road, Albourne

Appendix B – Housing Supply Technical Note, Strutt & Parker

Appendix C - Transport Note, Paul Basham Associates

Appendix D - Technical Note, Arc Landscape Design and Planning Ltd

Appendix E – Concept Plan, Paul Brown RIBA

Strutt and Parker are instructed by Croudace Homes (South Thames) to respond to the Regulation 18 consultation Site Allocations Development Plan Document (SADPD) published by Mid Sussex District Council on 9th October 2019. Croudace has a legal interest in land at Albourne which it is promoting for new housing alongside a new car park for the village primary school to facilitate a safer drop off and pick up arrangement for parents.

Issue 1: Deliverability

- 1.1. The Croudace interest is in Land South of Henfield Road, Albourne, more particularly as identified edged red on the plan at Appendix A.
- 1.2. The legal interest in the land was secured relatively recently, and the site has not therefore been previously assessed through the formal SHELAA process, nor the Council's site assessment work for the purpose of preparation of the Regulation 18 SADPD. Nevertheless, the interest extends to all land needed to deliver the site and there are currently no known obstacles to achieving the development.
- 1.3. Croudace are a well-established house builder with an excellent track record of housing delivery, and are presently building homes in Mid-Sussex to house local families. They are committed to bringing this opportunity forward.

Issue 2: Insufficient Site Allocations

- 2.1. Objection is made to the Regulation 18 draft plan on the basis that the Site Allocations DPD fails to identify a sufficient number of sites in order to be likely to deliver the residual housing requirement established under District Plan DP4. This should be remedied at Regulation 19 stage by the identification of more otherwise acceptable sites.
- 2.2. The Site Allocations DPD proposes to meet the residual requirement through the allocation of just 22 further sites. This runs a significant risk. The strategic sites identified in the District Plan are themselves relatively small in number, and that approach is already proving to be problematic in terms of housing delivery (see section 5 below). One of the potential advantages of preparing a Site Allocations DPD after a period of monitoring progress with strategic sites is the ability to balance the positive benefits that larger strategic allocations can produce with the greater predictability that smaller site allocations can provide. However, the potential advantages are significantly compromised by the Regulation 18 approach as the sites proposed for identification are insufficient in number to adequately compensate for the over-reliance of the District Plan on a small number of larger sites. Whilst it is acknowledged that the SADPD identifies sites with more than sufficient capacity to meet the residual requirement (assuming for the time being that the increased reliance on windfalls is acceptable), the limited number of sites nevertheless places the overall level of delivery at risk, given that the relationship with the

District Plan is not effectively balanced. Nor is there evidence that the approach established under DP6 to support the release of small sites is helping to re-address that balance.

Issue 3: Under-delivery of sites in Category 3 settlements

- 3.1. It is notable that the SADPD under-delivers housing numbers in Category 3 settlements when assessed against District Plan targets. This should be addressed in the Regulation 19 Plan by identification of additional sites in Category 3 Medium Sized Villages. This will have a number of advantages in addition to meeting the District Plan targets, including ensuring that the spatial distribution of affordable housing provision more accurately mirrors that anticipated in the District Plan.
- 3.2. The District Plan table which identified the spatial distribution of the housing requirement (p32 of the District Plan) also provides minimum figures for each of the settlement Categories.
- 3.3. The minimum housing requirement for Category 1 settlements (Towns) has been revised to 840 dwellings, down from 1,272 units. In Category 2 settlements (Local Service Centres), this has decreased from 838 dwellings to 222 dwellings (partly as a result of consented appeals in Copthorne and Crawley Down in 2018). It is noteworthy that the number of units needed in Category 3 has increased from 311 dwellings to 439. In Category 4 the requirement has decreased from 19 units to 6.
- 3.4. What is particularly noteworthy is that while the minimum residual requirement for Category 3 has increased, this is the category that is most underrepresented in the proposed site allocations. Only 303 of the minimum 439 homes required are proposed in the Regulation 18 SADPD, providing a shortfall in that category of 136 dwellings. This position is shown in the table below:

Category	Settlements	District Plan Allocations	Minimum Requirement (2014-2031)	Minimum Residual (2017 +)	Minimum Residual Reg 18 SADPD	Reg18 SADPD Sites
1 Towns	Burgess Hill, E Grinstead, Haywards Heath	3,980 (3,287 in Plan period)	10,653	1,272	840	1412
2 Larger Village	Crawley Down, Cuckfield, Hassocks	500	3,005	838	222	235
3 Medium Village	Albourne, Ardingly, Ashurst Wood, Balcome, Bolney, Handcross, Horsted Keynes, Pease Pottage,	600	2,200	311	439	303

	Sayers Common, Scaynes Hill, Sharpthorne, Turners Hill, West Hoathly					
4 Smaller Village	Ansty, Staplefield, Slaugham,, Twineham and Warninglid	0	82	19	6	12
5	Hamlets	N/A	N/A	N/A	N/A	N/A

3.5. Thus, there is a prima facie case for amending the Site Allocations DPD at Regulation 19 stage to increase the number of sites and units allocated within Category 3 settlements, to ensure consistency with the District Plan and the approved spatial strategy.

Issue 4: Windfalls

- 4.1. The SADPD places significantly greater reliance on windfall sites than the District Plan, without providing suitable evidence to support the assumptions made. The Council is therefore encouraged to rely less on non-identified sources of housing growth (which by their nature are unpredictable in relation to the realisation of the spatial strategy) and to plan more effectively by identifying additional sites for allocation in the Regulation 19 version of the SADPD.
- 4.2. The District Plan makes provision for a windfall allowance of 45 dwellings per annum on small sites of up to 5 units, from year 6 of the plan period, contributing a total of 450 units over the plan period 2014-2031.
- 4.3. The Regulation 18 SADPD proposes to increase that allowance to 84 dwellings per annum, amounting to a total of 588 dwellings over the final 7 years of the Plan period (2024-2031). Part of this increase is attributed to now including sites of up to 9 units in the assessment.
- 4.4. This is the figure that has been used for the purpose of assessing the residual housing requirement for the SADPD.
- 4.5. Strutt & Parker has produced a separate paper analysing the justification for this approach. A copy is provided as Appendix B to these representations. The conclusions of the analysis are that:
 - The extension of the qualifying sites to include those with a capacity of up to 9 units risks double-counting of sites identified in one of the many neighbourhood plans in the District;
 - The Council’s latest assessment relies on evidence produced over a short period of time in a relatively buoyant housing market;

- Evidence of delays in achieving the anticipated housing trajectory from strategic sites is likely to result in a significant deficit against the housing requirement later in the Plan period;
 - The windfall allowance should be reduced, and further sites allocated through the SADPD process instead.
- 4.6. There are a number of potential implications from over-reliance on windfalls. Not only is the spatial strategy put at risk (there being a reduced ability to steer the quantity of development to locations consistent with the District Plan's strategy), the potential benefits arising from site allocation policies themselves are also much reduced. In particular, the likely quantum of affordable housing delivery is put at greater risk given that windfall sites are much less likely to deliver affordable provision. In addition, site-specific infrastructure requirements are more readily made out in policies supporting the delivery of allocated sites, meaning that generally speaking greater public benefit can be anticipated in Plans where a higher proportion of the number of dwellings targeted are to be provided on sites specifically allocated in Local Plans. All these issues can be overcome by identifying more housing sites through the SADPD process.

Issue 5: Strategic Sites under-delivery

- 5.1. The District Plan's strategic sites are very unlikely to meet the anticipated target numbers within the Plan period. As a result, there is a strong case for the identification of additional provision through further site identification through the SADPD (rather than reliance on an increased level of windfalls). This should be addressed by further site identification at the Regulation 19 stage.
- 5.2. The District Plan includes strategic site allocations at Burgess Hill, Hassocks and Pease Pottage, totalling 5,080 units. Of this total, 4,867 are expected to be delivered during the plan period to 2031.
- 5.3. There are however already signs that this trajectory will not be met.
- 5.4. At Burgess Hill, outline planning permission has only very recently been granted for the Northern Arc scheme, and then for 3,040 dwellings rather than the 3,500 contemplated in the District Plan strategic allocation. The Council's Housing Land Supply Position Statement, produced in July 2019 nevertheless anticipated completions to begin in 2021/22.
- 5.5. Given that the recent permission (DM/18/5114) is in outline only and that reserved matters and/or discharge of conditions applications have yet to be submitted, completion of any units in a little over 12 months seems very unlikely.
- 5.6. Delivery is expected to reach 156 dwellings per annum by 2023/2024 but even at that rate, the level of provision originally anticipated within the Plan period will not be reached.

- 5.7. At Hassocks, an outline application for 500 units has been presented to MSDC but remains undetermined, with no committee date yet fixed. Again, the July 2019 HLS Position Statement assumes first completions in 2021/22. This site is far less complex than the Northern Arc scheme, but this start date remains ambitious. The site ought to provide 50 dwellings per annum once commenced as suggested in the Position Statement.
- 5.8. The Kings Way (Burgess Hill) and Pease Pottage strategic sites are progressing acceptably but together are not large enough to compensate for likely delays with the others. It is therefore important that greater certainty be afforded through the SADPD process to bolster supply. Such certainty cannot be reliably achieved through an increased windfall allowance. Instead, additional site allocations should be made at Regulation 19 stage.

Issue 6: Assessed Housing Options and the Sustainability Appraisal

- 6.1. MSDC are required to assess potential reasonable alternative strategies against the selected approach developed for the purposes of the Regulation 18 version of the SADPD. The Council purports to have carried out that exercise by considering three potential Options for the SADPD consultation, as set out in the committee report.
- 6.2. The Options presented however were not sufficiently different in terms of addressing the approved spatial strategy. 20 of the 22 sites ultimately identified in the selected Option were common to all 3 Options.
- 6.3. Option 2 included two additional sites at Burgess Hill (Category 1 settlement) while Option 3 included those sites plus a 3rd site at Haywards Heath (again a Category 1 settlement). This means that the choice around options was solely a choice around the overall number of units to be delivered in excess of the minimum residual requirement. There was no reasonable alternative presented in relation to the spatial strategy and the distribution of development between the settlement categories. Options 2 and 3 simply added additional dwellings to Category 1 settlements and did not seek to redress imbalances between the other settlement categories. The choice provided was against delivering either 112, 455 or 742 dwellings above the minimum residual requirement. In each scenario, the minimum target provision was exceeded in Category 1, 2 and 4 settlements. None of the Options met the Category 3 target residual minimum.
- 6.4. This is surprising given that there are nearly the same number of settlements in Category 3 (13) than in all of the other settlement categories where sites are proposed for allocation combined (14). It is not credible that there are no potentially suitable additional Category 3 sites that might be considered as reasonable alternatives for the purpose of the sustainability appraisal.
- 6.5. This is all the more pertinent given that the minimum residual provision targeted in the District Plan for Category 3 settlements is the only requirement to have increased under the analysis carried out in support of the SADPD (see section 3 and table above).

Issue 7: Suitability

- 7.1. Albourne is acknowledged to be one of 13 settlements within Category 3 in the settlement hierarchy, identified as a Medium-Sized Village that provides essential services and which is capable of accommodating additional residential development. The District Plan identifies a minimum residual requirement for Category 3 settlements of 311 dwellings. This has been increased to 439 units as at 1st April 2019 in the context of the current Regulation 18 consultation. The current draft SADPD delivers 303 units in such settlements, an under-provision of 136 units.
- 7.2. Under-provision is also apparent within Albourne itself. The table produced at paragraph 6.42 of the sustainability appraisal demonstrates that (in addition to the 136-unit shortfall across Category 3 Settlements), the Regulation 18 SADPD under-delivers against the spatial strategy expectation for Albourne – namely 39 dwellings. The SADPD does not allocate any sites in Albourne, leaving at least 39 units to be found if the residual for the village is to be met. The Albourne Neighbourhood identifies very little in the way of housing allocations to meet this identified shortfall (only 2 dwellings under policy ALH2).
- 7.3. The site South of Henfield Road consists of 3 hectares of agricultural land in total, to the west of Albourne and adjacent to the settlement confines. The land proposed for allocation lies to the south of a mature hedgerow/tree boundary which runs east/west and which itself is behind a further hedgerow running along the southern side of Henfield Road. The eastern boundary is formed by the rear of the Primary School site, with a public footpath forming the southern boundary. The western boundary of the site runs broadly north/south and follows a change in the topography of the site following the site's lowest contours before the land rises again to the west. Croudace also control land with an extensive frontage to Henfield Road (including the adjacent orchard), from which the existing access to the site itself is taken via a field gate. The site is currently uncultivated.
- 7.4. Public Right of Way (PROW) 15_1AL forms the southern boundary and connects the site with The Street. The site lies some 1.8km from the South Downs National Park and the High Weald AONB is some 5.7km to the north of the site.
- 7.5. The site benefits from minimal overlooking by existing properties and its development would have minimal adverse impact on the amenity of existing residents and businesses. Nevertheless, the site lies immediately adjacent to the settlement confines and provides a logical potential extension to the village.
- 7.6. In terms of settlement structure, Church Lane and Henfield Road (B2116) and associated mature hedgerows provide a natural enclosure to the land within Croudace's control. Further afield, the B2118 London Road forms a natural boundary to the east of the village, restricting further growth in that direction with the need to prevent coalescence with Hurstpierpoint. A23 road noise also restricts growth to the east.

- 7.7. To the north and south of the village, two promoted sites were discounted at the SHELAA Stage 1 (ref. 58 and 789). This is compounded by a Local Gap policy in the Neighbourhood Plan which prevents development to the north and east of the village (policy C3). Growth to the west of the village is the only remaining area where additional housing could be located, and which has not been explored to date given the late stage at which the Croudace site has been presented to Mid Sussex. Indeed, none of the previously promoted sites in Albourne progressed beyond the high level site assessment (Stage 2) as all were considered to be non-compliant with the District Plan spatial strategy. Land South of Henfield Road would be compliant given its excellent relationship to the existing settlement and its scale relative to the settlement and its position in the hierarchy, whilst having the added benefit of providing a safe drop off and pick up area for the adjacent primary school.
- 7.8. In terms of sustainability and connectivity, Albourne is a Category 3 settlement in the District Plan hierarchy. Bus stops within 350m of the site serve Sayers Common, Hurstpierpoint, Keymer, Burgess Hill, Horsham, Crawley, and Brighton. The closest train station is at Hassocks – a 15-minute cycle journey or 25-minute bus journey away. Albourne's position within the settlement hierarchy recognises that there is access to sufficient services and facilities to justify additional housing during the plan period.
- 7.9. Transport work has been undertaken by Paul Basham Associates. Their assessment can be summarised as follows:
- Average traffic speeds (outside half-term break) indicate 85th percentile speeds of 39mph.
 - Visibility splays of 120m (DMRB standards), based on current vehicle speeds, can be achieved.
 - Access to the site should be taken from Henfield Road. While Croudace control an extensive frontage, a new access approximately 45m west of the junction between The Street and Henfield Road is proposed. This would involve the closure of the existing agricultural access between this point and the junction with The street. This access point is well-related to the village centre.
 - Relocating the 30mph speed limit change further west could help to reduce vehicle speeds and reduce visibility requirements, but this is not essential to the deliverability of the scheme. Pre-app discussions with WSCC Highways have indicated that this is not essential.
 - Additional pedestrian access can be provided to the south of the site where it abuts PROW No. 15_1A1. This connects to The Street, past the school grounds.
- 7.10. The vehicular access to the site would be formed at the point that the two hedgerows referred to above join and would continue to provide a continuous hedgerow around the adjacent orchard, thereby minimising impact on the landscape and ecology.

- 7.11. Pre-application advice has been sought from WSCC as highways authority over the access and transport considerations associated with a potential development of 40 dwellings. The advice provided (in August 2019) considered a proposal to relocate the 30mph speed limit and suggested access arrangement improvements. This is discussed further in the accompanying Transport Note (Appendix C), where a number of access options have been explored.
- 7.12. Of the thirteen Category 3 settlements, eight fall entirely within the AONB. Albourne on the other hand is not subject to any national or local landscape designations, although views from the nearby South Downs National Park do need to be taken into consideration.
- 7.13. Arc Landscape Design and Planning Ltd have prepared a technical note (Appendix D) which explores the landscape impact of development on the site. While the prominent ridge of the South Downs is visible from views within the site, inter-visibility is limited. When viewed from the top of the South Downs ridge, the site is indiscernible within the wide panoramic views experienced from these locations. Again, whilst there are views out from the site looking north and north-west, due to the lower lying nature of the landscape to the north, combined with intervening boundary vegetation and woodland, there are no notable views back towards the site.
- 7.14. The report notes:
- Any new development comprising built form of up to two storeys would be visible over the existing hedgerow along Henfield Road from the properties to the north. There would also be views of new buildings from Wellcroft Cottages to the south, however these views would become increasingly screened over time once the trees and hedgerow along the southern boundary (recently planted) are established.
 - Users of the PROW as it crosses the site would experience a change in views looking to the north, however this change would be experienced for only a relatively short length (some 114m) of the much longer footpath. The relationship between the footpath and any new buildings should be carefully considered.
 - The site is largely indiscernible in views from the South Downs. The introduction of built form at the densities proposed is unlikely to increase visibility, however materials for south facing facades and roofing materials should be selected to tie in visually with existing properties in the nearby villages.
- 7.15. The illustrative Concept Plan at Appendix E shows one way in which the site could be developed.
- 7.16. The development of the site at an appropriate density that reflects the character of the existing settlement, together with sensitive design and appropriate use of materials and mitigation planting, will mean that development of this site will be suitable in terms of the Council's overall assessment. The net developable area of the site is approximately 2.3ha. This area is capable of delivering approximately 40 dwellings at a density of 17 dwellings/hectare.

- 7.17. Arc's report also considers the Council's landscape capacity studies undertaken in 2007, 2014 and 2015, and offers a site-specific opinion of the landscape capacity of the site. The site falls within a larger character area that was assessed as having medium/low landscape capacity in the 2014 LUC report. This character area received negative scores due to the presence of listed buildings and proximity to Sayers Common. In fact, the site being promoted here is not located close to any heritage assets and is sufficiently small scale and distant from Sayers Common such that its 'Landscape Sensitivity' and 'Landscape Value' should be assessed more favourably. The report concludes that the landscape capacity of the site, when assessed separately from the remainder of the character area, is 'Medium'.

Issue 8: Albourne Primary School

- 8.1. One of the key advantages of Land South of Henfield Road is that Albourne Primary School abuts the site to the east. The school takes pupils from Hurstpierpoint, Sayers Common, Poynings, Pyecombe, Newtimber and Albourne itself. Many pupils travel from Hurstpierpoint in particular, where the primary school is at capacity.
- 8.2. The majority of children are driven to school as a result, but there is no suitable parking or drop-off arrangements. Parents tend to park along Henfield Road/ HOLDERS, and have to cross the main road to get to the school gates.
- 8.3. There are community aspirations for a safe drop-off/pick up arrangement to be made, which is not currently possible within the school's control. There is an opportunity to find a solution to this problem through the allocation of the Croudace site in the SADPD.
- 8.4. It is envisaged that a parking area could be provided in the north eastern part of the site (via the new residential access), with a footpath connection into the school grounds. These arrangements are shown indicatively in the Concept Plan (Appendix E).

9: Summary

- 9.1. Land South of Henfield Road, Albourne is well-suited to meet an acknowledged shortfall in housing provision against the District Plan's residual minimum requirements in Albourne, and in Category 3 settlements generally. An allocation of this site at Regulation 19 stage has the potential to deliver policy-compliant affordable housing in a sustainable manner, and further local benefits including a much-needed solution to primary school parking /drop-off problems.
- 9.2. The Regulation 18 SADPD over-relies on windfall development. Difficulties with delivery on some of the District Plan's strategic sites and the unproven response to Policy DP6 mean that further site allocations are the safest way to ensure that a five-year supply is maintained through the Plan period.
- 9.3. The Council should give serious consideration to revising the windfall provision, and should instead target new sites at Category 3 settlements.

- 9.4. That a site with such positive merits as Land South of Henfield Road, Albourne should nevertheless be available and suitable suggests that the Council has yet to leave “no stone unturned” (in particular in Category 3 settlements) in seeking appropriate opportunities for further site allocation.



Mid Sussex District Council Site Allocations Development Plan Document

Regulation 18 Consultation Draft

Housing Supply Technical Note

Prepared by Strutt & Parker

S&P Ref: 210906 / GW/SC

October 2019

Executive Summary

1. This technical note has been prepared by Strutt & Parker in response to the emerging Site Allocations Development Plan Document (DPD) Regulation 18 Consultation, to provide commentary on elements of the Council's housing supply, in particular its revised windfall estimate and the deliverability of strategic allocations.
2. The National Planning Policy Framework (NPPF) is clear that where a windfall allowance is included as part of housing supply, it should be justified by compelling evidence. There are a number of concerns at this stage with whether the Council's approach to calculating windfalls is justified, in particular due to the risk of double counting with neighbourhood plans, and the limited period used to estimate the revised windfall figure.
3. With respect to the deliverability of strategic allocations, the Council are relying on four strategic sites as a key element of their housing supply over the remaining plan period. Whilst development has commenced on two of these sites, there is a risk of the Burgess Hill Northern Arc in particular delivering significantly less housing within the plan period than expected.
4. We recommend the Council reappraise its approach to windfalls and revise the housing trajectory to understand the likely impact of these issues. Additional land for development should be allocated through the Site Allocations DPD to ensure it can maintain a five year supply of housing land over the remainder of the plan period.

Windfalls

Policy Background

5. Paragraph 70 of the NPPF 2019 states:

'Where an allowance is to be made for windfall sites as part of anticipated supply, there should be compelling evidence that they will provide a reliable source of supply. Any allowance should be realistic having regard to the strategic housing land availability assessment, historic windfall delivery rates and expected future trends. Plans should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.'

6. Windfalls are simply defined in the glossary of the NPPF as '*sites not specifically identified in the development plan.*'
7. National Planning Practice Guidance simply refers back to paragraph 70 of the NPPF.

Adopted District Plan

8. The adopted Mid Sussex District Plan (March 2018) sets out that a windfall of 45 dwellings per annum (dpa) can be delivered on small sites of up to 5 units, from year 6 of the plan period, contributing a total of 450 units over the plan period 2014-2031.
9. The basis of this windfall estimate is set out in the Council's Windfall Study dated November 2015. The figure has been derived by first calculating the average annual number of completions on previously developed sites of between 1-5 dwellings, for the seven years 2007-2014. This figure has then been discounted by 20% to ensure a robust figure which can be used as a reliable source of supply.

Emerging Site Allocations DPD

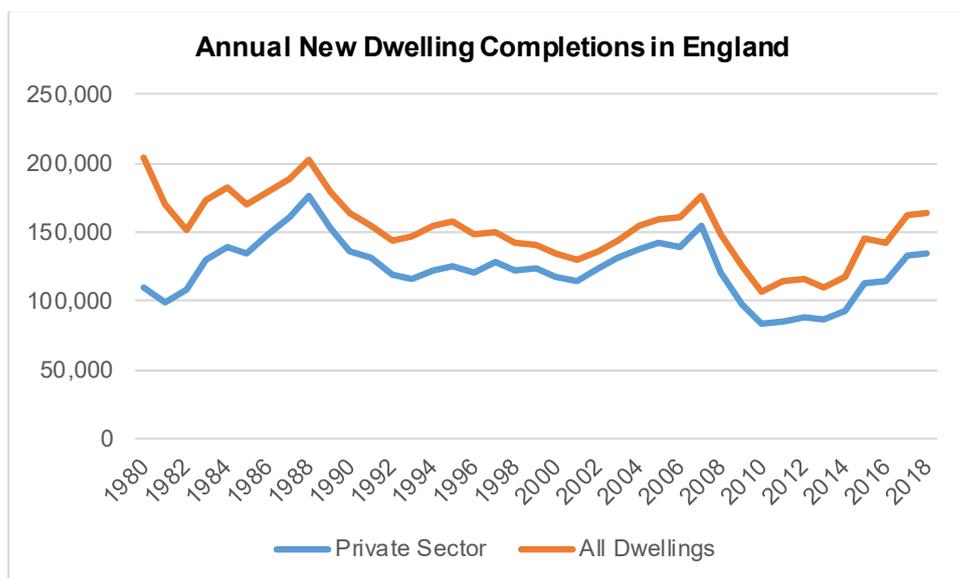
10. The emerging Site Allocations DPD proposes to include an increased windfall allowance of 84dpa, or a total of 588 dwellings over the final 7 years of the plan period (2024-2031). The Council have produced a Windfall Study Update (dated September 2019). This sets out that the figure of 84dpa has been derived by applying a broadly similar methodology as previously, although with a number of key differences. The primary difference is that the range of sites which have been considered as potential windfalls has been increased from sites with a capacity of 1-5 units to sites with 1-9 units. National Policy does not set any limit on the size of site which can be considered a windfall, and there is a logic in increasing the range to sites with a capacity of up to 9 units as this aligns with the definition of non-major development as defined in the NPPF. This change in approach does however need to be clearly justified by robust evidence.
11. An important factor which has to be considered is whether increasing the windfall site threshold creates a risk of double counting with sites between 6-9 dwellings which have been allocated

through the Development Plan. None of the District Plan, Small Site Allocations DPD or emerging Site Allocations DPD include any site allocations between 6-9 units. There are however a number of Neighbourhood Plans within Mid Sussex District for sites below 10 units including:

- Land at Hay Lane, Albourne – 2 dwellings
- Barn Cottage, Ansty – 8 dwellings
- 98-104 Maypole Road, Ashurst Wood – 5 dwellings
- Mount Pleasant Nursery, Ashurst Wood – 3 dwellings
- Willow Trees, Lewes Road, Ashurst Wood – 2-4 dwellings
- Spinney Hill, Ashurst Wood – 2-4 dwellings
- G&W Motors, Bolney – 9 dwellings
- Bolney House Garden, Bolney – 3-5 dwellings
- Site of 11 Manor Drive, Cuckfield – 3 dwellings
- Meadway Garage, Lowdells Lane, East Grinstead – 9 dwellings
- 67-69 Railway Approach, East Grinstead – 7 dwellings

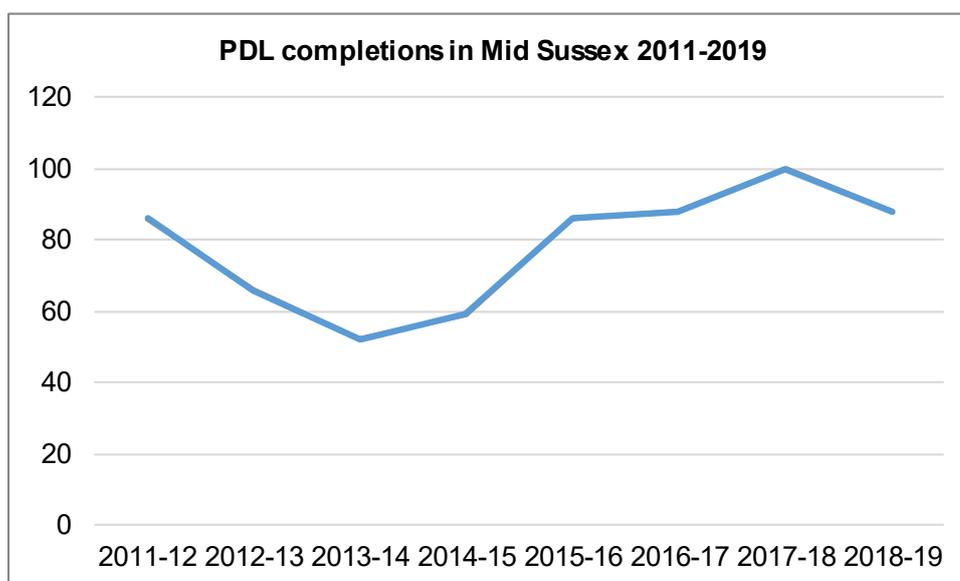
12. It is likely further sites with a capacity of less than 10 units will be allocated in future Neighbourhood Plans and Neighbourhood Plan reviews. There is a clear risk of double counting, and indeed the fact that a number of Neighbourhood Plan allocations are for sites of 5 dwellings or less, there is a clear question over whether the inclusion of any windfall allowance is robust. At the very least a significant discount should be applied to avoid double counting.
13. Another change to the Council approach to calculating its windfall estimate is that it has used a relatively short period to calculate its windfall estimate, the five years 2014-2019. This approach is flawed as it only captures completions from a relatively buoyant period in the housing market. Private sector house building, and housing building overall tends to reflect economic cycles, as illustrated by Table 1 below which shows annual completions in England since 1980.

Table 1. – Annual New Dwelling Completions in England¹



14. Making long term projections on the basis of a small range is statistically flawed, and in this case overinflates the Council’s windfall estimate. We recommend a longer period is used in order to capture the full economic cycle and provide a more robust calculation. Using housing land supply data published on the Council’s website, Tables 2 and 3 show the number of completions on sites of less than 10 units, on previously developed land and overall respectively. Table 4 shows net annual completions in England which illustrates how the trend in completions in Mid Sussex reflects the national trend.

Table 2. – Net annual completions on previously developed sites for less than 10 units.



¹ MHCLG Table 244: permanent dwellings started and completed, by tenure, England, historical calendar year series

Table 3. – Net annual completions on all sites for less than 10 units

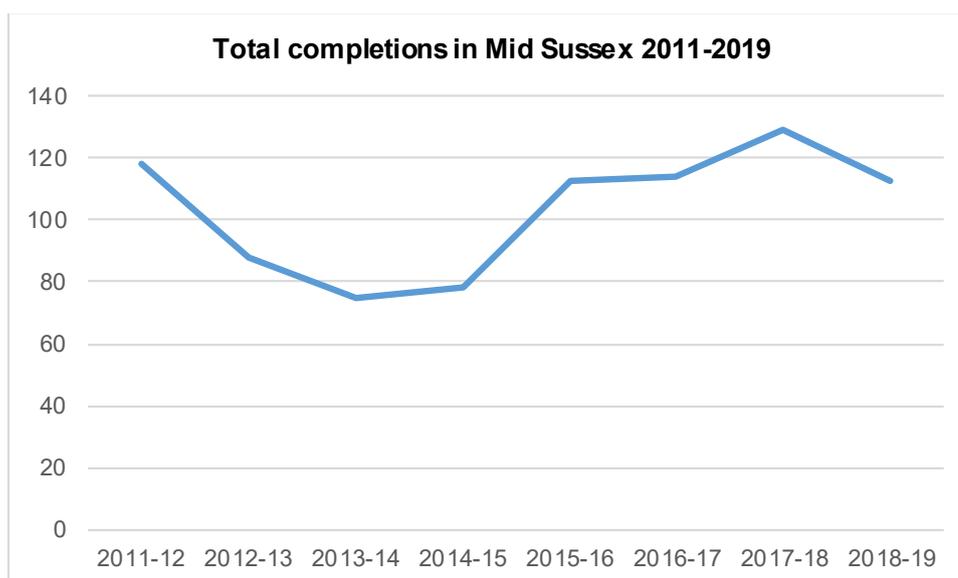
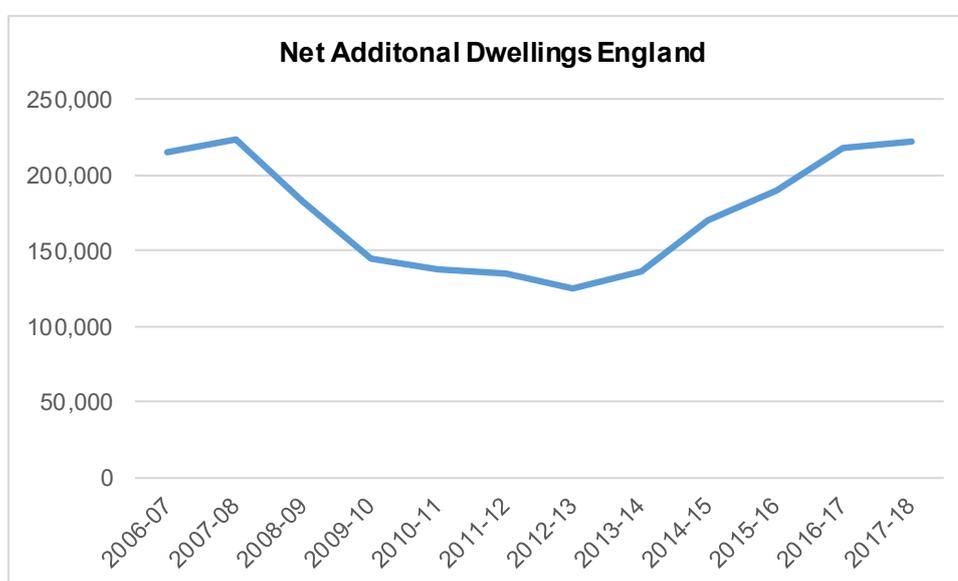


Table 4. – Net annual completions in England²



15. Using the period 2011-2019, and leaving the Council's methodology otherwise unchanged, the updated windfall figure would reduce from 84dpa to 78dpa.
16. Another underlying concern with the robustness of the Council's revised approach to calculating windfalls is that the Council is basing its revised windfall calculation on a dataset which does not relate to the policy change it is looking to reflect. Paragraph 2.24 of the consultation Draft Site Allocations DPD states that the windfall allowance is being:

² MHCLG Live Table 120: Components of housing supply; net additional dwellings, England 2006-07 to 2017-18

'updated to reflect changes in national policy and District Plan Policy DP6 that supports development of up to 9 dwellings that are contiguous to existing Settlement Boundaries and based on past performance.'

17. As set out in paragraph 3.2 of the Windfall Study Update 2019, there has only been one monitoring year where Policy DP6 has been the policy position. As such past completions do not provide any real guidance as to what effect this policy change will have, if any, and it is not robust to use this change in policy to justify a change to the windfall estimate at this stage.
18. In summary, there are clear flaws in the Council's approach to Windfalls, and there is no compelling evidence to justify an increase in the estimated contribution windfalls will make above 45dpa in the adopted District Plan. Indeed, the potential double counting with small sites allocated in Neighbourhood Plans brings into question whether a windfall allowance is justified at all.

Deliverability of Strategic Allocations

19. The adopted District Plan includes four strategic housing allocations. Two of these allocations, Kings Way at Burgess Hill and East of Pease Pottage are progressing broadly as expected with development having commenced. Progress has been slower however on the other two allocations.

North of Clayton Mills, Hassocks

20. An outline planning application (DM/18/4979) for up to 500 dwellings on this site was submitted in December 2018 but has not yet been determined. The Council's submitted Housing Land Supply Position Statement July 2019 sets out that completions on this site are expected from the monitoring year 2021/22, with delivery of 50dpa. At this build rate final completions would be in the final year of the plan period.
21. As the outline permission has yet to be determined, assuming this is approved, for completions to start in 2021/22 is ambitious although not necessarily unrealistic. As such it appears realistic that this site can deliver in full within the plan period, however any delays risk pushing completions beyond the end of the plan period.

Northern Arc, Burgess Hill

22. An outline planning application (DM/18/5114) for 3,040 homes was submitted in December 2018 and finally approved on 4 October 2019. The Council's submitted Housing Land Supply Position Statement July 2019 states the first completions are expected in 2021/22, with delivery rising from 80 in the first year to 132 and 156 in subsequent years.
23. Assuming a delivery rate of 156dpa is maintained, this site would only deliver 1,460 dwellings over the plan period, significantly below the 3,500 dwellings it is allocated for. For a site of this size, for completions to start in 2021/22 appears overly ambitious.
24. Research by Lichfields³ in 2016 found that sites of 2,000 units or more on average took six years from first submission of an application to full, hybrid, or first reserved matters approval. This reflects the inherent complexities of delivering sites of this size and associated infrastructure. At this rate, first completions are unlikely to take place until 2024-2025, with the site likely to deliver less than 1,000 units within the plan period to 2031.
25. Despite Homes England seeking to unlock supporting infrastructure, there does not appear to be any reliable evidence at this stage that this is likely to significantly accelerate delivery. Whilst the submitted Housing Land Supply Position Statement states at paragraph 3.5 that the majority of the dwellings this site is allocated for will be delivered within the plan period, this is manifestly not the case.
26. The Council however has the opportunity, through the Site Allocations DPD to allocate a number of additional deliverable small and medium-sized sites. This will provide greater

³ NLP (2016) *Start to Finish* (<https://lichfields.uk/media/1728/start-to-finish.pdf>)

certainty and help ensure the Council it is building the homes which are needed, and that it will be able to demonstrate a robust supply of housing over the remainder of the plan period, rather than opening the door for unplanned speculative development.

Conclusion

1. National policy sets out that if an allowance of windfalls is to be included as part of housing supply, this should be justified by compelling evidence. There are a number of concerns at this stage with whether the Council's approach to calculating windfalls is justified. In particular, there is a risk of double counting with sites which have a capacity of less than 10 dwellings allocated through neighbourhood plans. This brings into question whether any windfall allowance is justified at all, and as a minimum we recommend a significant discount should be applied to address this issue. The Council has also used a short period of time during a relatively buoyant construction period to estimate its windfall allowance, with has the effect of overestimated the likely contribution from small sites to housing supply in future years.
2. The Council are relying of four strategic sites as a key element of their housing supply over the remaining plan period. Whilst development has commenced on two of these sites, there is a risk of the Burgess Hill Northern Arc in particular delivering significantly less housing within the plan period than expected. This is likely to result in a significant deficit against the housing requirement in the later years of the plan.
3. We recommend the Council review its approach to windfalls and the housing trajectory for the remainder of the plan period to take account of these concerns, allocating additional land for development through the Site Allocations DPD to ensure a five year supply of housing land can be maintained over the remainder of the plan period.

Project Name:	Land South of Henfield Road, Albourne
Document Reference:	093.0002/LPTR/5
Document Name:	Land Promotion Transport Report
Prepared By:	Martha Woodley (November 2019)
Checked By:	Harry Cross (November 2019)
Approved By:	James Rand (November 2019)

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1. INTRODUCTION

1.1 This Land Promotion Transport Report (LPTR) has been prepared by Paul Basham Associates on behalf of Croudace Homes to promote land South of Henfield Road, Albourne for a residential development of circa 40 dwellings. The site location and red line plan is shown below in **Figure 1** with wider land ownership demonstrated in blue.

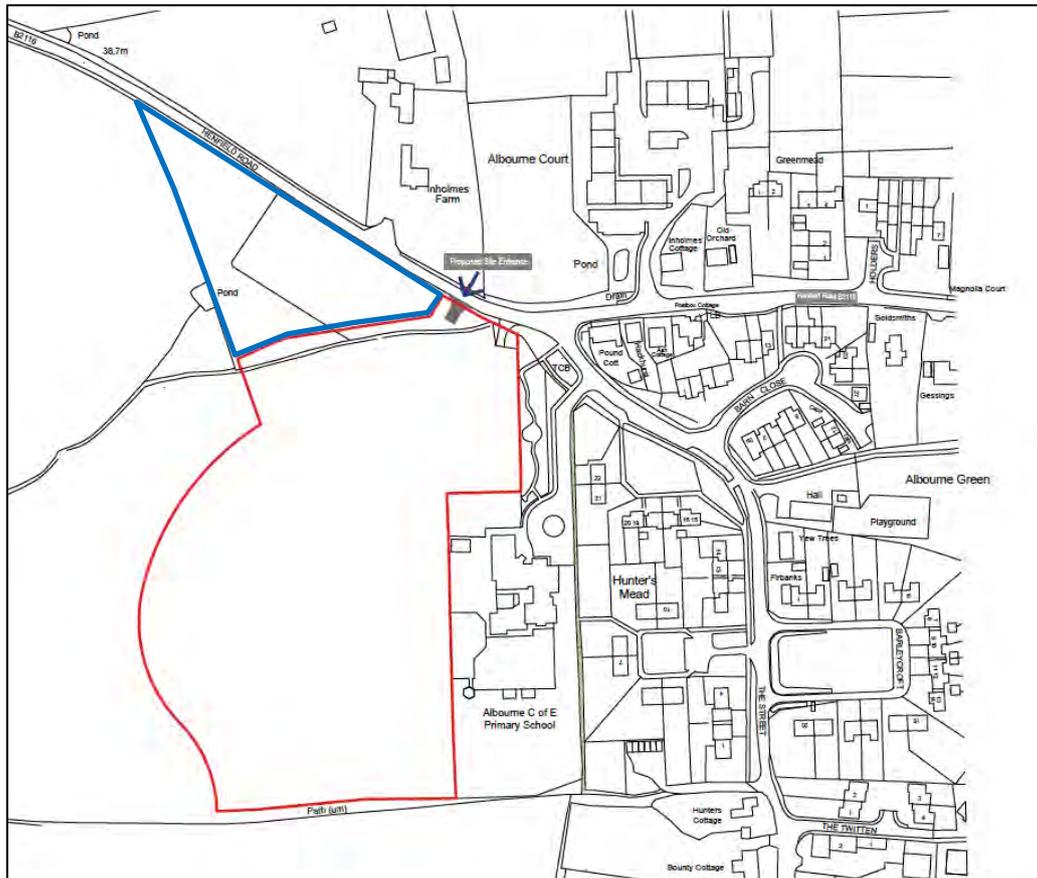


Figure 1: Approximate Site Location

- 1.2 Mid Sussex District Council (MSDC) are in the process of preparing a Site Allocations Development Plan Document (DPD) which identifies sufficient housing sites to provide a five-year housing supply to 2031.
- 1.3 Mindful of the need for sustainable and deliverable sites, this LPTR will demonstrate the suitability and benefits of this particular site through an assessment of site accessibility, development capacity, trip generation and site access proposals before drawing conclusions from the assessment.
- 1.4 This LPTR has been informed by pre-application discussions with WSCC Highways which took place during an on-site meeting in August 2019. A copy of the formal highways pre-application response (Ref: PRE-72-19) is attached within **Appendix A**.

2. EXISTING CONDITIONS AND SITE ACCESSIBILITY

- 2.1 The site is situated towards the western edge of Albourne Village, approximately 1.4km south of Sayers Common where a village store is located. Hurstpierpoint is located approximately 1.7km east of the site offering a wider variety of amenities and services including several shops and restaurants, places of worship, a pharmacy, dentist, health centre, and library.
- 2.2 The site comprises undeveloped agricultural land bordered by Henfield Road to the north, Albourne CE Primary School to the east and neighbouring agricultural fields to the immediate south and west.
- 2.3 The site comprises two separate parcels of land, each with their own access. The triangular parcel of land which extends across the site frontage comprises of an orchard and is accessed via a gated access approximately 90m west of The Street/Henfield Road junction.
- 2.4 The rear parcel of land, also used for agricultural purposes, is served by a different gated access towards the north-east corner of the site on Henfield Road. This access is situated approximately 10m west of The Street/Henfield Road junction and is demonstrated in **Photograph 1**. The existing site conditions are demonstrated in **Photograph 2**.



Photograph 1: Existing Access Arrangement



Photograph 2: Existing Site Conditions

Local Road Network

- 2.5 Henfield Road (B2116) is a single carriageway road with an approximate east-west alignment and measures approximately 6.5m in width. Within the vicinity of the existing site access the road is subject to a 30mph speed limit. Approximately 100m west of the existing site access and halfway across along the site frontage, the speed limit changes to

the national speed limit. The existing conditions along Henfield Road within the vicinity of the site are demonstrated in **Photographs 3** and **4**.



Photograph 3: Conditions on Henfield Road (Eastbound)



Photograph 4: Conditions on Henfield Road (Westbound)

- 2.6 The site has good connections with the wider strategic road network including the B2218 and A23 to the east and the A272 to the north. The A23 is accessible via a 3-minute drive (2.5km) from the site and provides connections with Crawley to the north (18 minutes) and Brighton to the south (23 minutes).

Pedestrian Network

- 2.7 Pedestrian footways are provided along Henfield Road between The Street/Henfield Road junction and the B2118/Henfield Road junction 250m to the east of the site. Footways then continue along the B2118.
- 2.8 Although the existing footway along Henfield Road does not currently extend to the site it is proposed that either the footpath will be extended or that a footpath is provided within the site to The Street eliminating the need for a footway along this stretch of carriageway.
- 2.9 The site is situated within the vicinity of a number of Public Right of Ways (PROWs), which provide pedestrian routes towards the neighbouring village of Hurstpierpoint as well as local facilities including the Singing Hills Golf Course and the Albourne Equestrian Centre. An overview of the PROW's within the vicinity of the site is illustrated in **Figure 2**.

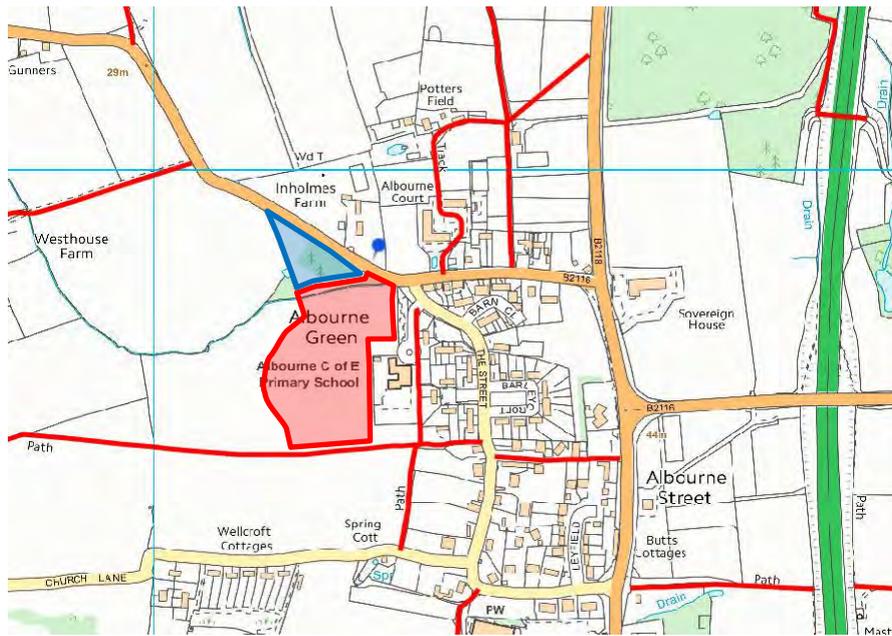


Figure 2: PROW's within the vicinity of the site

- 2.10 There is potential to provide an additional pedestrian connection to the village centre which joins with PROW No.15_1A1. This particular PROW runs along the southern border of the site and provides connections with both The Street as well as the B2118 where several bus stops are situated.

Cycle Network

- 2.11 The site is situated approximately 275m west of National Cycle Route (NCR) 20 which follows the route of the B2118 (Figure 3). The route connects the site with Crawley to the north via Sayers Common, Hickstead, Bolney, Staplefield, Handcross and Pease Pottage. To the south, the route connects the site with Brighton via Pyecombe, Withdean and Preston.

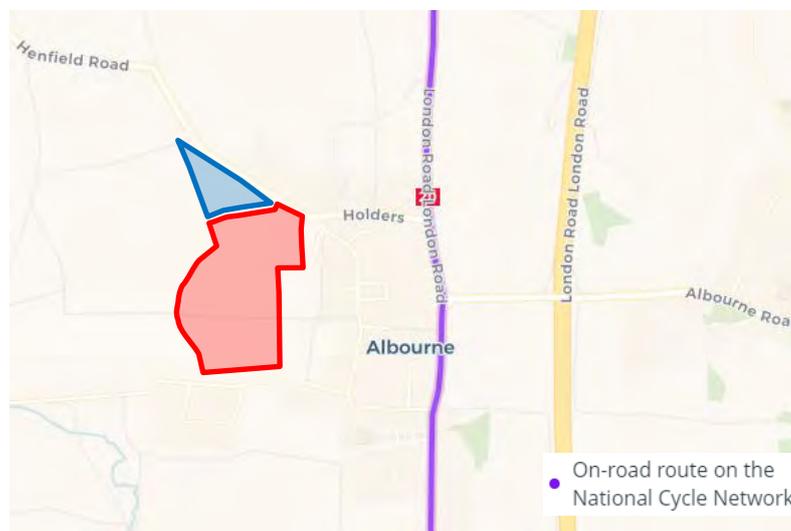


Figure 3: Local Cycle Routes (Sourced from: www.sustrans.org.uk)

Public Transport

- 2.12 The closest bus stops to the site are the ‘Village Hall’ and ‘The Street’ bus stops, both located within 150m of the site (a two-minute walking distance). Both stops are served by the 590 bus service which departs at 08:25 during the week and serves Sayers Common, Muddleswood, Hurstpierpoint, and Clayton.
- 2.13 Better served bus stops include the ‘Traffic Lights’ bus stops, located on the B2118, approximately 350m east of the site (five-minute walking distance). The northbound stop comprises a layby and sheltered seating, whilst the southbound stop comprises a flag and pole style stop with printed timetables.
- 2.14 A summary of the services provided within the vicinity of the site is outlined in **Table 1**.

Service	Stops At: (Closest Stop)	Route	Operator	Frequency		
				M-F	Sa	Su
590	Village Hall & The Street	Sayers Common – Hurstpierpoint – Keymer – Albourne	The Sussex Bus	Once a day: 08:25	No Service	
100	Traffic Lights	Burgess Hill – Henfield – Steyning – Storrington – Pulborough - Horsham	Compass Travel	Hourly	Hourly	No Service
273	Traffic Lights	Crawley – Hurstpierpoint – Brighton	Metrobus	Every 2 hours approx.		No Service
331	Traffic Lights	Keymer – Hurstpierpoint – Sayers Common	The Sussex Bus	Once a day: 15:31	No Service	

Table 1: Summary of Local Bus Services

Rail Services

- 2.15 The closest railway station to the site is Hassocks Station, situated approximately 4.5km east of the site. The station can be accessed from the site via a 15-minute (approx.) cycle or 25 minute journey (approx.) via the 273 bus service from the ‘Traffic Lights’ stop.
- 2.16 The station benefits from ticket machines, sheltered cycle storage spaces, step free access and ramps for train access.
- 2.17 The station provides frequent train services to destinations including Burgess Hill (4 minutes), Haywards Heath (10 mins), Brighton (11 mins), London Victoria via Gatwick Airport (54 mins), and Cambridge (2 hours 20 mins).

2.18 It is therefore considered that the site has reasonable access to public transport and some local facilities. As such the site is considered to be relatively sustainably located.

3. ACCESS ARRANGEMENTS

3.1 This LPTR has been prepared to support a development of circa 40 residential dwellings served via a single vehicular access onto Henfield Road. The existing accesses to the site will be closed-off (with hedgerow reinstated) with a new formalised access provided approximately 45m east of the existing orchard access and 50m west of the junction with The Street. The proposed access location has been informed by the formal pre-application response which stated the following:

“On site it was observed that access on the slight outside bend and closer to junction with The Street could afford greater visibility and it is advised that maximum achievable visibility from the decided access location be demonstrated at full planning application stage and to ensure that splays are in accordance with 85th percentile speeds regardless of location inside or outside of the 30mph limit”.

3.2 The feasibility of an access located further west on Henfield Road (approximately where the speed limit change is located) has previously been explored. However, despite this being a perfectly viable access (meeting all relevant standards in relation to junction spacing, visibility and tracking etc.) comments received from WSCC suggested that locating the access further east towards Albourne would be more favourable, and so this has therefore informed the current proposals.

3.3 Therefore, an indicative access has been designed to demonstrate the feasibility of the proposed arrangement. The proposed access is in the form of a bellmouth junction with access radii of 6m and an access road width of 5.5m. Sufficient space is, however, available for the geometries to be modified if required.

3.4 The indicative access location maintains appropriate junction spacing with The Street whilst allowing for the appropriate extents of visibility to be achieved. Speed surveys were undertaken along Henfield Road, Albourne in May 2019 outside the school holidays and recorded 85th percentile vehicle speeds of 35.79mph (WB) and 42.67mph (EB). The full outputs are attached within **Appendix B**.

3.5 WSCC suggested that a further speed survey be undertaken in order to record speeds further around the bend, though despite undertaking a survey in this suggested location in October 2019, the tubes were tampered with and a full week of data was unfortunately

unobtainable. Having said this, the speeds that were recorded were comparable with the existing survey (with eastbound 85th percentile speeds of 39mph) however for the purposes of robustness the existing 7 days' worth of data has been used for the purposes of this assessment and included for reference.

- 3.6 Visibility splays of 2.4m x 120m have been demonstrated to be achievable as required by DMRB for vehicle speeds of approximately 40mph and it is therefore considered that safe and suitable access is achievable in accordance with the requirements of NPPF. The parameters of the visibility assessment were agreed with WSCC during the pre-application discussions and a copy of the relevant drawing is attached within **Appendix C**.
- 3.7 Vehicle tracking exercises have been undertaken using the relevant-sized refuse vehicle to demonstrate the feasibility of the access proposals. The relevant drawing is attached within **Appendix D** which shows there is sufficient space for these vehicles to use the junction.
- 3.8 The location of the proposed access relative to the two existing access is demonstrated in **Figure 4**.

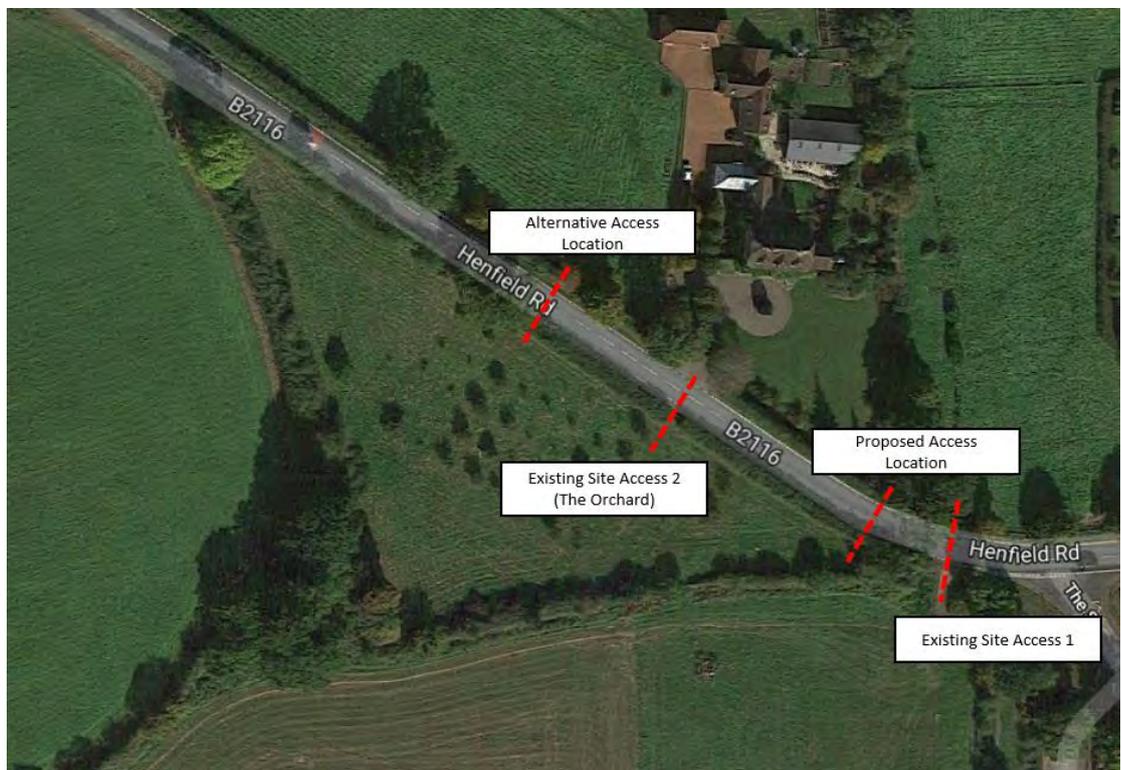


Figure 4: Proposed Access Location

Pedestrian Access

- 3.9 As mentioned previously, pedestrian access would also be provided to the site. As part of the indicative access design, a footpath measuring 2m in width has been designed which would connect the site with 'The Street' to the east. There are also possibilities for footpaths within the site to connect with PROW No.15_1A1 which runs along the southern site border. The precise form and location of these infrastructure provisions would be further considered as part of any planning application.

4. TRIP GENERATION AND TRIP DISTRIBUTION

Trip Generation

4.1 To assess the impact that the proposed development would have on the local highway network a trip generation assessment has been undertaken using the TRICS database. In the absence of any survey data and for the sake of robustness it has been assumed that there are no trips generated from the existing site.

4.2 For the 40 residential dwellings, the TRICS database has been interrogated as follows:

- *Under land-use class ‘residential’ and sub-category ‘Houses Privately Owned’;*
- *Sites in England and Wales (Excluding Scotland, Ireland and Greater London);*
- *Weekdays Only;*
- *Sites in ‘Edge of Town’ locations; and*
- *Parameter of 0 to 80 units.*

4.3 The results of this TRICS assessment are found in **Table 2**, with full outputs contained within **Appendix E**.

TRICS (V.7.6.1)	AM Peak (0800-0900)			PM Peak (1700-1800)			12 hour Total Daily Trips
	Arrivals	Departures	Total	Arrivals	Departures	Total	
Trip Rate per Flat	0.112	0.367	0.479	0.361	0.142	0.503	4.575
Trip Generation (40 Units)	4	15	19	14	6	20	183

Table 2: Proposed Development Trip Generation

4.4 **Table 3** indicates that the proposed development is anticipated to generate 183 daily vehicle trips across a 12 hour day, 19 trips in the AM peak and 20 trips in the PM peak. This equates to approximately one vehicle trip every four minutes throughout the day.

4.5 The trip generation outlined in **Table 3** represents a worst-case scenario for 40 dwellings where all housing units have been treated as ‘private houses’. The site layout would likely include a mix of affordable and private units; therefore, the trip generation is likely to be lower than outlined above. Regardless, this level of additional trip generation is negligible and would have a minimal impact on the operation of the local road network.

Trip Distribution

4.6 Having estimated the number of trips likely to be generated by the site, the 2011 Census 'Travel to Work' data for Albourne (Output Area: E01031698) has been reviewed in order to assess the likely trip distribution from the proposed development. The trip distribution is summarised in **Table 3**.

Employment Destination	Route Description	% of total
Mid Sussex (North)	Eastbound on Henfield Road, Northbound on B2118, Northbound on A23	29%
Mid Sussex (South)	Eastbound on Henfield Road, Southbound on B2118, Southbound on A23	9%
Crawley	Eastbound on Henfield Road, Northbound on B2118, Northbound on A23	11%
Brighton & Hove	Eastbound on Henfield Road, Southbound on B2118, Southbound on A23	11%
Horsham	Eastbound on Henfield Road, Northbound on B2118, Northbound on A23	9%
Westminster – City of London	Eastbound on Henfield Road, Northbound on B2118, Northbound on A23	7%
Other	Eastbound on Henfield Road, Northbound on B2118, Northbound on A23	17%
	Eastbound on Henfield Road, Southbound on B2118, Southbound on A23	6%
	Westbound on Henfield Road, Southbound on A24	1%
Total:		100%

Table 3: 2011 Census 'Travel to Work Data' - Trip Distribution

4.7 The 2011 Census Travel to work data indicates that 99% of all trips are expected to travel eastbound on Henfield Road towards the B2118, with 73% of trips expected to travel northbound on the B2118 before joining the A23 (northbound). 26% of trips are expected to travel southbound along the B2118 and join the A23 (southbound). The remaining 1% of trips are expected to travel westbound along Henfield Road before joining the A24. The impact of these trips on the local road network will be minimal.

5. SUMMARY AND CONCLUSIONS

- 5.1 This LPTR has been prepared by Paul Basham Associates on behalf of Croudace Homes to support the promotion of a site on Henfield Road, Albourne for a residential development of up to 40 dwellings. The report has been informed by pre-application discussions with West Sussex County Council (WSCC).
- 5.2 The site is located towards the western side of Albourne and has good connections with neighbouring villages Sayers Common and Hurstpierpoint where a range of services and amenities are available. Regular bus services are available from the 'Traffic Lights' bus stops, located within a 5-minute walking distance from the site.
- 5.3 It is proposed that the existing site accesses will be closed off and that a new bellmouth junction will be provided approximately 45m east of the existing orchard access. The access location has been informed by formal pre-application discussions with WSCC. A pedestrian access will also be provided connecting the site to the existing footways along The Street.
- 5.4 Tracking exercises have been undertaken demonstrating the feasibility of the access proposals and visibility splays of 2.4m x 120m have been demonstrated to be achievable as required by DMRB for recorded 85th percentile vehicle speeds of circa. 40mph.
- 5.5 Vehicular trip rates for the proposed development have been assessed using the TRICS database. As a worst-case scenario, the proposed 40 units will generate in the order of 183 daily vehicle trips, with 19 two-way trips in the AM peak, and 20 in the PM peak. However, given that the site layout would likely include a mix of affordable and private units, the actual trip generation is likely to be lower than this.
- 5.6 This LPTR has demonstrated that the proposed development would not have a significant impact upon the operation of the local road network, and that safe and suitable access is achievable. We would, therefore, recommend that the local planning and highway authorities consider this site for inclusion in the Mid Sussex District Council Site Allocations Development Plan Document.

Appendix A

**WEST SUSSEX COUNTY COUNCIL
PRE APPLICATION CONSULTATION**

TO:	Paul Basham Associates FAO: Harry Cross
FROM:	WSCC - Highways Authority
DATE:	21 August 2019
LOCATION:	Residential Development of Circa 40 dwellings, Henfield Road, Albourne, Hassocks, BN6 9DH
SUBJECT:	Internal Reference: PRE-72-19 Residential Development of circa. 40 dwellings with access taken via Henfield Road.
DATE OF SITE VISIT:	22 August 2019
RECOMMENDATION:	Advice

Site Context

The land parcel in question is located on southern side of Henfield Road (B2116), west of the junction with The Street. Albourne Primary School and residential dwellings exist to the east/ south-east of site and open agricultural land is present to the west. The land is currently open field/ agricultural use and thus existing vehicle movements are anticipated to be negligible and have not been included within trip generation assessments.

Albourne is a small village with the nearest village store located at Sayers Common, approximately 1.2 miles north of the site. The unconnected footway network begins at junction with The Street and leads east toward the B2118. Main bus stops are located on east and west side of B2118 near traffic lights.

A number of Public Rights of Way (PROW) exist in the vicinity and provide off road link to The Street.

The larger settlement of Hurstpierpoint lies to the east with the A23 providing a vehicular link to Brighton at the south and Crawley to north.

Access Arrangements and Vehicle Visibility

The indicative access location plan details the 2 x existing field accesses which will be closed off and the approximate location for new bellmouth access with 6m radii. The currently indicated access position is at the point where 30mph speed restriction changes to National Speed Limit (NSL).

A seven day speed survey was carried out and location of speed counter confirmed to be within vicinity of extent of western splay for eastbound traffic and eastern splay for westbound traffic. Depending on the final proposed location for access the LHA may need to reassess the suitability of speed counter location. 85th percentile speeds of 35.79mph westbound (eastern splay) and 42.67mph eastbound (western splay) were recorded. Splays of 2.4m by 120m have been demonstrated which are suitable to recorded speeds following Manual for Streets (MfS) and Design Manual for Roads & Bridges (DMRB) coefficients, respectively.

On site the proposals to extend 30mph speed restriction further west along Henfield Road was discussed. This was proposed in order for the site access to be located further east toward village and designed wholly to MfS guidance by being inside the 30mph limit. WSCC Speed Limit Policy stipulates that mean average speed should be used to determine whether

a 30mph speed restriction is appropriate. Mean average speeds should be 33mph or lower. Whilst the mean speeds were 30.9mph westbound they were 36.9mph eastbound (although this is considered to be as a result of location of speed counter further west). Furthermore, the Road Safety Group Manager has advised that change in speed limit to 30mph would not meet WSCC policy due to the level of frontage/direct accesses not being predominant. This could therefore not be an officer decision and any proposal to change speed limit may require cabinet member decision. Additionally, it is advised that change of speed limit would require Traffic Regulation Order (TRO) a process separate to the planning process without guarantee of approval. Speeds may not reduce even if scheme was approved and thus the applicant may wish to consider additional measures to promote speed reduction in the vicinity such as vehicle activated signs (VAS).

On site it was observed that access on the slight outside bend and closer to junction with The Street could afford greater visibility and it is advised that maximum achievable visibility from the decided access location be demonstrated at full planning application stage and to ensure that splays are in accordance with 85th percentile speeds regardless of location inside or outside of the 30mph limit.

Swept path tracking has been provided at the site access. Whilst a refuse collection vehicle would cross the opposing carriageway the LHA consider this would be an infrequent manoeuvre and that forward visibility is sufficient in this location. Full tracking within the site would also be expected and demonstration that two cars can pass.

Road Network Capacity

On site the requirement for junction modelling was discussed and considering scale of proposals and predictions from TRICs that less than 30 vehicle movements would be expected in the peak hour, junction modelling was not considered necessary.

The LHA broadly accept the resultant trip generation figures from TRICs which set out 19 trips in AM and 20 in PM peak hour. It is expected that parameters will be refined further when housing tenure mix is known. Considering the level of traffic supported by the district distributor road the LHA does not raise an objection in principle in capacity terms, on the basis that safe and suitable access and all other matters are addressed.

Trip distribution data from 'Travel to Work' census data suggests that 1% of commuter travel will be westbound on Henfield Road then southbound to A24 with 99% of trips travelling east of site and onwards. Considering proximity of A23 to east this is broadly expected to be the case although in reality some further trips westbound may take place. Whilst the applicant could undertake a more robust survey of trip distribution the LHA do not raise an immediate concern with respect to additional vehicle trips across the road network in this location.

Accessibility & Local Infrastructure Improvements

If a footway link is proposed within the confines of the public highway then these works should be included within the Road Safety Audit of the access works. It is understood that there is preference to keep pedestrian/cycle links within the site and off the carriageway edge. Any links toward The Street and/ or PROW network should be detailed. Whether the road will be shared surface/ planned for adoption/ separate footways proposed should also be clarified at planning stage. It is also advised that any lighting within the site is sympathetic to dark skies and planning pre-app with the Local Planning Authority can provide more advice in this respect.

The nearest train station is at Hassocks and is anticipated to be reached by car or cycle for the more confident cyclist. It is advised that as part of the planning application the Transport Statement (TS) refer to walking/cycling distances as set out in national guidance. Other matters such as road traffic collision data and Travel Plan Statement which could

provide a residents welcome pack including information on walking/cycling routes should be addressed.

There are limited facilities within the village with the exception of the adjacent primary school. Commuting and retail trips are anticipated to be further afield and whilst may be by private car the LHA acknowledge that main bus stops on B2118 are approximately 5 minute walk distant. It is noted that to stay on footway from The Street eastwards it is necessary to cross the carriageway a couple of times. Whilst some dropped kerb is present the applicant may wish to consider providing tactile paving crossing points for pedestrians at key locations on the local footway network. These proposals should also be safety audited. The applicant should also liaise with local bus companies to scope out any improvements that could be made to local bus stops such as whether a bus shelter could be provided on east side of B2118.

Albourne Neighbourhood Plan

It is advised that the applicant consider the Neighbourhood Plan in relation to transport and parking topics. It is noted that para. 4.2 of plan states that any new housing development shall take account of a number of matters including lack of transport connections and distance from rail, congestion in village centre exacerbated by road layouts and limited parking. Para. 6.4 goes on to state that parking in and around The Street at pick up/ drop off times for school can be significant. It is therefore advised that sufficient parking provision in line with WSCC revised standards be provided for the development. It is understood that dedicated parking for the school may also be provided as part of the development and it is advised that the Parish Council is consulted regards these proposals.

Para. 6.2 also refers to an Aim of the plan to create specific scheme aimed at improving safety of road users and pedestrians on B2118 and B2116. Any proposals such as VAS, gateway features etc would be advised to be consulted with the parish council. and should be safety audited if submitted alongside a planning application.

The Highway Authority would require the following documents to be submitted as part of any future application:

- A site location plan scale (1:1250) with site boundary indicated
- Schedule of existing uses including planning history with reference numbers
- Description, including site layout plans, of the proposed development and schedule of uses
- Summary of reasons supporting the site access/highways works proposals, including plan (scale 1:250 or similar) with achievable visibility splays indicated
- Final Stage 1 Road Safety Audit of site access and any proposed highway works, with designers response and including amended plans.
- A Transport Statement, including location plan of key services, availability of sustainable modes of transport and existing/future vehicular generation
- Reference to supporting national, regional, and local planning documents and policies
- Parking strategy, including provision of parking for all modes of transport
- Relevant data collected to date
- Proposed trip rates supported with TRICS outputs and site selection methodology

The 'Additional Information' section of the WSCC Pre-application advice for roads and transport webpage provides a range of additional advice and guidance which you may find useful in preparing your application. Please click the link below and navigate to the 'Additional Information' section.

<https://www.westsussex.gov.uk/roads-and-travel/information-for-developers/pre-application-advice-for-roads-and-transport>

Here you will be able to access our Local Design Guide which provides further advice on how MfS is to be interpreted and applied within West Sussex.

The page also includes a link to our latest parking standards which we adopted in August 2019 as Supplementary Planning Guidance (SPG) that sets out parking standards for development in West Sussex. Within you will find recommended levels for cycle parking and also guidance on levels of Electric Vehicle charging points for new developments.

Manual for Streets:

<http://www2.dft.gov.uk/pgr/sustainable/manforstreets/pdfmanforstreets.pdf>

DMRB supplementary documents TD/93:

<http://www.dft.gov.uk/ha/standards/dmr/vol6/section1/td993.pdf>

I trust you appreciate that any advice given by council officers for pre-application enquiries does not constitute a formal response or decision of the council with regard to the granting of planning permission in the future. Any views or opinions expressed are given in good faith, and to the best of ability, without prejudice to the formal consideration of any application, which will be the subject of public consultation and ultimately decided by the Local Planning Authority.

Katie Kurek
Planning Services

Appendix B

Phoenix Traffic Surveys Ltd, Speed Report

Report Id - CustomList-721

Site Name - PAUALB01

Description - HENFIELD ROAD, WEST OF THE ST, EAST SIDE

Direction - West

Virtual Week (Partial weeks = 2.28571)

Time	Total	Vbin 0 5	Vbin 5 10	Vbin 10 15	Vbin 15 20	Vbin 20 25	Vbin 25 30	Vbin 30 35	Vbin 35 40	Vbin 40 45	Vbin 45 50	Vbin 50 55
Mon	1044	1	1	8	57	71	262	448	181	16	2	0
Tue	1339	1	1	7	55	91	324	569	263	27	2	1
Wed	1327	0	1	5	48	104	324	593	228	26	0	0
Thu	1140	0	0	7	57	93	268	488	196	30	2	0
Fri	1094	0	1	5	44	79	276	471	192	23	3	0
Sat	939	0	1	4	39	71	223	395	183	19	3	3
Sun	710	0	1	6	46	56	168	298	119	15	2	1

Vehicles = 17419

Posted speed limit = 0 mph, Exceeding = 17419 (100.0%), Mean Exceeding = 30.86 mph

Limit 1 (PA) (0 * 100%) + 15 = 15 mph, Exceeding = 17313 (99.39%)

Limit 2 (ACPO) (0 * 110%) + 2 = 2 mph, Exceeding = 17419 (100.0%)

Maximum = 54.1 mph, Minimum = 3.4 mph, Mean = 30.9 mph

85% Speed = 35.79 mph, 95% Speed = 38.36 mph, Median = 31.48 mph

10 mph Pace = 27 - 37, Number in Pace = 12682 (72.81%)

Variance = 28.60, Standard Deviation = 5.35 mph

Phoenix Traffic Surveys Ltd, Speed Report

Report Id - CustomList-722

Site Name - PAUALB02

Description - HENFIELD ROAD, WEST OF THE ST, WEST SIDE

Direction - East

Virtual Week (Partial weeks = 2.28571)

Time	Total	Vbin 0 5	Vbin 5 10	Vbin 10 15	Vbin 15 20	Vbin 20 25	Vbin 25 30	Vbin 30 35	Vbin 35 40	Vbin 40 45	Vbin 45 50	Vbin 50 55
Mon	1011	0	7	22	9	8	46	215	405	226	59	8
Tue	1211	0	4	14	4	15	82	257	443	293	82	13
Wed	1236	0	7	12	6	9	88	283	463	284	71	11
Thu	1048	0	5	14	4	11	78	231	387	236	63	14
Fri	982	0	7	9	4	7	66	211	377	218	68	11
Sat	905	0	7	27	9	7	45	182	353	196	57	13
Sun	787	0	13	50	11	6	33	165	293	158	43	9

Vehicles = 16385

Posted speed limit = 0 mph, Exceeding = 16385 (100.0%), Mean Exceeding = 36.91 mph

Limit 1 (PA) (0 * 100%) + 15 = 15 mph, Exceeding = 15960 (97.41%)

Limit 2 (ACPO) (0 * 110%) + 2 = 2 mph, Exceeding = 16385 (100.0%)

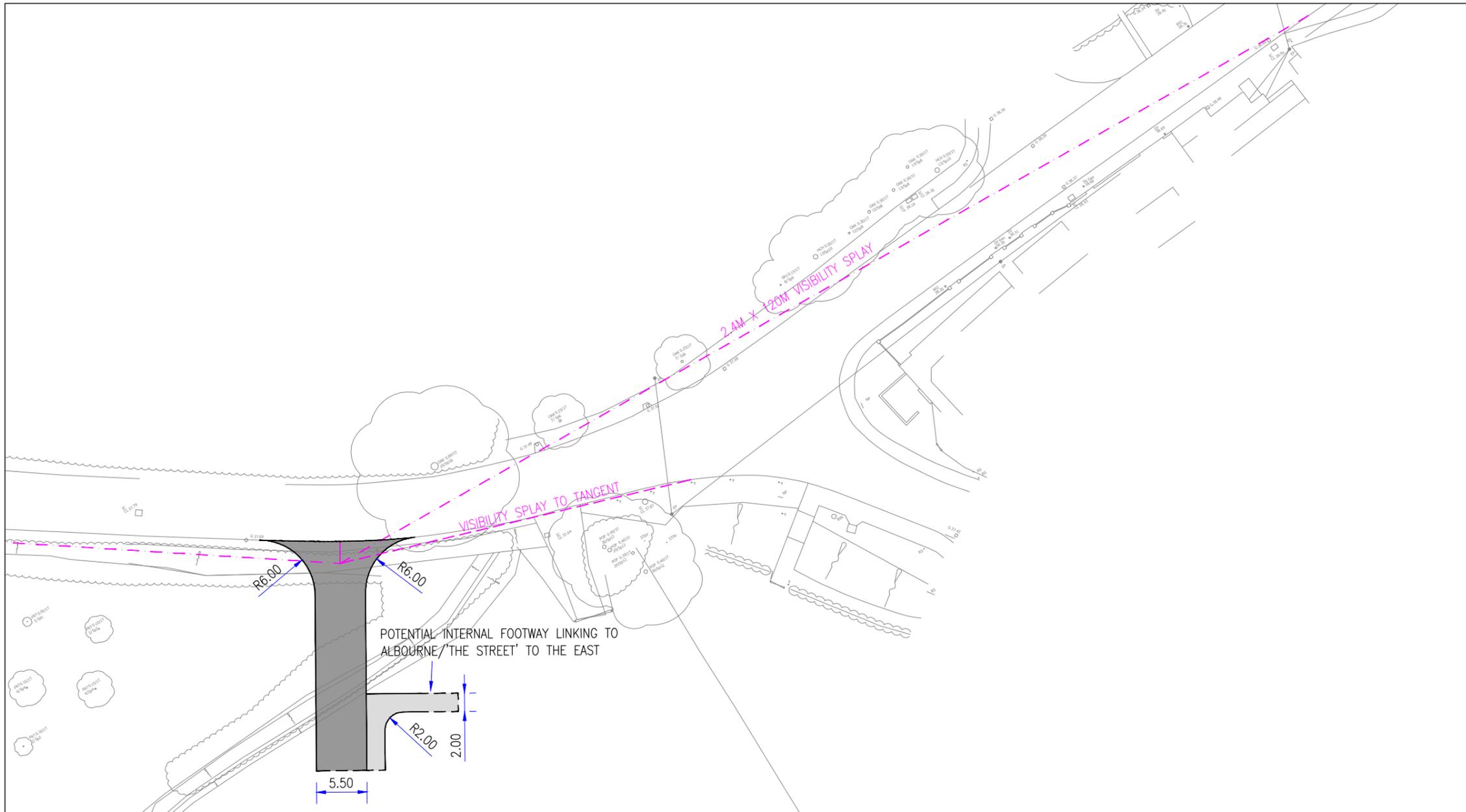
Maximum = 90.3 mph, Minimum = 3.4 mph, Mean = 36.9 mph

85% Speed = 42.67 mph, 95% Speed = 46.42 mph, Median = 37.41 mph

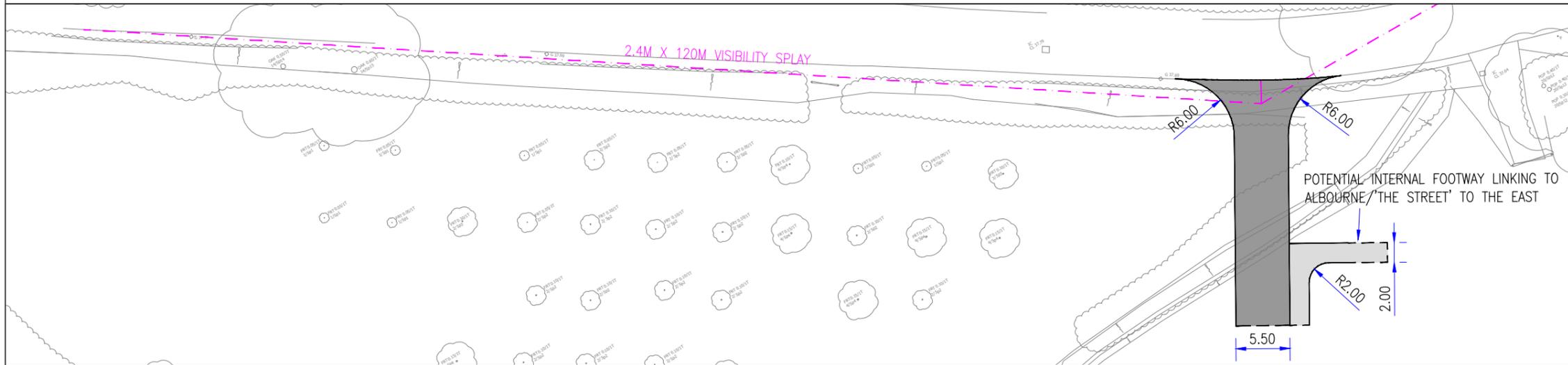
10 mph Pace = 32 - 42, Number in Pace = 10791 (65.86%)

Variance = 49.86, Standard Deviation = 7.06 mph

Appendix C



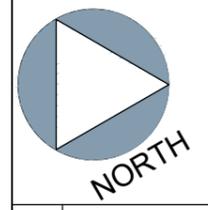
PRIMARY DIRECTION – 2.4M X 120M VISIBILITY SPLAY



SECONDARY DIRECTION – 2.4M X 120M VISIBILITY SPLAY

GENERAL NOTES

1. THIS DRAWING IS INTENDED TO BE VIEWED IN COMBINATION WITH ALL RELEVANT ARCHITECTS, ENGINEERS, SERVICES AND SPECIALIST DRAWINGS AND SPECIFICATION.
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Rev	Description	Date	By	Chkd
A	CLIENT COMMENTS	19.11.19	MW	JR

Project Name
LAND SOUTH OF HENFIELD ROAD,
ALBOURNE

Project Phase
PRELIMINARY

Title
INDICATIVE EASTERN ACCESS LOCATION
& VISIBILITY SPLAY



Checked By
JR

Checked Date
19.11.19

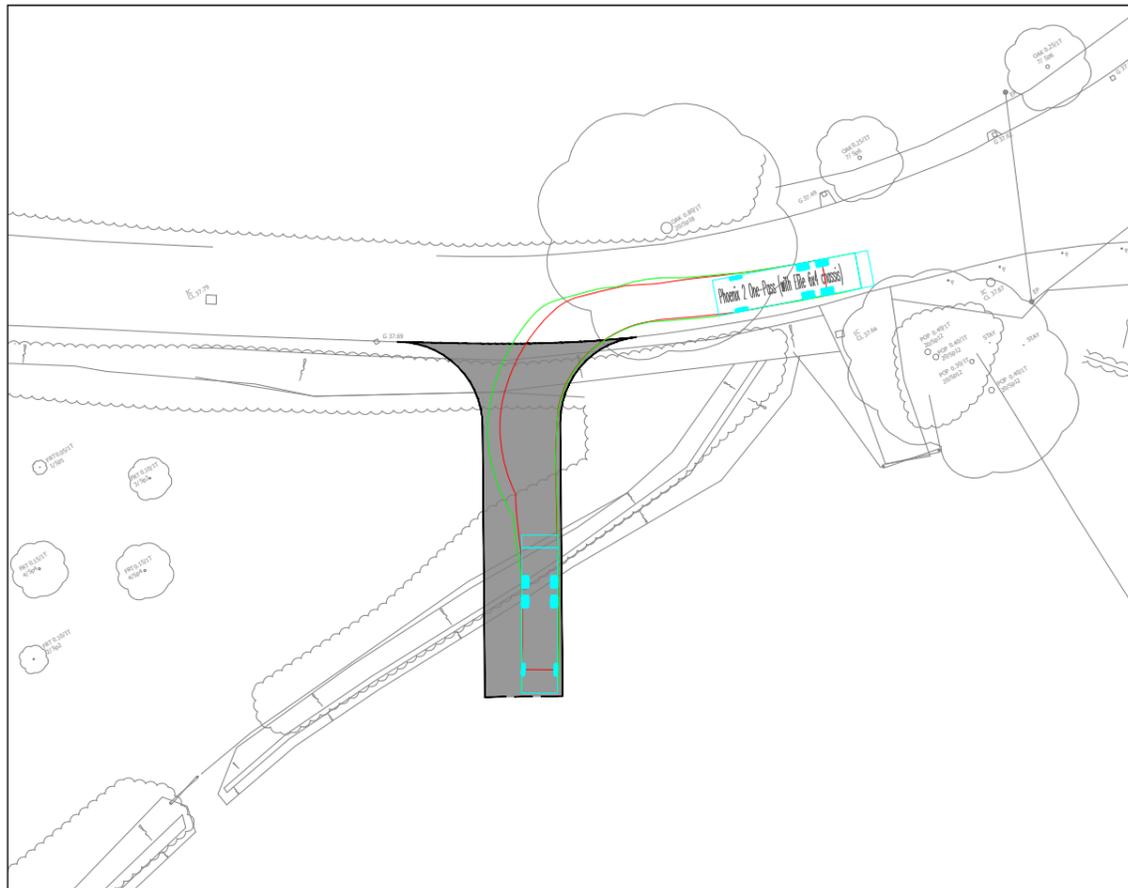
Drawn By
MW

Drawn Date
19.11.19

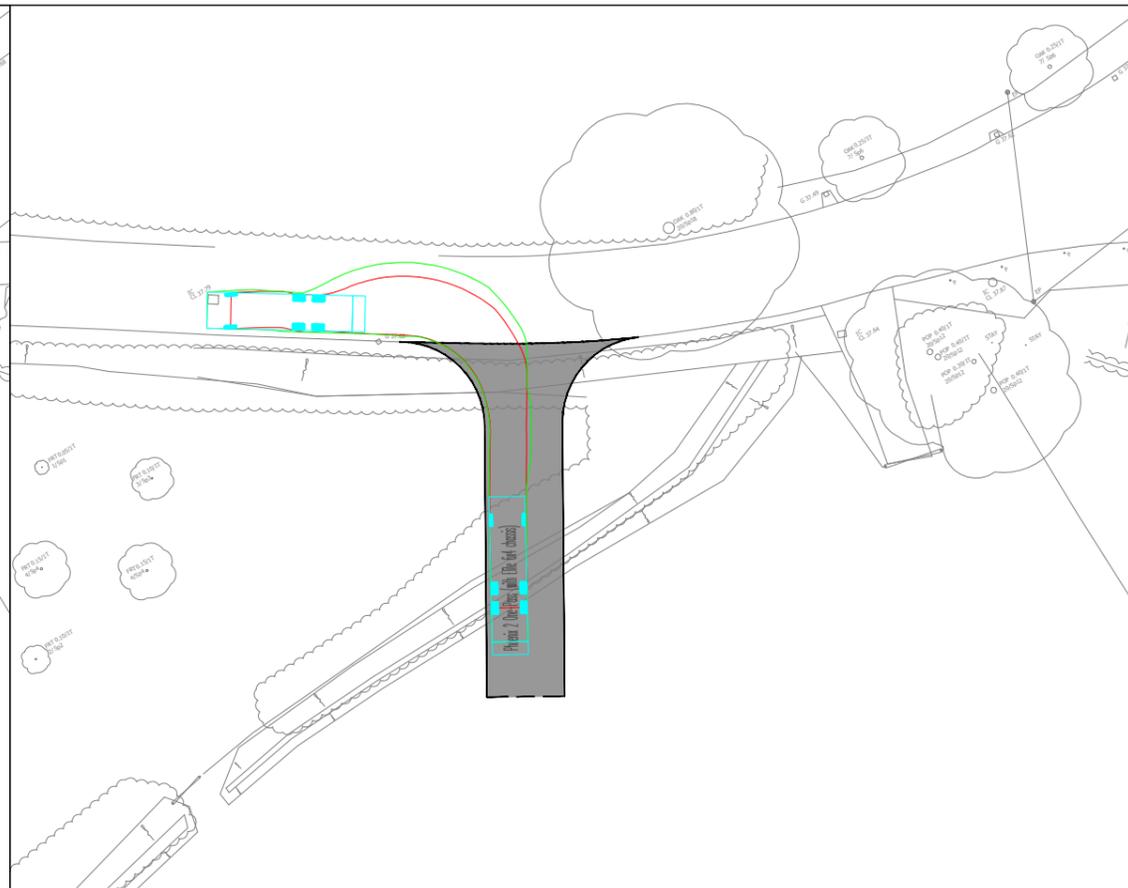
Scale
1:500
(AT A3 SIZE)

Client Drawing No. -	PBA Drawing No. 093.0002.002	Revision A
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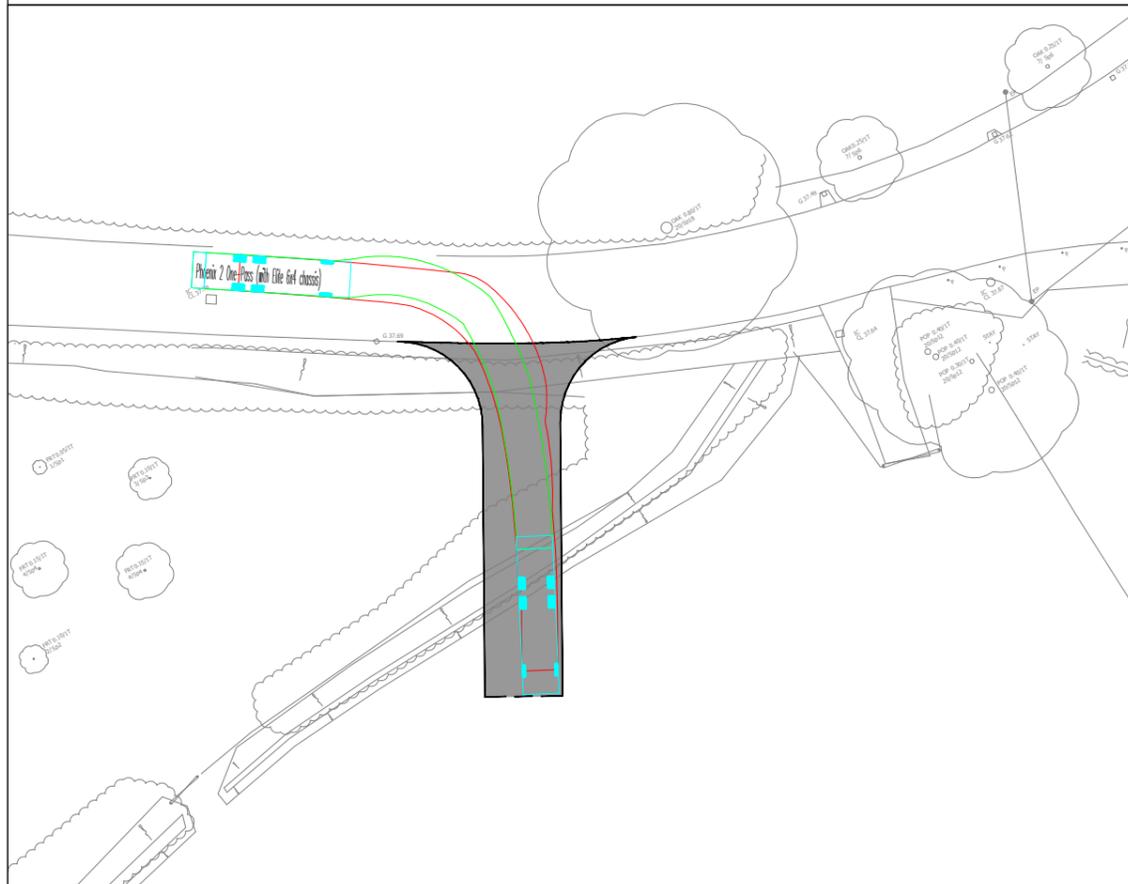
Appendix D



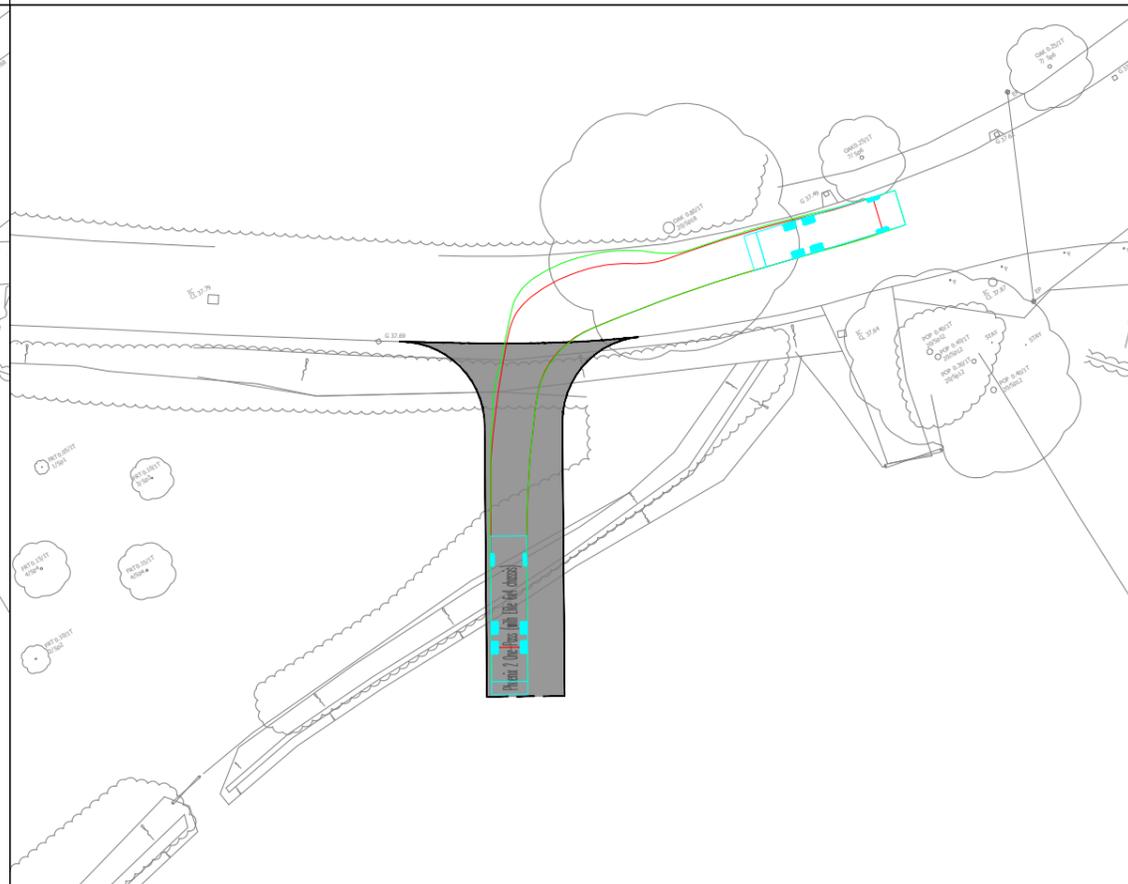
REFUSE TRACKING – LEFT IN



REFUSE TRACKING – LEFT OUT



REFUSE TRACKING – RIGHT IN

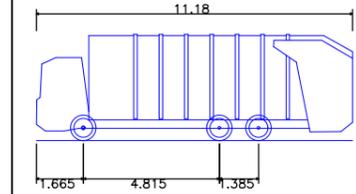


REFUSE TRACKING – RIGHT OUT

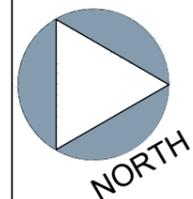
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VEHICLE PROFILE



Phoenix 2 One-Pass (with Elite 6x4 chassis)	
Overall Length	11.180m
Overall Width	2.550m
Overall Body Height	3.760m
Min Body Ground Clearance	0.312m
Track Width	2.550m
Lock to lock time	4.00s
Kerb to Kerb Turning Radius	10.150m



Rev	Description	Date	By	Chkd
-	-	---	--	--

Project Name LAND SOUTH OF HENFIELD ROAD, ALBOURNE	Title INDICATIVE EASTERN ACCESS REFUSE TRACKING	<p>Paul Basham Associates Ltd Suite 4, Hitching Court, Blacklands Way, Abingdon Business Park, Abingdon, OX14 1RG 01235 425460 info@paulbashamassociates.com www.paulbashamassociates.com</p>	Client Croudace HOMES.CO.UK	Checked By JR	Checked Date 19.11.19	Scale 1:500	(AT A3 SIZE)		
Project Phase PRELIMINARY				Drawn By MW	Drawn Date 19.11.19	Client Drawing No. -	PBA Drawing No. 093.0002.003	Revision -	

Appendix E



TRIP RATE CALCULATION SELECTION PARAMETERS:

Land Use : 03 - RESIDENTIAL
 Category : A - HOUSES PRIVATELY OWNED
 VEHICLES

Selected regions and areas:

02	SOUTH EAST	
	ES EAST SUSSEX	1 days
	HC HAMPSHIRE	2 days
	WS WEST SUSSEX	1 days
03	SOUTH WEST	
	SM SOMERSET	1 days
04	EAST ANGLIA	
	NF NORFOLK	1 days
	SF SUFFOLK	1 days
06	WEST MIDLANDS	
	SH SHROPSHIRE	2 days
	ST STAFFORDSHIRE	1 days
07	YORKSHIRE & NORTH LINCOLNSHIRE	
	NY NORTH YORKSHIRE	3 days
08	NORTH WEST	
	CH CHESHIRE	1 days
	LC LANCASHIRE	1 days
10	WALES	
	VG VALE OF GLAMORGAN	1 days

This section displays the number of survey days per TRICS® sub-region in the selected set

Secondary Filtering selection:

This data displays the chosen trip rate parameter and its selected range. Only sites that fall within the parameter range are included in the trip rate calculation.

Parameter: Number of dwellings
 Actual Range: 10 to 79 (units:)
 Range Selected by User: 0 to 80 (units:)

Parking Spaces Range: All Surveys Included

Percentage of dwellings privately owned: All Surveys Included

Public Transport Provision:

Selection by: Include all surveys

Date Range: 01/01/11 to 20/11/18

This data displays the range of survey dates selected. Only surveys that were conducted within this date range are included in the trip rate calculation.

Selected survey days:

Monday	2 days
Tuesday	3 days
Wednesday	6 days
Thursday	3 days
Friday	2 days

This data displays the number of selected surveys by day of the week.

Selected survey types:

Manual count	16 days
Directional ATC Count	0 days

This data displays the number of manual classified surveys and the number of unclassified ATC surveys, the total adding up to the overall number of surveys in the selected set. Manual surveys are undertaken using staff, whilst ATC surveys are undertaken using machines.

Selected Locations:

Edge of Town	16
--------------	----

This data displays the number of surveys per main location category within the selected set. The main location categories consist of Free Standing, Edge of Town, Suburban Area, Neighbourhood Centre, Edge of Town Centre, Town Centre and Not Known.

Selected Location Sub Categories:

Residential Zone	14
No Sub Category	2

This data displays the number of surveys per location sub-category within the selected set. The location sub-categories consist of Commercial Zone, Industrial Zone, Development Zone, Residential Zone, Retail Zone, Built-Up Zone, Village,

Secondary Filtering selection:

Use Class:

C3	16 days
----	---------

This data displays the number of surveys per Use Class classification within the selected set. The Use Classes Order 2005 has been used for this purpose, which can be found within the Library module of TRICS®.

Population within 1 mile:

1,001 to 5,000	3 days
5,001 to 10,000	1 days
10,001 to 15,000	6 days
15,001 to 20,000	4 days
20,001 to 25,000	2 days

This data displays the number of selected surveys within stated 1-mile radii of population.

Population within 5 miles:

5,001 to 25,000	2 days
25,001 to 50,000	2 days
50,001 to 75,000	2 days
75,001 to 100,000	6 days
125,001 to 250,000	4 days

This data displays the number of selected surveys within stated 5-mile radii of population.

Car ownership within 5 miles:

0.6 to 1.0	3 days
1.1 to 1.5	13 days

This data displays the number of selected surveys within stated ranges of average cars owned per residential dwelling, within a radius of 5-miles of selected survey sites.

Travel Plan:

Yes	4 days
No	12 days

This data displays the number of surveys within the selected set that were undertaken at sites with Travel Plans in place, and the number of surveys that were undertaken at sites without Travel Plans.

PTAL Rating:

No PTAL Present	16 days
-----------------	---------

This data displays the number of selected surveys with PTAL Ratings.

TRIP RATE for Land Use 03 - RESIDENTIAL/A - HOUSES PRIVATELY OWNED
VEHICLES

Calculation factor: 1 DWELLS

BOLD print indicates peak (busiest) period

Time Range	ARRIVALS			DEPARTURES			TOTALS		
	No. Days	Ave. DWELLS	Trip Rate	No. Days	Ave. DWELLS	Trip Rate	No. Days	Ave. DWELLS	Trip Rate
00:00 - 01:00									
01:00 - 02:00									
02:00 - 03:00									
03:00 - 04:00									
04:00 - 05:00									
05:00 - 06:00									
06:00 - 07:00									
07:00 - 08:00	16	34	0.086	16	34	0.337	16	34	0.423
08:00 - 09:00	16	34	0.112	16	34	0.367	16	34	0.479
09:00 - 10:00	16	34	0.145	16	34	0.171	16	34	0.316
10:00 - 11:00	16	34	0.134	16	34	0.138	16	34	0.272
11:00 - 12:00	16	34	0.143	16	34	0.168	16	34	0.311
12:00 - 13:00	16	34	0.149	16	34	0.145	16	34	0.294
13:00 - 14:00	16	34	0.143	16	34	0.158	16	34	0.301
14:00 - 15:00	16	34	0.140	16	34	0.160	16	34	0.300
15:00 - 16:00	16	34	0.266	16	34	0.190	16	34	0.456
16:00 - 17:00	16	34	0.328	16	34	0.145	16	34	0.473
17:00 - 18:00	16	34	0.361	16	34	0.142	16	34	0.503
18:00 - 19:00	16	34	0.294	16	34	0.153	16	34	0.447
19:00 - 20:00									
20:00 - 21:00									
21:00 - 22:00									
22:00 - 23:00									
23:00 - 24:00									
Total Rates:			2.301			2.274			4.575

This section displays the trip rate results based on the selected set of surveys and the selected count type (shown just above the table). It is split by three main columns, representing arrivals trips, departures trips, and total trips (arrivals plus departures). Within each of these main columns are three sub-columns. These display the number of survey days where count data is included (per time period), the average value of the selected trip rate calculation parameter (per time period), and the trip rate result (per time period). Total trip rates (the sum of the column) are also displayed at the foot of the table.

To obtain a trip rate, the average (mean) trip rate parameter value (TRP) is first calculated for all selected survey days that have count data available for the stated time period. The average (mean) number of arrivals, departures or totals (whichever applies) is also calculated (COUNT) for all selected survey days that have count data available for the stated time period. Then, the average count is divided by the average trip rate parameter value, and multiplied by the stated calculation factor (shown just above the table and abbreviated here as FACT). So, the method is: $COUNT/TRP*FACT$. Trip rates are then rounded to 3 decimal places.

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Parameter summary

Trip rate parameter range selected:	10 - 79 (units:)
Survey date date range:	01/01/11 - 20/11/18
Number of weekdays (Monday-Friday):	16
Number of Saturdays:	0
Number of Sundays:	0
Surveys automatically removed from selection:	0
Surveys manually removed from selection:	4

This section displays a quick summary of some of the data filtering selections made by the TRICS® user. The trip rate calculation parameter range of all selected surveys is displayed first, followed by the range of minimum and maximum survey dates selected by the user. Then, the total number of selected weekdays and weekend days in the selected set of surveys are shown. Finally, the number of survey days that have been manually removed from the selected set outside of the standard filtering procedure are displayed.

Land to the west of Albourne

Initial note on Landscape Matters

Prepared by: Vanessa Ross
File Ref: A264-NT01b

Client: Croudace Homes
Date: May 2019

1 - Introduction

The following short report provides a summary of the landscape constraints and opportunities in respect of a parcel of land to the west of the village of Albourne in West Sussex. It is understood that the landowner is wishing to promote the site for new, low-density residential development (circa 40 homes) and therefore this note provides commentary on landscape matters which will then contribute to representations to be prepared by Strutt and Parker on behalf of the landowner and Croudace Homes.

This note has been prepared following a site visit in May 2019 and a review of existing published reports, namely:

- Mid-Sussex, Landscape Capacity Study – 2007 (prepared by HDA)
- Capacity of Mid Sussex District to accommodate development – 2014 (prepared by LUC)
- A Landscape Character Assessment for Mid Sussex – 2005 (Mid Sussex District Council)

2. Site and its Immediate Context

The site is located to the west of the village of Albourne and south of Henfield Road. It comprises part of a larger field to the south and smaller triangular parcel of land to the north. The northern parcel is bounded by Henfield Road to the north and a field boundary hedge and trees to the south and west. A small orchard has been planted within the northern parcel. The southern field is bound by a recently planted hedgerow with trees to the south and the hedge and fence associated with the boundary of Albourne Primary School to the east. The western boundary is not defined by any visible features, rather, it sub-divides the existing, larger field in a north-south direction.

The site is currently accessed via a field gate into the northern field from Henfield Road. A second field gate is located along Henfield Road at the north east corner of the larger southern field.

A public right of way (ref. 15_1AI) runs in an east-west direction along the southern boundary of the site and connects with The Street to the east and a north-south running footpath (ref. 12_1AI) runs along the eastern boundary of the school and connects to Church Lane to the south.

No heritage assets are located within the site or adjacent to its boundaries, however, there are a number of listed buildings within the village, and there is one conservation area within the village (to the south-east of the site).

3. Surrounding Context and Landscape Character

The land surrounding the village and including the site is predominantly rural with small to medium sized agricultural fields bounded by field hedgerows and trees. The site does not fall within any designated landscapes however it does sit some 1.8km to the north of the South Downs National Park (SDNP) and approximately 5.7km to the south of the High Weald Area of Outstanding Natural Beauty (AONB).

The site falls within the Mid Sussex Landscape Character Area 4 - '*Hickstead Low Weald*', however the southern boundary is broadly located on the boundary with the adjacent Landscape Character Area 3 - '*Hurstpierpoint Scarp Footslopes*'.

The site, comprising two small fields, forms only a very small proportion of the south-western part of the large *Hickstead Low Weald* Landscape Character Area, however the following key characteristics are relevant to the site and its immediate surroundings:

- *Alternating west-east trending low ridges with sandstone beds and clay vales carrying long, sinuous upper Adur streams.*
- *Views dominated by the steep downland scarp to the south and the High Weald fringes to the north.*
- *Arable and pastoral rural landscape, a mosaic of small and larger fields, scattered woodlands, shaws and hedgerows with hedgerow trees.*
- *Quieter and more secluded, confined rural landscape to the west, much more development to the east, centred on Burgess Hill.*
- *Mix of farmsteads and hamlets favouring ridgeline locations, strung out along lanes.*

The relevant characteristics provided for the *Hurstpierpoint Scarp Foothills* Landscape Character Area, adjacent to the site are:

- *Undulating Lower Greensand low sandstone ridges and gentle and Gault Clay vales drained by the River Adur.*
- *Views dominated by the steep downland scarp.*
- *Arable and pastoral rural landscape, secluded in places, a mosaic of small and larger fields, woodlands, shaws and hedgerows with hedgerow trees.*
- *Modest network of country lanes and underhill lanes beneath the scarp.*

In summary, the site contributes to the landscape character of the area due to its agricultural land-use and associated field boundaries. Any development on the site would inevitably result in a change in land use and an enlargement of the village envelope. As such, for development to successfully integrate into the landscape, the existing boundary hedgerows should be retained wherever possible and the layout and architectural style should be carefully considered, to ensure a successful relationship with the existing context of the village and the more traditional characteristics of built form (eg building materials, architectural detailing and boundary treatments) found within nearby settlements.

4. Visibility and Visual Amenity

The site is currently visible within wider views from a small number of properties to the north of Henfield Road and from the upper floors of Wellcroft Cottages. There is limited visibility from the properties located in the village to the east. Those using the public right of way have open views into the site.

From within the site, there are views south towards the South Downs which forms a prominent ridge along the horizon. When viewed from the top of the ridge (eg the viewing points at Devil's Dyke or Summer Down) the site is indiscernible within the wide panoramic views experienced from these locations.

Again, whilst there are views out from the site looking north and north-west, due to the lower lying nature of the landscape to the north, combined with intervening boundary vegetation and woodland, there are no notable views back towards the site.

In summary, any new development comprising built form of up to two storeys would be visible over the existing hedgerow along Henfield Road from the properties to the north. There would also be views of new buildings from Wellcroft Cottages to the south, however these views would become increasingly screened over time once the trees and hedgerow along the southern boundary are established.

Users of the public right of way as it crosses the site would experience a change in views looking to the north, however this change would be experienced for only a relatively short length (some 114m) of the much longer footpath. Notwithstanding the limited extent of the development, along the route of the footpath, the relationship between the footpath and any new buildings or roads should be carefully considered.

As noted, the site is largely indiscernible in views from the South Downs. The introduction of built form at the densities proposed is unlikely to increase visibility, however materials for south facing facades and roofing materials should be selected to tie in visually with the properties in the nearby villages.

5. Landscape Capacity

Mid Sussex District Council (MSDC) studies

The two documents referred to in section 1 above, published on behalf of MSDC, assess both landscape capacity and the capacity of the land to take development.

The 2007 Landscape Capacity Study assessed the 'Landscape Sensitivity' and 'Landscape Value' of land around settlements, in order to determine the 'Landscape Capacity' of specific parcels to accommodate development – this resulted in the mapping of 80 'Landscape Capacity Areas'.

The Landscape Capacity Study located the site within Landscape Capacity Area 63 – *Albourne Low Weald*. Area 63 comprises land between Church Lane to the south and Reeds Lane to the north. The eastern boundary generally follows the B2118 and the western boundary is formed by the lane heading south from the junction with Henfield Lane and Westbourne Cottages.

The Landscape Capacity Study considered a number of different factors to reach a conclusion on both Landscape Sensitivity and Landscape Value. Each factor was scored using a five point scale and the results

aggregated to reach a final conclusion. A matrix, combining these conclusions, was then used to derive an overall judgement on Landscape Capacity.

Tables 1 and 2 below present the Landscape Capacity Study assessments for Area 63. It should be noted that due to the date the Capacity Study was undertaken, the South Downs National Park had not been designated as such and is therefore referred to as an AONB.

Inherent Landscape Qualities (intactness and condition)	Contribution to distinctive settlement setting	Inconsistency with existing settlement form / pattern	Contribution to rurality of surrounding landscape	Contribution to separation between settlements	Sensitivity 1-5 Negligible 6-10 Slight 11-15 Moderate 16-20 Substantial 21-25 Major 5 10 15 20 25	Final Assessment - Landscape Sensitivity
Moderately good.	Provides lower setting to North of Albourne.	Albourne sits on high ground to SE of character area. Some minor consistence.		Albourne and Sayers Common.		Substantial

Table 1: Landscape Sensitivity - Area 63 (2007 Landscape Capacity Study)

Landscape Designation	Other Designation (nature conservation, heritage, amenity, including flood zone)	Contribution to setting of 'outstanding assets'	Special cultural/ historic associations	Perceptual aspects (eg. Scenic beauty, tranquillity, wildness)	Landscape Value 1-5 Negligible 6-10 Slight 11-15 Moderate 16-20 Substantial 21-25 Major 5 10 15 20 25	Final Assessment - Landscape Value
Proximity to AONB.	LBs, RSI/PSI, floodzone, Conservation Area.	Proximity and intervisibility to AONB to the south, lower setting to Albourne Place.		Tranquillity limited by A23.		Moderate

Table 2: Landscape Value – Area 63 (2007 Landscape Capacity Study)

In combining the assessments for Landscape Sensitivity and Landscape Value, the overall conclusion reached in the 2007 Landscape Capacity Study was that Area 63 had a 'Low' Landscape Capacity.

The site – Our review of capacity

In applying the above approach to consider what extent the site itself meets the criteria used to assess Landscape Sensitivity and Capacity in the 2007 Landscape Capacity Study, it is acknowledged that some of the scores for Area 63 remain unchanged.

Landscape Sensitivity - In addressing the contribution the site makes to the separation between settlements (identified in the study as being between Albourne and Sayers Common) it is concluded that the site in itself, due to a combination of its limited size, proximity to Albourne and distance from Sayers Common makes only a very limited contribution – and is therefore assessed as 'Negligible'. Combining this with the unchanged scores, the total score is 13 which results in the Landscape Sensitivity of the site being assessed as 'Moderate', compared to an assessment for the wider Area 63 as Substantial.

Inherent Landscape Qualities (intactness and condition)	Contribution to distinctive settlement setting	Inconsistency with existing settlement form / pattern	Contribution to rurality of surrounding landscape	Contribution to separation between settlements	Sensitivity 1-5 Negligible 6-10 Slight 11-15 Moderate 16-20 Substantial 21-25 Major	Final Assessment - Landscape Sensitivity
■ ■ ■ ■ ■	■ ■ ■ ■ ■	■ ■ ■ ■ ■	■ ■ ■ ■ ■	■ ■ ■ ■ ■	■ ■ ■ ■ ■	MODERATE

Table 3: Landscape Sensitivity – The Site

Landscape Value - In relation to the criteria used to assess Landscape Value in the 2007 Landscape Capacity Study, for the site, two need to be re-assessed.

The first is the ‘Contribution to the setting of outstanding assets’. Albourne Place (Grade II*) is some 1.2km from the site with no intervisibility due to intervening visual barriers such as existing vegetation and properties such as Wellcroft Cottages. It is therefore considered that the site itself makes a negligible contribution to the setting of the heritage asset. Similarly, whilst it is acknowledged that Area 63 as a whole does make some contribution to the overall setting of the SDNP, the site itself makes a negligible contribution with visibility limited to views out towards the north facing slopes and ridge. It is therefore considered that the scoring for this factor should be reduced to 2 for the site.

The second factor that needs to be re-appraised is the Perceptual Aspects. Whilst the site retains some scenic beauty, the overall score is reduced to 2 due to the site’s proximity to the village and inter-visibility with the school, which results in some loss of tranquillity.

Landscape Designation	Other Designation (nature conservation, heritage, amenity, including flood zone)	Contribution to setting of ‘outstanding assets’	Special cultural/ historic associations	Perceptual aspects (eg. Scenic beauty, tranquillity, wildness)	Landscape Value 1-5 Negligible 6-10 Slight 11-15 Moderate 16-20 Substantial 21-25 Major	Final Assessment - Landscape Value
■ ■ ■ ■ ■	■ ■ ■ ■ ■	■ ■ ■ ■ ■	■ ■ ■ ■ ■	■ ■ ■ ■ ■	■ ■ ■ ■ ■	SLIGHT

Table 4: Landscape Value – The Site

Aggregating the scores for each of the factors for the site gives an overall score of 10 which results in the Landscape Value of the site being ‘Slight’, compared to an assessment for the wider Area 63 of Moderate.

Applying the methodology used in the 2007 MSDC Landscape Capacity Study to the site and combining the Moderate Landscape Sensitivity with the Slight Landscape Value results in the site being assessed as having a **Medium/High Landscape Capacity**.

The 2014 District Capacity Study combined the findings of the 2007 Landscape Capacity Study with a number of other factors to provide a more holistic assessment of the land and its functions along with accessibility to services. The 2014 study considered the capacity of land to take development by assessing a much wider range of factors (eg infrastructure, bio-diversity, agricultural land value etc) as well as Landscape Capacity as assessed in the 2007 study and considered a wider land coverage than the 2007 study, although this is of no bearing on the assessments made for the land around Albourne.

In drawing a conclusion regarding the overall Capacity of land within the District, the 2014 study identified ‘Primary Constraints’ and ‘Secondary Constraints’. Primary Constraints related to a number of key issues such as statutory designations, Agricultural Land - Grades 1 and 2 and public rights of way. Secondary Constraints considered matters such as buffer zones around designated land, or land identified as open space within the local PPG17 Assessment.

Each ‘Constraint’ was mapped and an overall map produced (see Figure 1 below) which identified areas covered by Primary Constraints ie where designations, legislation or policy already greatly restricts development, along with a graded scale of where land is covered by one or more Secondary Constraints.

The land within the site has no primary constraints, however the footpath along the southern boundary is identified as a primary constraint. The site is identified as having one secondary constraint which is that it falls within an area assessed in the study as having a Low/Medium Landscape Capacity.

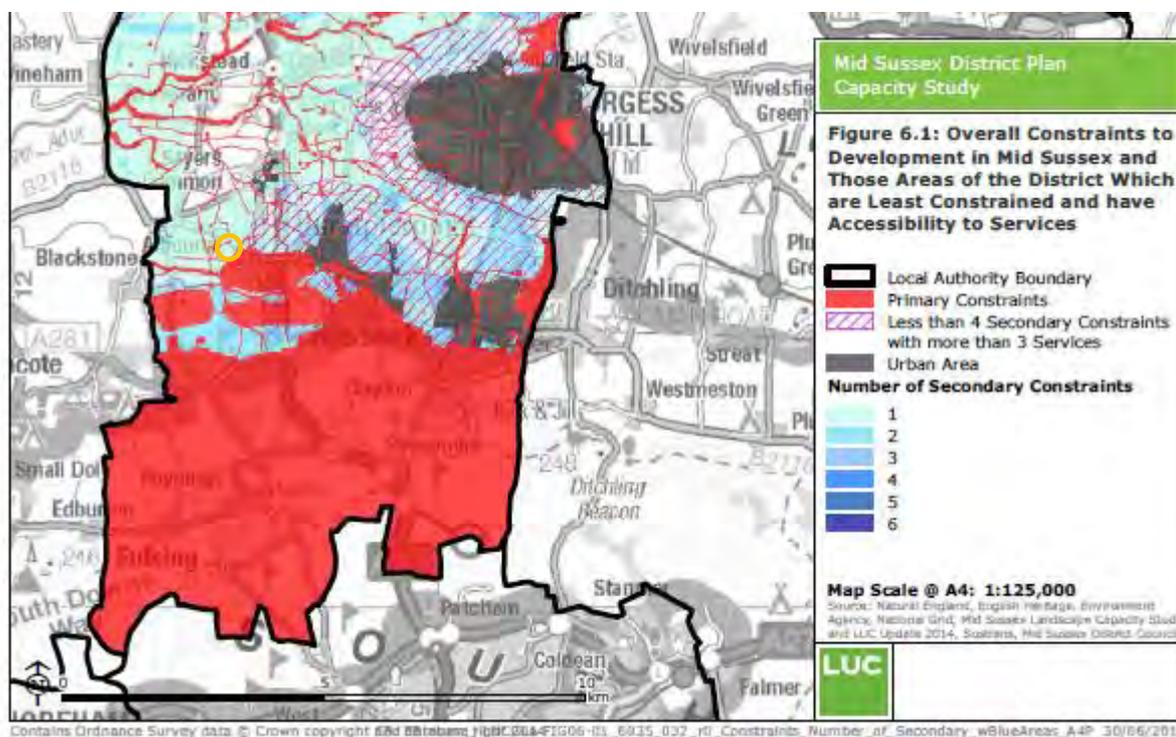


Fig. 1 - Extract from Fig 6.1 of the Mid Sussex District Plan Capacity Study (site highlighted in yellow).

The conclusion to the 2014 Capacity Study notes that “In the parts of the District not covered by primary constraints, development could be more challenging where there is more than one secondary constraint due to the added costs and challenges that would be required to adequately mitigate the potentially significant impacts on the environment in those areas (depending upon the nature of the constraint concerned)”.

It goes on to highlight the potentially constrained nature of the District, noting that 63.6% is covered by Primary Constraints and that 92% is covered by a combination of Primary and at least one secondary

constraint. Combining this with the 4% of the District which comprises built up areas, this leaves only 4% of the District not covered by any of the constraints highlighted in the report.

In considering Landscape Capacity, the 2014 Capacity Study amends the 5 point scale applied for assessing Landscape Capacity and this results in a change to the overall conclusion on Landscape Capacity for Area 63 from Low to 'Low/Medium'.

By applying the same approach to assessing the site itself, our assessment of the Landscape Capacity of the site is raised to Medium. Landscape Capacity is therefore below the threshold needed to meet the criteria of a secondary constraint, meaning that, in applying the methodology and criteria used in the 2014 Capacity Study, the site would not be considered to be constrained.

6. Conclusions and recommendations

In considering the nature of the site, and potential, proposed development, it is acknowledged that there would be an inevitable land-use change and loss of the agricultural landscape type within the site boundaries.

Following a review of the published MSDC Capacity Studies and applying the methodologies used to the site itself, we find that the site, in part due to its location adjacent to the school, on the edge of the Albourne, does have the capacity to accept some development.

For new housing to be integrated into the village successfully, ie., with limited effect on both landscape and visual matters, careful consideration must be given to the layout and architectural style of the new buildings. The low density being proposed will allow a layout that responds to the local context, albeit that the choice of materials, the design of the streetscape, planting and boundaries are of equal importance.

The retention of existing boundary vegetation is an important landscape consideration that will also assist in maintaining biodiversity across the site. New vehicular access, where possible should utilise existing gaps within the hedgerows.

The site benefits from good connectivity to the existing footpath network, however, the effects of introducing new development adjacent to a short length of the path will need to be considered in the layout to ensure that the effects are limited and the benefits for those using the footpath, maintained.

The proximity to the SDNP and the effect of any development on its setting is an important consideration, however if the principles highlighted above are followed, the effects should be negligible.

The site benefits from views out to the surrounding landscape and in particular towards the South Downs National Park. The broad panoramic views looking north from the National Park are key elements of its setting, however it was observed that the site, and indeed the wider village of Albourne, were indiscernible (albeit as seen in summer) in views looking north. The use of contextually appropriate building materials and avoiding the introduction of new street lighting will assist in preserving the existing views out from the National Park.

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**URBAN
DESIGN
GROUP** REGISTERED
PRACTICE





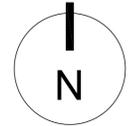
KEY

 Boundary of Proposed Housing Area Approx. 2.98Ha

NOTE:
 This Plan shows land available for approximately 40 dwellings and includes provision for sustainable urban drainage systems and public open space.

The nett developable site area is approximately 2.3Ha which would provide 40 dwellings at a density of around 17 dwellings/Ha.

The proposed new school drop-off area would have direct vehicular access from the proposed future housing area site.



1:1000 @ A1  Metres

789

Site Allocations DPD: Regulation 19 Consultation Response

Policy:

ID:	789
Response Ref:	Reg19/789/2
Respondent:	Mr T North
Organisation:	Tim North Associates
On Behalf Of:	Dukesfield Properties
Category:	Developer
Appear at Examination?	✓



Site Allocations Development Plan Document Regulation 19 Submission Draft Consultation Form

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

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

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

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

The Site Allocations DPD is available to view at:

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

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

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

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

How can I respond to this consultation?

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

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

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

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

E-mail: LDFconsultation@midsussex.gov.uk

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

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

1. Personal Details

Title	Mr
First Name	Tim
Last Name	North
Job Title (where relevant)	Managing Director
Organisation (where relevant)	Tim North & Associates Limited
Respondent Ref. No. (if known)	N/A
On behalf of (where relevant)	Dukesfield Properties Limited
Address Line 1	17A Reading Road
Line 2	Pangbourne
Line 3	Berkshire
Line 4	
Post Code	RG8 7LR
Telephone Number	0118 984 3333
E-mail Address	Timnorth.associates@btinternet.com

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

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

Part B – Your Comments

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

Name or Organisation:

3a. Does your comment relate to:

Site Allocations DPD	<input 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" value="Employment Strategy : Existing Employment Sites"/>	Policy SA <input type="text"/>	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 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.

not

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.

See accompanying representations prepared by Tim North & Associates Ltd on behalf of Dukesfield Properties Ltd

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.

See accompanying representations prepared by Tim North & Associates Ltd on behalf of Dukesfield Properties Ltd

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

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

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

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

Yes, I wish to participate at the oral examination

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

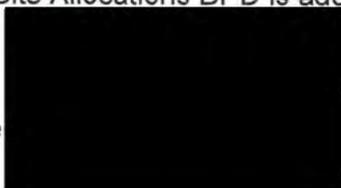
The accompanying representations prepared on behalf of Dukesfield Properties Ltd relate to a number of different parts of the emerging Site Allocations DPD, including both housing and employment policies, as well as the Sustainability Appraisal. It is only by considering all the representations in combination that the full impact of my client's objections to the emerging Local Plan can be appreciated.

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:

26 September 2020

Thank you for taking time to respond to this consultation

Representations raised on behalf of Dukesfield Properties Ltd to the Regulation 19 Version of the Sustainability Appraisal dated July 2020 accompanying the Site Allocations DPD where it relates to i) Employment Strategy - Reasonable Alternatives for Assessment; and ii) Existing Employment Sites - Reasonable Alternatives for Assessment.

September 2020

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1.00 INTRODUCTION

- 1.01 These representations are raised on behalf of Dukesfield Properties Ltd, the freehold owners of land amounting to 1.1 ha known as the Ivy Dene Industrial Estate, Ivy Dene Lane, Ashurst Wood, West Sussex RH19 3TN. The underlying basis of these representations is to consider whether the Local Planning Authority, has complied with the requirements of the Strategic Environmental Assessment (“SEA”) in undertaking its Sustainability Appraisal (“SA”) of the Regulation 19 version of the Site Allocations DPD dated July 2020, pursuant to the Environmental Assessment of Plans & Programmes Regulations 2004 (“SEAR”).
- 1.02 The SEAR transposed the requirements of Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment (“SEAD”) into English Law. The EU Commission issued a document entitled “Guidance on SEA Implementation of Directive 2001/42 on the Assessment of Effects on Certain Plans and Programmes on the Environment” which is based on the obligations set out in the SEAD having been taken into account in the preparation of the SEAR. Whilst the EU Commission’s guidance is not legally binding, it is nevertheless authoritative.
- 1.03 The Commission guidance has the following comments to make in paragraphs 5.12 and 5.13 under the topic “Alternatives”, viz:-

*“5.12 In requiring the likely significant environmental effects of reasonable alternatives to be identified, described and evaluated, the Directive makes no distinction between the assessment requirements for the drafted plan or programme and for the alternatives. **The essential thing is that the likely significant effects of the plan or programme and the alternatives are identified, described and evaluated in a comparable way. The requirements in Article 5(2) concerning scope and level of detail for the information in the report apply to the assessment of alternatives as well.** It is essential that the authority or parliament responsible for the adoption of the plan or programme as well as the authorities and the public consulted, are presented with an accurate picture of what reasonable alternatives there are and why they are not considered to be the best option. The information referred to in Annex 1 should thus be provided for the alternatives chosen. **This includes for example the information for Annex 1 (b) on the likely evolution of the current state of the environment without the implementation of the alternative. That evolution could be another one than that related to the plan or programme in cases when it concerns different areas or aspects.**”*

5.13 *The text of the directive does not say what is meant by a reasonable alternative to a plan or programme. The first consideration in deciding on possible reasonable objectives should be to take into account the objectives and the geographical scope of the plan or programme. The text does not specify whether alternatives plans or programmes are meant, or different alternatives within a plan or programme. In practice, different alternatives within a plan will usually be assessed (e.g. different means of waste disposal within a waste management plan, or different ways of developing an area within a land use plan). An alternative can thus be a different way of fulfilling the objectives of the plan or programme. For land use plans, or town and country planning plans, obvious alternatives are different uses of areas designated for specific activities or purposes, and alternative areas for such activities. For plans or programmes covering long time frames, especially those covering the very distant future, alternative scenario development is a way of exploring alternatives and their effects. As an example, the Regional Development Plans for the county of Stockholm have for a long time been elaborated on such a scenario model.”(my emphasis)*

- 1.04 Current national policy guidance set out in the NPPG “*Strategic Environmental Assessment and Sustainability Appraisal*”, includes the question at paragraph 018 Reference ID: 11-018-20140306 “*How can the sustainability appraisal assess alternatives and identify likely significant effects?*” In response it is said:

“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.”(my emphasis)

2.00 EMPLOYMENT STRATEGY - REASONABLE ALTERNATIVES

2.01 The SA selected three options for consideration as part of reasonable alternatives associated with the employment strategy, namely:-

- Option A - Allocate sufficient “new” employment sites to meet the 10-15ha;
- Option B - Meet the need in part through allocating “new” sites and relying on “windfall” from expansion/redevelopment/intensification of existing sites to meet the remainder;
- Option C - Do Nothing, i.e. solely rely on the Science and Technology Parks to meet any remaining need (as well as contributing to wider regional need.)

A. Factors Influencing the Selection of Reasonable Alternatives

2.02 It can be seen that all three options have been based on the view that those existing employment sites referred to in Appendix A and on the policies map of the emerging Site Allocations DPD will continue into the future, effectively providing a reservoir of available employment land. No consideration has been given to the consequences of retaining existing sites in employment use, preventing their redevelopment for alternative purposes, as part of the selection of reasonable alternatives comprising the Site Allocation DPDs’ employment strategy.

2.03 The Site Allocations DPD defines employment sites as those found within Use Classes B1, B2 and B8 of the Town & Country Planning (Use Classes) Order 1987 (As Amended). In contrast, the provisions of the Town & Country Planning (Use Classes) (Amendment) (England) Regulations 2020 which came into force on 1st September of this year, allow uses falling previously within Classes A1, A2, A3, B1 and certain uses within Class D1, to now comprise one single Use Class E: Commercial Business and Service, in which interchangeability is not restricted unless by an Article 4 Direction or through a condition on an earlier implemented

planning permission.¹ Use Classes B2 and B8 remain separate uses outside the new Use Class .

- 2.04 A flexible approach is therefore required to be taken in terms of reasonable alternatives in the SA process, if proper cognisance is to be attached to recent changes arising from the amendment to the Use Classes Order, or if future employment development as defined by the LPA is expected to be energy and resource efficient, increasing the environmental as well as economic sustainability of communities within Mid Sussex, at the same time adapting to climate change; all of which comprise key objectives underlying the Mid Sussex Economic Development Strategy 2018 to 2031. This is important if only to meet the requirements of paragraph 11a) of the NPPF 2019, where plan-making means *“plans should positively seek opportunities to meet the development needs of their area, and be sufficiently flexible to adapt to rapid change.”* (my emphasis)
- 2.05 This aim of national policy takes on added significance in the case of existing employment sites of the kind found at the Ivy Dene Industrial Estate. The employment strategy pays no regard to the contribution expected to be made in the future from outdated and inefficient buildings situated on an existing employment site, being wholly based on allocating sufficient *“new”* employment sites to meet a 10-15 ha need. The built environment at the Ivy Dene Industrial Estate is approaching the end of its useful life, with the principal building having been systematically altered and adapted over many years since the land was first used as a laundry in the 1920s. It follows that the issue of commercial viability is of particular relevance in evaluating future prospects for continuing employment on these existing sites.
- 2.06 In taking advantage of the redevelopment potential of existing employment sites for alternative residential purposes leaves the underlying objectives behind the Mid Sussex Economic Development Strategy 2018 to 2031 unaffected, namely to create *“a need for more and better quality business premises to go into”* so as to fulfil a desire

¹ The Town & Country Planning (Use Classes) (Amendment) (England) Regulation 2020 is the subject of judicial review challenge taken by a limited company Rights: Community: Action, made up of campaigners, lawyers, planners, facilitators, writers and scientists, united by common commitment to tackle the climate emergency. It is understood this challenge is to be heard in the High Court in the middle of October 2020.

that “*Mid Sussex fulfils its full potential as a vibrant and attractive place for businesses and people to grow and succeed.*”

- 2.07 It is recognised that the consequences arising from the redevelopment of existing employment sites for alternative residential purposes have direct implications not only on the total amount of land required for future employment purposes, measured in hectares, but also on the number of potential sites required to be allocated for employment use in the emerging Local Plan.
- 2.08 In essence, it is implicit in any assessment of reasonable alternatives behind the employment strategy of the emerging Site Allocations DPD to consider not only the contribution arising from existing employment sites in terms of employment use, but also to assess alternative scenarios, particularly where the emerging plan is to cover a fifteen year period, at a time when a number of uncertainties can be identified concerning both future employment and housing provision.

B. Uncertainty

- 2.09 The uncertainty in terms of employment provision where it relates to sites of the kind represented by the Ivy Dene Industrial Estate, stems from the fact that it has been demonstrated that it is not commercially viable for employment purposes, including proposals commensurate with the provisions of Policy ASW16 of the “*made*” Ashurst Wood Neighbourhood Development Plan 2015-2031. The refurbishment costs necessary to improve the existing outworn and outdated buildings present on my client’s site in order to meet today’s building regulations standards are prohibitively expensive. Its locational characteristics are decidedly inferior compared with other more suitable employment opportunities found in close proximity to principal employment centres and the motorway network; whilst access arrangements are seriously deficient.
- 2.10 In other cases, such as the site owned by Benfell Ltd at Hurstpierpoint, or at Barns Court and First Farm, Crawley Down, they are not considered by their respective landowners as being solely in commercial use, and are not being promoted for employment purposes.

2.11 In situations such as at the Ivy Dene Industrial Estate site, where evidence is presented which casts doubt on its long term viability for employment purposes, and where action taken by your Council's Environmental Health Department have resulted in a noise abatement notice being served on the owner and occupier of a particular unit on the same land, represents further factors confirming the site's incompatibility with surrounding residential development. In these circumstances, paragraph 121 of the NPPF 2019 is of more than passing interest:-

"121. Local planning authorities should also take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development need. In particular, they should support proposals to:

a) use retail and employment land for homes in areas of high housing demand, provided this would not undermine key economic sectors or sites or the vitality and viability of town centres, and would be compatible with other policies in this Framework; ..."

2.12 From a residential perspective, uncertainties arise from the consequences of changes to the Standard Method when applied to a rolling 5 year housing land supply, an issue which cannot be divorced from the fact that the adopted Mid Sussex District Plan 2015-2031 incorporates a stepped housing requirement from 2023/24.² In addition, account should be taken of the Viability Review undertaken by HDH Planning & Development Ltd on behalf of your Authority, in which certain allocated housing sites in the emerging Site Allocations DPD with a combined capacity of 240 units occupying previously developed land, are shown not to be viable.

2.13 The Site Allocations DPD proposes a surplus of 445 units above the requirement figure, equating to 2.8% of overall supply, reinforcing the need for additional flexibility or greater headroom to be provided when considering future housing provision. This is in spite of the absence of a trajectory of expected delivery from the 22 allocated housing sites proposed in the Regulation 19 version of the same

² The Government's White Paper "Planning for the Future" dated August 2020 proposes to replace the Standard Method for Housing Need with a nationally set method for setting local housing requirements, in effect distributing 300,000 homes per annum across Local Authorities, taking into account constraints and other factors. This is clearly of significant importance to emerging Local Plans, although to date and despite opposition, it has not been incorporated into policy. The current Standard Method would involve 1,114 dwellings per annum, with the new Standard Method 1,305 dwellings per annum in Mid Sussex DC's administrative area

emerging Local Plan, or how the suggested timeframes where they concern years 1 to 5, and 6 to 10 relate to the current plan period.

- 2.14 A flexible approach to uses on certain existing employment sites gives added impetus to those preferred broad spatial options relating to the employment strategy set out in the emerging Site Allocations DPD. In this regard, the SA considers the preferred options should be concentrated on small extensions at Bolney Grange (Option A) and “Other” smaller sites spread across the District (Option C). Paragraph 7.16 of the SA dated February 2020 states: “As one of the objectives of the District Plan is to encourage economic growth as well as to allow existing businesses to expand, it is proposed both options would assist in meeting this objective,” with the following paragraph adding:-

“7.17 As a result of the above appraisal, various sites categorised as “other” will be appraised individually to ensure the most suitable and sustainable sites are selected for allocation alongside the collection of small-scale expansion of sites at Bolney Grange.” (my emphasis)

- 2.15 Table 1 overleaf relies on the same range of options as the Local Planning Authority in considering the reasonable alternatives for assessment against the employment strategy set out in the Site Allocations DPD, but in addition to the three reasonable alternatives selected, a fourth reasonable alternative has been added.
- 2.16 Option D, as it is termed, takes into account the need to allocate sufficient new employment sites to meet a 20 ha requirement.³ This allows additional sites to be allocated in the event that other allocated sites do not come forward as anticipated; removes the need for over-reliance placed on extensions/intensification of employment sites as part of future supply, at the same time taking into account the loss of existing employment sites to residential use, consistent with the suggested revised wording to Policy SA34 of the Site Allocations DPD. The intension in this respect is to provide increased choice in

³ The Regulation 19 version of the Site Allocations DPD reveals that a total of 17.45 ha of land is to be allocated for employment purposes falling within Classes B1, B2 and B8, adopting the methodology taken from the Northern West Sussex Employment Growth Assessment 2014. In this way, what is sought is an additional 2.55 ha over and above that anticipated to come forward in the same Local Plan.

the pool of available sites, sufficient to meet future employment needs over the plan period, consistent with the approach relating to future housing provision in the same Local Plan.

2.17 All reasonable alternatives have been appraised against the 16 sustainability objectives relied upon in the SA, using the same notation and scoring system consistent with the sustainability appraisal undertaken by the LPA, as suggested in SEA guidance. The symbol chosen indicates the predicted impact/effect each reasonable alternative will have on each sustainability objective, and to what extent with an accompanying explanatory text as justification.

++	Significant positive impact on the sustainability objective
+	Positive impact on the sustainability objective
?	Uncertain or unknown impact on the sustainability objective
0	No impact on neutral impact on the sustainability objective
-	Negative impact on the sustainability objective
--	Significant negative impact on the sustainability objective

TABLE 1
EMPLOYMENT STRATEGY - REASONABLE ALTERNATIVES FOR ASSESSMENT

Objective	A	B	C	D	Assessment
1 - Housing	0	0	0	+	There are no direct impacts expected against this sustainability objective where it relates to Options A, B, C. The potential redevelopment of land for residential purposes as part of Option D is important in providing additional housing.
2 - Health	0	0	0	0	There are no direct impacts from any of the four options expected from this sustainability objective
3 - Education	0	0	0	0	There are no direct impacts from any of the four options expected against this sustainability objective
4 - Retail	+	?	?	+	There is a link between the location of employment sites, as well as those employment sites redeveloped for housing purposes with this sustainability objective. All four options should increase the use of retail areas with more certainty arising through the allocation of new employment sites and the redevelopment of existing sites for residential purposes as opposed to reliance placed on windfall sites to meet future employment needs which may not be delivered.
5 - Communities	++	+	+	++	The allocation of new employment sites close to where the workforce may live is a key objective of the District Plan. The redevelopment of existing employment sites for residential purposes, lying in close proximity to existing communities also achieves the same objective. More certainty of delivery will arise through allocating sites and redeveloping

					existing employment sites for residential purposes which will achieve this sustainability objective in a way which is greater than any option reliant on windfall sites to meet employment needs. A greater spread of development across the District will be achieved through Options A and D.
6 - Flood Risk	0	0	0	0	There are no direct impacts expected from this sustainability objective.
7 - Land Use	-	?	-	-	It is likely that new sites required to meet employment needs will be on greenfield land. This would lead to a negative impact in terms of Options A, C and D as they comprise entirely greenfield sites. Option B relies on windfall sites in terms of meeting future employment need, where locations are unknown and it is unclear what impact this will have on this sustainability objective.
8 - Biodiversity	?	?	?	?	The impact on this sustainability objective will only be known once individual sites and their impact on biodiversity features or designations are known.
9 - Countryside	-	?	-	-	It is likely that new sites required to meet employment need will be on greenfield land. This will lead to negative impacts in terms of Options A, C & D which comprise entirely greenfield sites. Option B relies on windfall sites where locations are unknown so it is unclear what impact this will have on this sustainability objective.
10 - Historic	0	0	0	0	There are no direct impacts expected from this sustainability objective.
11 - Transport	+	?	?	+	Allocating sites for new employment purposes provides more certainty of location and thereby can be modelled with strategic transport modelling to assess the in-combination impact. The quantity of employment need and location arising from existing windfall sites is unknown where it concerns Option B. The transport impacts associated with Option C will be assessed separately. Option D is likely to provide more certainty and accord with Option A.
12- Energy/Waste	0	0	0	0	There are no direct impacts expected against this sustainability objective.
13 - Water	0	0	0	0	There are no direct impacts expected against this sustainability objective
14 - Regeneration	+	+	+	+	All options are likely to increase the opportunity for town and village centre regeneration, although this would be dependent on location.
15 - Employment	++	+	?	++	Options A & D provide more certainty that the employment needs will be met through the provision of sufficient land, with less certainty afforded to Option C as it relies on windfall sites. Option C is likely to provide significant job opportunities, however by its nature these are likely to be in only certain fields, as opposed to all economic uses as defined by the LPA.
16 - Ec. Growth	++	+	?	++	Options A & D provide more certainty that the employment need will be met through the provision of sufficient land. Less certainty is afforded to Option B with its reliance on windfall sites which by their nature are uncertain. Option C is likely to provide significant job opportunities, however by its nature these are likely to be in only certain fields, as opposed to all economic uses as defined by the LPA.

2.18 The results arising from the scoring system relating to Option D, reveals the same number of significant positive impacts; negative impacts and uncertain or unknown impacts as Option A. There is a greater number of positive impacts arising from Option D when compared with Option A (4 in place of 3), and one less no impact or neutral impact arising from Option D when measured against Option A. It follows that Option D represents a reasonable alternative, consisting of a more sustainable approach for the Site Allocations DPD, exceeding the scores achieved by preferred Option A.

2.19 Option D is consistent with the approach taken to date by your Authority, where a shortfall of 6ha in the amount of employment land being provided at “*The Hub*” development arose, against the requirement for 25ha of high quality business park floorspace forming part of Policy DP9 of the adopted Mid Sussex District Plan 2014-2031. This deficit was made up by subsequent windfall sites coming forward, amounting to 6.3ha of land at the former Handcross Garden Centre and on land west of Copthorne. In place of windfall sites, Option D seeks a greater number of allocated employment sites, offering greater certainty and compliance with the SA accompanying the Regulation 19 version of the Site Allocations DPD.

3.00 EXISTING EMPLOYMENT SITES - REASONABLE ALTERNATIVES

3.01 A comparison of the two reasonable alternatives relied upon in the Sustainability Appraisal accompanying the Regulation 19 version of the Site Allocations DPD where they relate to Policy SA34, namely whether to provide a new policy to supplement District Council Policy DP1 (Option A), or not to have the new policy and depend on the same strategic policy (Option B), reveals little difference when assessed against all 16 sustainability objectives. This is particularly evident where it concerns the need to support employment and economic growth in the District, and making the best use of existing business floorspace.

3.02 In terms of the sustainability objective relating to land use, Option A is said to have a more positive impact, in that it seeks to protect existing employment sites, whilst making the best use of previously developed land. It is also said to provide a criteria based framework, allowing for appropriate expansion of

existing employment sites both inside and outside built up areas as opposed to relying on Policy DP1.

- 3.03 In considering the benefits to be derived from the countryside and transport sustainability objectives, Option A scores significantly positive on the basis of restricting new employment sites in the countryside, going further than Option B. It is said to provide a policy framework which allows the expansion of existing employment sites inside and outside built up areas. The increase in the chances of people both living and working in the District is relied upon in providing the reasons why Option A scores more positively than Option B in terms of the transport sustainability objective.
- 3.04 The benefits associated with these sustainability objectives are acknowledged, but reliance placed on Option A fails to take into account those employment sites in Mid Sussex District Council's administrative area where the buildings are coming to the end of their useful life, being outdated and outworn; where there are associated infrastructure constraints and where the opportunities afforded through extensions, intensification and improvement of existing buildings is simply not a viable alternative. To retain these sites in employment use is the very antithesis of the central objectives embodied in the Mid Sussex Economic Development Strategy 2018-2031. In this way, no account has been taken of the restrictive approach associated with the same emerging employment policy, and importantly the lack of flexibility in circumstances where the benefits in allowing the redevelopment of poor quality employment sites for housing purposes clearly outweigh the need to retain the premises in employment use.
- 3.05 These considerations are not new, and reflect the land situated at the Ivy Dene Industrial Estate. Indeed, a key factor emerging from the Northern West Sussex Economic Growth Assessment 2014 was that commercial premises in Mid Sussex in a number of instances have become outworn, outdated and fail to meet modern employers' requirements. It was said of my client's site in paragraph 6.88:-

"Land North of Ivy Dene Lane, Ashurstwood (S5) is a small (1.1 ha) self-contained employment area north of Ashurstwood. The site is a designated business development area in a countryside location, within

the High Weald AONB. The site has poor strategic and local access via a single lane country road only. The site is considered constrained, and has a lack of parking and turning space. The existing stock is dated and low quality but has a high level of occupancy, including automotive and ancillary agricultural activities. There is some scope for development of vacant plots to the front and rear of the site, but given physical constraints, existing and future employment uses are likely to serve a local catchment only. “

4.00 CONCLUSIONS

4.01 Three propositions identified by Mr Justice Hickinbottom in the High Court case *R (on the application of Friends of the Earth England Wales and Northern Ireland Ltd) v the Welsh Ministers (2015) EWHC 776 (Admin)*, delivered on 26th March 2015, are relevant when considering reasonable alternatives for the purposes of Article 5(1) of the SEAD, and hence of particular significance in the representations raised on behalf of Dukesfield Properties Ltd to the SA accompanying the Regulation 19 version of the Site Allocations DPD.

- i) *“The authority’s focus will be on the substantive plan, which will seek to attain particular policy objectives. The EIA Directive ensures that any particular project is subjected to an appropriate environmental assessment. The SEA Directive ensures that potentially environmentally – preferable options that will or may attain those policy objectives are not discarded as a result of earlier strategic decisions in respect of plans of which the development forms part. It does so by imposing process obligations upon the authority prior to the adoption of a particular plan.” (my emphasis)*

- vii) *“However, as a result of the consultation which forms part of that process, new information maybe forthcoming that might transform an option that was previously judged as meeting the objectives into one that is judged not to do so, and vice versa. In respect of a complex plan, after SEA consultation, it is likely that the authority will need to reassess not only whether the preferred option is still preferred as best meeting the objectives, but whether any options which were reasonable alternatives have ceased to be such and (more importantly in practice) whether any option previously regarded as not meeting the objectives might be regarded as doing so now. That may be especially important where the process is iterative, i.e. a process whereby options are reduced in number following the repeated appraisals of increased rigour. As time passes, a review of the objectives might also be necessary, which also might result in a reassessment of the “reasonable alternatives”. But, once an option is discarded as not being a reasonable alternative, the authority does not have to consider it further, unless there is a material change in circumstances such as those I have described.” (my emphasis)*

- xi) *The objectives an authority sets for plans caught by the SEA Directive are likely to be particularly broad and high level, as well as multiple and varied. An assessment as to whether the objectives would be “met” by a particular option is therefore peculiarly evaluative; but an option will meet the objectives if, although it may not be (in the authority’s judgement) the option that best meets the objectives overall (i.e. the preferred option), it is an option which is capable of sufficiently meeting the objectives such that that option could viably be adopted and implemented. That, again, is an evaluative judgement by the authority, which will only be challengeable on conventional or public grounds. However, whilst allowing the authority a due margin of discretion, the Court will scrutinise the authority’s choice of alternatives considered in the SEA process to ensure that it is not seeking to avoid its obligations to evaluate reasonable alternatives by improperly restricting the range of options it has identified as such.” (my emphasis)*

4.02 These representations have shown that in considering reasonable alternatives to the employment strategy and employment sites set out in the SA accompanying the Site Allocations DPD, there is a need for a flexible approach to be taken, given the various factors which impact on uncertainty associated with future employment and housing provision. There are existing employment sites situated in Mid Sussex District Council’s administrative area which comprise built development which is outdated and outworn and which fail to meet current building regulations standards, served by inadequate access arrangements. The premises are not appropriately situated close to employment centres or the motorway network, and have outlived their useful life, with opportunities afforded through extension, intensification and improvement not being a viable option. The same poor quality sites are incompatible with surrounding residential development, with the benefits secured from their redevelopment for alternative residential purposes clearly outweighing their continued retention in employment use.

4.03 An additional reasonable alternative has been added to the three options advanced by the LPA against which the employment strategy set out in the Site Allocations DPD is required to be considered. Known as Option D, it takes into account the need to allocate sufficient new employment sites to meet a 20ha requirement. This allows additional sites to be allocated in the event that other allocated sites do not come forward as anticipated, at the same time taking into account the loss of existing employment sites considered suitable for residential

purposes, consistent with the suggested revised wording to Policy SA34 of the Site Allocations DPD. This will ensure a pool of sites is available sufficient to meet employment needs over the plan period.

- 4.04 The results arising from the scoring system relating to Option D reveal the same number of significant positive impacts; negative impacts and uncertain or unknown impacts as Option A. There are a greater number of positive impacts arising from Option D when compared with Option A (4 in place of 3), with one less no impact or neutral impact arising from Option D when measured against Option A. It follows that Option D represents a reasonable alternative, consisting of a more sustainable approach for the Site Allocations DPD, exceeding the scores achieved by preferred Option A.
- 4.05 It is contended for the reasons set out in these representations, seen alongside the three propositions set out in the High Court judgement *R (on the application of Friends of the Earth England Wales and Northern Ireland Ltd) v the Welsh Ministers (2015) EWHC 776 (Admin)* delivered on 26th March 2015, that a reassessment of the reasonable alternatives where they relate to the employment strategy and existing employment sites should be undertaken.

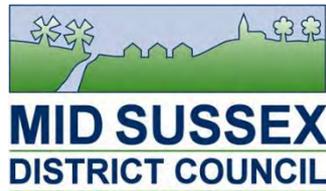
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791

Site Allocations DPD: Regulation 19 Consultation Response

Policy:

ID:	791
Response Ref:	Reg19/791/5
Respondent:	Ms J Ashton
Organisation:	Judith Ashton Associates
On Behalf Of:	Wates - West Crawley Down
Category:	Developer
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="Miss"/>
First Name	<input type="text" value="Judith"/>
Last Name	<input type="text" value="Ashton"/>
Job Title (where relevant)	<input type="text" value="Director"/>
Organisation (where relevant)	<input type="text" value="Judith Ashton Associates"/>
Respondent Ref. No. (if known)	<input type="text"/>
On behalf of (where relevant)	<input type="text" value="Wates Developments Limited"/>
Address Line 1	<input type="text" value="Maytham Farmhouse"/>
Line 2	<input type="text" value="Maytham Road"/>
Line 3	<input type="text" value="Rolvenden Layne"/>
Line 4	<input type="text" value="Cranbrook Kent"/>
Post Code	<input type="text" value="TN17 4QA"/>
Telephone Number	<input type="text" value="01580 230900"/>
E-mail Address	<input type="text" value="judith@judithashton.co.uk"/>



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

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

Part B – Your Comments

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

Name or Organisation:

3a. Does your comment relate to:

Site Allocations DPD	<input 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" value="Section 6 + assoc appendices"/>	Policy SA	<input type="checkbox"/>	Draft Policies Map	<input type="text"/>
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4. Do you consider the Site Allocations DPD is:

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

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

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

Please see covering letter

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 see 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:

Wates have significant interests in the District and are keen to see ensure the soundness of the Local Plan. They therefore wish me to participate in the examination

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

10. Please notify me when:

(i) The Plan has been submitted for Examination

(ii) The publication of the recommendations from the Examination

(iii) The Site Allocations DPD is adopted

Signature:

Date:

28.09.2020

Thank you for taking time to respond to this consultation



Monday 28th September 2020
595/A3/JJA

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

By Email Only

Dear Sirs

**Re MSDC Reg 19 Consultation Draft Site Allocations Development Plan Document (July 2020)
Representations on behalf of Wates Developments Limited**

I write with reference to the above. I act for Wates Developments Limited who have various interests in Mid Sussex, including the land west of Turners Hill Road, Crawley Down (SHELAA site ref 688 and 1002).

As you will be aware, we made reps on the Reg 18 Site Allocations DPD in Nov 2019, in particular policies SA10 and SA11, commenting upon the level of development being promoted within the Site Allocations DPD, the distribution of development, especially within the Category 2 settlements like Crawley Down, and the site selection process. We also commented upon the reasonable alternatives assessed through the SA and the site selection process as set out in the Site Selection Papers.

In the context of the above, you will be aware, that we have been promoting the land west of Turners Hill Road, Crawley Down for some time and have successfully negotiated 2 local consents and 1 appeal thereby establishing the suitability of this location for development. Latterly, whilst promoting the totality of the land west of Turners Hill Road, Crawley Down for circa 300 dwellings and associated facilities, we have also highlighted the sites ability to be bought forward on a gradual basis, but subject to an overarching masterplan. We acknowledge the Council's intention to allocate a site for 50 units in Crawley Down, and that site 1002 would satisfy this requirement, being served via an access wholly within our control and with support from WSCC highways.

It is against this backdrop, and having regard to the substance of the adopted local plan, especially policies DP4 and DP6, that we comment upon the Reg 19 Consultation Draft Site Allocations DPD (hereafter referred to as the Reg 19 Plan), especially policies SA10 and SA11, its associated Sustainability Appraisal (SA) and Site Selection Paper 3 (SSP3).

1 Policies SA10 and SA11

1.1 Policy DP4 of the adopted Local Plan sets out the housing requirement for the plan period and the component parts of the supply. It also establishes a spatial distribution strategy to meet the housing requirement.

a) The Housing Requirement

1.2 Policy SA10 of the Reg 19 Plan looks to update the requirements set out in policy DP4 as far as they relate to the housing supply in table 2.3. We have set out in tabular form below how the two compare. As is self-evident the level of development now proposed through the Reg

19 DPD is significantly less (27.68% less to be precise¹) than that envisaged in the adopted plan given completions and consents granted since the Local Plan was adopted in March 2018.

JAA table 1 – How policy SA10 has evolved through the plan process and compares to the policy DP4 of the adopted Development Plan

	Adopted LP - Policy DP4	Site Allocations DPD - Policy SA10 – Reg 18	Site Allocations DPD - Policy SA10 – Reg 19
District Plan Minimum Requirement	16,390	16,390	16,390
Completions	2,410	3,914	4,917
	April 2014 to March 2017	April 2014 to March 2019	April 2014 to March 2020
Total Housing Commitments ²	7,091	7,094	9,689
Strategic development north & north-west of Burgess Hill	3,500	3,287	Now in commitments
Land north of Clayton Mills, Hassocks	500	Now in commitments	Now in commitments
Windfall Allowance	450	588	504
Elsewhere in the District, as allocated through future Neighbourhood Plans & the Site Allocations document	2,439	1,962	1,764
Total supply	16,390	16,845 (+455) 102.78% of requirement	16,874 (+484) 102.95% of requirement

- 1.3 Whilst MSDC we acknowledge that the figure is a residual figure and takes in to account completions and commitments there is nothing in the evidence base to demonstrate how the residual figure relates back to the minimum requirement set out in policy DP4 of the adopted Development Plan, or how the figures have been broken down into the component parts.
- 1.4 We also note that the actual 'Updated Minimum Residual Requirement' identified in table 2.4 of policy SA10, does not, at 1,280 reflect the target set out in the table 2.3 in policy SA10 (1,764); and that the associated commentary on the overall housing requirement in section 2.3 of SSP3 (February 2020) contradicts table 2.3 in policy SA10³, such that clarification needs to be provided as to what the correct residual requirement is. Reading between the lines, it would appear that the Minimum Residual Requirement is 1,280, but that 1,764 is being allocated to provide some flexibility⁴. For the reasons set out below we do not believe, that at just 3% above the minimum requirement, this is sufficient in this regard.⁵
- 1.5 Para 11a of the NPPF is clear in the need for local planning authorities to '*positively seek opportunities to meet the development needs of their area*' and to '*be sufficiently flexible to adapt to rapid change*'. Para 16 (b) of the NPPF is also clear in that '*Plans should be prepared positively, in a way that is aspirational but deliverable*'; whilst para 35a makes it clear that:

¹ $2439 - 1764 = 675$. $675 / 2439 = 27.68\%$

² Including sites with planning permission, strategic development at Kings Way, Burgess Hill (DP8) and Pease Pottage (DP10) and allocations in made Neighbourhood Plans

³ The SSP3 suggests that the residual housing requirement is 1,507 dwellings – which is more aligned with the Reg 18 than the reg 19 plan

⁴ $16,874 - 16,390 = 484$

$1280 + 484 = 1764$

⁵ $1764 - 1280 = 484$

$484 / 16390 \times 100 = 2.95\%$

'Plans are 'sound' if they are: a) Positively prepared – providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs.' The lack of flexibility in MSDC's housing supply leads us to question whether the Reg 19 Plan complies with national policy.

- 1.6 The housing requirement set out in policy DP4 of the adopted Development Plan was not a maximum figure – it was a minimum – para 2 of the reasoned justification to policy DP4 (p29) is clear in this regard, as is policy DP4 itself. Furthermore, the Local Plan inspector in his report at para 29 and MM04 makes this point. He also indicated that: *'as the overall requirement is expressed as a minimum there is scope for delivery to exceed the minimum requirement'*.
- 1.7 Notwithstanding the above, the Reg 19 Plan, SA, and associated HRA do not test the effects of delivering a higher housing requirement than the minimum advocated in policy DP4 of the adopted development plan
- 1.8 Given the above, and as MSDC have a history of under delivery⁶, failure to assess the merits of allocating more housing through the Reg 19 Plan suggests to us a plan that is not positively prepared, and thus contrary to national government guidance. In this regard, we consider that MSDC could, if they wanted to, allocate more as it is clear from the SHELLA that a considerable number of sites were put forward, and that many, for reasons set out in section 3 below, were discounted for questionable reasons. A higher number of allocations would help protect the council against any failure to meet the adopted development plan target and help with their 5yr housing land supply.
- 1.9 In the context of the above, it should be noted that whilst the development plan was adopted in March 2018, and is thus still relatively new, the next iteration of the plan will have to make provision for the housing requirement as set out in the Standard Method. Whether this is the current or emerging method, the fact is, as set out in table 2 below, the difference between that required in Mid Sussex now and that required under the standard method is significant and will have immediate implications come March 2023.
- 1.10 Given the lead in time for a LP Review and the fact MSDC have the opportunity now, within the Reg 19 Plan to review their housing provision and protect themselves against speculative development in the future, it is in our opinion foolhardy for the Reg 19 Plan not to assess the merits of delivering more houses to address future needs. The failure of the SA and associated HRA to even contemplate this possibility demonstrates a plan that is not positively prepared and is thus unsound.

⁶ Para 4.3 of the Mid Sussex Housing Delivery Statement (July 2019) is clear in its acceptance of MSDC's failure to meet its housing requirement in 4 of the past 5 yrs.

	2014/2015	2015/2016	2016/2017	2017/2018	2018/2019	Total
Requirement	876	876	876	876	876	4380
Completions	630	868	912	843	661	3914
Shortfall	-246	-8	+36	-33	-215	-466

JAA table 2 – How the current housing requirement compares to that of the standard methodology

	Current requirement	LP	Average delivery – past 3 years	Current method	standard	Proposed standard method
MSDC	964 ⁷		760	1,114		1,305

1.11 It is also noteworthy that MSDC do not have an up to date annual monitoring report, or anything to demonstrate their 5-year HLS position. Whilst the last Housing Delivery Test showed the council to be delivering 95% of the requirement (see extract in table 3 below), housing delivery has over the past few years been erratic and the council's failure to publish anything leads one to wonder why. The Reg 19 Plan provides an ideal opportunity to address this issue. The allocation of small sites will assist in early delivery and help counter any speculative development in the future. Surely it is better to plan for more and ensure the associated infrastructure requirements are addressed than just hope the situation will sort itself out – residents and developers need clarity so they can plan accordingly.

JAA table 3 - Result of 2019 Housing Delivery Test

Area	Number of homes required			Total number of homes required	Number of homes delivered			Total number of homes delivered	Housing Delivery Test: 2019 measurement	Housing Delivery Test: 2019 consequence
	2016-17	2017-18	2018-19		2016-17	2017-18	2018-19			
Mid Sussex	754	812	877	2,444	1,068	614	651	2,333	95%	None

1.12 Given the above we would suggest that policy SA10 looks to allocate more sites, so as to deliver more than the 16,874 dwellings now proposed. Increasing the supply to circa 17,664 would take the plan half-way to delivering a position between the adopted plan and that set out in the current standard methodology⁸, and should in our opinion be tested given the fact there are amply sites promoted through the SHELAA to accommodate this figure.

b) The Housing Supply

1.13 As set out above, the total supply as set out in table 2.3 of policy SA10 is, at 16,874 dwellings, only 3% above the minimum requirement. This leaves very little flexibility to address any delays in sites coming forward or a reduced level of development being achieved on the strategic sites during the plan period.

i) Strategic Allocations

1.14 Whilst we note Homes England's involvement in the land at North Burgess Hill, and that outline consent was granted for a, mixed-use development comprising approximately 3,040 dwellings including 60 units of extra care accommodation etc in October 2019 (DM/18/5114 refers), whilst the Housing land Supply Paper (Aug 2020) that accompanies the Reg 19 consultation provides no clear trajectory for the land North of Burgess Hill, the Housing Land Supply Position statement of July 2019 suggests on page 18 that this site will deliver 80 units in 2021/22, which, given the fact major infrastructure works associated with this development have yet to be consented⁹ we would suggest that MSDC's housing trajectory for this site is

⁷ 964 is an average over the plan period – 2014 – 2031 (16390 / 17 = 964)

The plan itself being such the requirement is 876dpa until 2023/24 and 1090 from 2024/25 – 2030/31.

⁸ 1,114x17 = 18,938 – 16,390 = 2,548 / 2 = 1274 + 16,390 = 17,664

⁹ DM/20/0254 provides for the first phase of the Western Link Road

overly optimistic. If this commitment does not deliver as planned MSDC will be vulnerable to speculative applications. The Site Allocations DPD provides an ideal opportunity to protect against this by way of additional allocations.

ii) Proposed Site Allocations

- 1.15 Whilst not opposing the proposed allocations per se, we would question where the evidence is to support the deliverability of the proposed allocations in the Reg 19 Plan. By way of example, site SA16 (Land at The Brow and St Wilfreds School) proposes 200 dwellings but encompasses multiple ownerships and requires the relocation of the school. The Reg 19 plan needs to demonstrate this site is deliverable. Likewise, site SA20 (land South and West of Imberhorne Upper School) is a major site that requires the relocation of a school and significant new infrastructure work, and the Reg 19 Plan needs to demonstrate that all 550 dwellings can be delivered within the plan period. We would also question whether the Council has evidence that the proposed allocation in Crawley Down (SA 22) has a deliverable access noting the separate ownerships, and the criticism levelled at site 1002.
- 1.16 Given the lack of flexibility in the housing supply, it only takes a few sites to take longer than predicted to deliver/ to fail to deliver for the council to find themselves vulnerable to speculative applications. Again, the Reg 19 Plan provides an ideal opportunity to protect against this by way of additional allocations
- 1.17 In addition to the above, as not all sites will deliver as planned, it is common practice to apply a 10% non-delivery rate. Whilst it could be argued that in providing for 1764 when only 1280 are required MSDC have already factored in a 10% non-delivery rate, we would suggest that the 10% has to be over the whole residual requirement – i.e. 1,147 dwellings¹⁰ such that MSDC should be looking to provide for at least 2,427 dwellings in the Site Allocations DPD if they are to provide for some flexibility to address non-delivery. As set out above, increasing the overall supply to circa 17,663 would take the plan half-way to delivering a position between the adopted plan and that set out in the current standard methodology. This would require the Site Allocations DPD to provide for circa 2550 dwellings¹¹ i.e. just above that required to address non delivery and only 766 more than provided for. This is not a significant uplift, is easily achievable, and would provide for significant benefits in the HLS situation.

ii) Windfalls

- 1.18 Similarly, we would question what evidence MSDC have to justify a windfall allowance of 504 dwellings over the remaining plan period (to 2031). Whilst noting the content of the Windfall Study Update (July 2020) suggests windfalls have on average amounted to 64 to 106dpa for sites of 1 -9 units (which is the range accepted in the adopted development plan), it is of note that the annual windfall rates set out in tables 1 and 2 of the Windfall Study Update show a reduction of windfalls following the adoption of the local plan in March 2018 – which is what one would expect when a clear policy position is adopted against which sites should come forward. On this basis there can be no guarantees that past rates will return, especially in the current climate, such that we do not believe there is compelling evidence to increase the windfall rate from what would be 450 to 504 dwellings.
- 1.19 Paragraph 70 of the NPPF is clear that:

¹⁰ 16390 – 4917 (completions) = 11,473 x 10% = 1,147

¹¹ 17,664 referenced in para 1.12 – 16,874 = 790 + 1764 = 2554

“Where an allowance is to be made for windfall sites as part of anticipated supply, there should be **compelling evidence** that they will provide a **reliable source** of supply. Any allowance should be **realistic** having regard to the strategic housing land availability assessment, historic windfall delivery rates and expected future trends....”. We have seen no evidence to this effect and as such believe the figure should remain 450 dwellings and that additional sites should be allocated to address the shortfall.

c) The Spatial Strategy

1.20 Table 2.4 of Policy SA10 of the Reg 19 Plan looks to update the spatial distribution of the housing requirements given completions and consents. In doing so it indicates that the minimum residual requirements in the category 1 and 2 settlements has reduced and that within the category 3 settlements has increased, as is clear from table 4 below. Unfortunately, no evidence is contained within the Reg 19 Plan to demonstrate how MSDC have come to these figures. This should in our opinion be provided within the Reg 22 Plan to justify the level of change proposed in the likes of the category 2 settlements.

JAA table 4 – How Table 2.4 of policy SA10 has evolved through the plan process and compares to the policy DP4 of the adopted Development Plan

Settlement category	Minimum Residual Requirement	Updated Minimum Residual Requirement Reg 18 plan	Updated Minimum Residual Requirement Reg 19 plan	Difference
1	1,272	840	706	-566 44.5% less than LP figure
2	838	222	198	-640 76.37% less than LP figure
3	311	439	371	+60 19.29% above LP figure
4	18	6	5	-13 72.22% less than LP figure
Total	2,439	1,507	1,280	-1,159 47.52% less than LP figure

1.21 The reduction in the scale of development proposed in the category 2 settlements (highest reduction of all categories) is in our opinion significant and needs to be justified given the fact these are sustainable locations.

1.22 In addition to the above, it should be noted that table 2.4 of Policy SA10 does not reflect what is actually proposed in policy SA11 and table 2.5. The difference between the two is set out in the table 5 below.

JAA table 5 – How Tables 2.4 and 2.5 of policy SA10 compare, and relate to policy DP4 of the adopted Development Plan

Settlement category	Minimum Residual Requirement as set out in Policy SA10 (Table 2.4)	Number of dwellings proposed in policy SA11 (Table 2.5)	Difference between tables 2.4 and 2.5	Difference between table 2.5 and Minimum Residual Requirement set out in adopted Local Plan
1	706	1,409	+703	+137 1,409-1,272
2	198	105	-93	-733 105-838
3	371	238	-133	-73 238-311
4	5	12	+7	-6 12-18
Total	1,280	1,764	+484	-675 1,764 – 2,439

- 1.23 From the above it is clear again that the category 2 settlements are in particular seeing a significant reduction in housing development proposed within them when compared to that set out in the adopted Local Plan. As set out above this needs to be justified in the context of what has been consented / built in the category 2 settlements since the Local Plan was adopted, and also needs to be reviewed in the context of our position on the need for the Site Allocations DPD to look to deliver more than required by policy DP4 of the adopted Local Plan so as to assist MSDC in their overall HLS. The category 2 settlements are highly sustainability, with good access to local services and facilities. Many are located outside the AONB/ SDNP and beyond the 7km zone of influence of the Ashdown Forest SPA. They are thus a logical location for additional growth if MSDC choose to allocate more than required by policy DP4 of the adopted Local Plan. The fact the Site Allocations DPD concentrates the majority of additional development in the category 1 settlements, where significant development is already proposed and allocated in the District Plan actively prejudices the long-term vitality and viability of lower order settlements. The provision of new homes in category 2 settlements should be supported in order to maintain the vitality and viability of these settlements and the services within them, and to support the sustainable growth of the district, a point we return to in section 2 below.
- 1.24 As a category 2 settlement we believe that Crawley Down could accommodate more growth without prejudice to the local environment, and find it somewhat counter intuitive that the Site Allocations DPD looks to allocate more development in less sustainable and more environmentally constrained areas, including sites within the AONB, in category 3 settlements¹², than it does in the more sustainable and less constrained category 2 settlements. There is nothing in the evidence base that justifies this approach.
- 1.25 Given the above we would suggest that policy SA11 looks to allocate additional sites within the category 2 settlements to help address the miss-match in the housing supply and at the same time provide for more flexibility in the supply. This would signal a more positive approach to plan making in accordance with the aims and objectives of the NPPF.

¹² The 'Major Development in the High Weald AONB Topic Paper' (July 2020) indicates that 6 of the 22 housing site allocations fall within the AONB. These provide a total of 218 dwellings (12.36%) of the number of dwellings to be allocated through the Reg 19 Plan. Whilst not commenting upon the individual merits of these sites, it is of note that all 6 sites are in category 3 settlements

2 The SA and Reasonable Alternatives

- 2.1 One of the key sustainability objectives against which the plan was assessed was ‘to ensure that everyone has the opportunity to live in a home suitable for their needs and which they can afford.’ Para 3.10 of the SA indicates that lower quartile house prices to earnings were 13.82 in 2017¹³
- 2.2 ONS in their ratio of median house price to median gross annual workplace-based earnings by local authority district, England and Wales, 1997 to 2019 suggest that the ratio of median house price to median gross annual workplace-based earnings in Mid Sussex has increased from 8.75 in 2010 to 11.23 in 2015 and 13.01 in 2019¹⁴. Table 6c suggests that the ratio of lower quartile house price to lower quartile gross annual workplace-based earnings in Mid Sussex was 13.80 in 2019. Affordability is thus a major issue in Mid Sussex and the delivery of more housing will help to address this. As set out in para 3.19 of the SA, the District Plan examination concluded that there should be an increase in housebuilding above demographic trends to increase supply with the intention to improve affordability. The Site Allocations DPD has the opportunity to continue this positive approach and should in our opinion if it is to demonstrate compliance with national government guidance.
- 2.3 Section 6 of the SA explains how the Site Allocations DPD has taken the residual housing requirement as its base, adapted the spatial distribution strategy to reflect the suitability of the sites put forward through the call for sites/ assessed through the SHELAA process and established the final set of sites to be taken forward for consideration. To this end we note that whilst the SHELAA reviewed 253 sites, 94 were ruled out at stage 1, and a further 108 at stage 2, leaving just 51 sites to be reviewed at stage 3 and through the SA process. The SA also explains that these 51 sites yielded some 3930 dwellings against what is said to be a requirement for 1,280. Table 15 goes on to differentiate between the 51 sites in terms of their performance against the SA objectives, and in so doing identifies 20 sites that yielded 1,424 dwellings that performed well, 19 sites that yielded 805 dwellings that performed badly and 12 sites that yielded 1,536 dwellings that were marginal.
- 2.4 In considering reasonable alternatives we note that the SA accepted the 20 (constant) sites that were to be allocated, and provided for some 1,424 dwellings, and tested these as a group (defined as option A), against 2 additional options; one included the land south of Folders Lane and east of Keymer Road + land South of 96 Folders Lane Burgess Hill to take the total number of dwellings to 1,764 (option B); and the other included the land at Haywards Heath Golf Club to take the total number of dwellings to 2,054 (option C). The SA concludes at para 6.52 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

¹³ ONS House price to workplace-based earnings ratio –March 2020- table 6c suggests this figure is 13.19 not 13.82.

¹⁴ See table 5c – ONS House price to workplace-based earnings ratio - March 2020-

<https://www.ons.gov.uk/peoplepopulationandcommunity/housing/datasets/ratioofhousepricetoworkplacebasedearningslowerquartileandmedian>

delivering an excess of this amount within the Site Allocations DPD is outweighed by the negative environmental impacts associated with it.'

2.5 Whilst we would question the assumptions made in table 20 of the SA when concluding on options A, B and C, we also believe that whilst option C was rejected by the SA, other larger sites, especially in category 2 settlements that reached site selection stage 3, such as the land west of Turners Hill Road, Crawley Down should have been considered further in terms of reasonable alternatives and that both the SA and the SSP are lacking in their explanation of what was and was not included in the selection process and why it was/ was not included.

2.6 Its clear from the SA that no consideration was given to providing for anything over and above the residual housing 'requirement' as MSDC saw it i.e. no assessment of the social, economic or environmental effects of providing say double that which was required to meet the minimum residual requirement. Providing for 2,554¹⁵ dwellings rather than 1,764 could both assist MSDC in their HLS and help address the affordability issue that exists in the district. Furthermore, it is clear from the SHELLA that sufficient sites were put forward, and clear that the category 2 settlements are both less constrained and more sustainable than other areas and thus capable of delivering more if MSDC chose to adopt such an approach. If nothing else, testing this option would demonstrate a positive approach to the plan making process. As things stand, the SA has not tested any reasonable alternatives to that required to meet what MSDC consider to be the residual requirement. This approach fails to recognise the fact the housing requirement is not a maximum but a minimum and that subject to HRA, MSDC are able, if they choose to do so, to look to provide for more housing to meet local needs.

3 Site Selection Paper 3

3.1 Site Selection Paper 3 (Feb 2020) appears to be the paper that explains why sites were ruled in or out of the final SA process. In terms of the land west of Turners Hill Road, Crawley Down (SHELLAA site ref 688 and 1002), we note the following:

a) Site 688

3.2 SSP3 (Appendix B – Housing Sites), in commenting upon site 688 appears to highlight four main areas of concern:

- archaeology which is said to be a moderate constraint requiring mitigation;
- local road / access which is said to be a moderate constraint requiring mitigation; and
- access to public transport which is said to be poor.
- landscape capacity which is said to be low to medium;

3.3 Taking each issue in turn we note:

i) Archaeology:

3.4 The supporting text makes it clear that this matter is capable of mitigation through the submission of an archaeological assessment and associated mitigation strategy being agreed;

¹⁵ 17,663 referenced in para 1.12 – 16,874 = 790 + 1764 = 2554

In addition, 1280 (the residual requirement) x 2 = 2560

This is 789 - 796 above that provided for so not so substantial as to be undeliverable – esp. given the finding so of the SHELLA and SA.

ii) Roads:

- 3.5 The supporting text states: '*Access that runs through centre of site not suitable to serve large scale development. Direct access from Turners Hill Road would be required. Possible requires third party land*'
- 3.6 We have discussed this point with officer's ad infinitum. The existing road that runs through the centre of the site (Huntsland) is not intended to be used for vehicular access to the site, it is a public footpath which will provide sustainable linkages through the site and wider area. We have also provided a detailed transport note to demonstrate that there are three access options to serve this site. All can be achieved in accordance with relevant design guidance and will work in design, safety, and capacity terms; and none requires third party land. A copy of the technical note – ref JCB/MS/ITB9155-025 and dated 11th February 2020 is enclosed with these reps for further consideration. Said note includes a previous technical response dated 9 May 2019 as an Annex. These documents provide a detailed commentary on highways, access and public transport and demonstrate that:
- There are no know transport constraints that would prevent development of the site coming forward;
 - Specific discussions have been held with WSCC confirming the suitability of the access arrangements to serve additional development.
 - Significant design work has been undertaken with regard to the vehicular access arrangements to the site and these are fully deliverable in design, safety and capacity terms using land controlled by Wates Developments and the public highway, i.e. **no third party land is needed.**
 - The site is in a sustainable location in transport terms, including with regard to access to bus services and local facilities and services. This is evidenced by the Council's, WSCC's and/or planning inspector's comments on approved planning applications on adjacent sites.
- 3.7 On this basis, there is no constraint in terms of Local Roads/Access

iii) Sustainability / Access to Services

- 3.8 Public Transport is said to be poor, yet the more detailed critique of the site says: '*The site has fair access to local services and good access to public transport*' The text clearly contradicts itself. The latter is correct, and the assessment should be amended accordingly, a point we have made in the past to officers and has been accepted through recent appeals.
- 3.9 In the context of the above we note that the site has been judged to be further away from education and health facilities than it was in the previous SHEELA assessment. We would question the basis for this amendment as both are, we believe 'less than 10-minute walk' as per the previous SHEELA assessment and the facilities have not moved since that assessment.

iv) Landscape Capacity

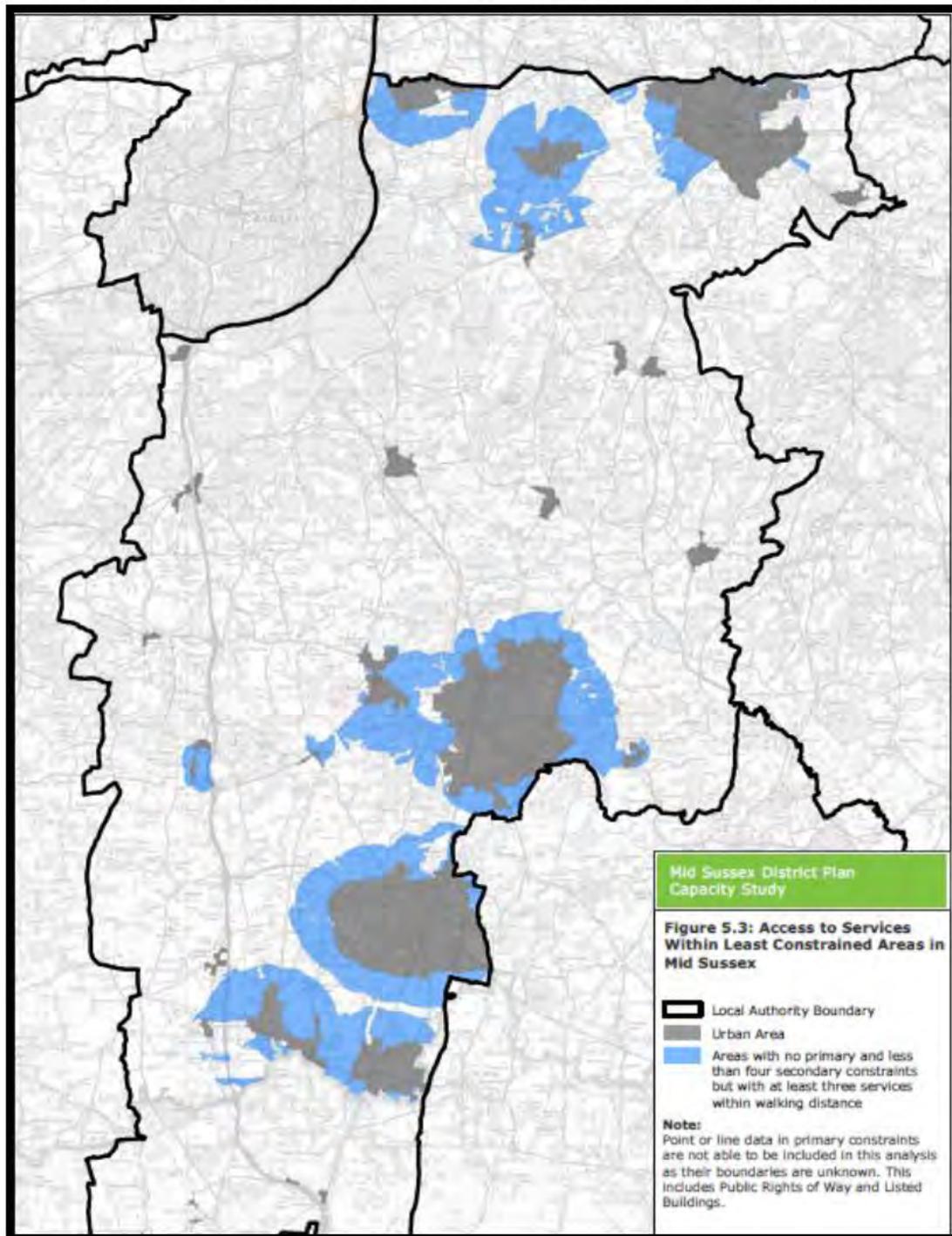
- 3.10 The sites landscape capacity/ suitability appears to have been downgraded from 'medium' capacity as referred to in the April 2019 assessment to 'low – medium' in the latest assessment. A comparison of the two assessments is set out below.

April 2019 Assessment	February 2020 Assessment
<p>A rating of Medium identifies a landscape character area with the capacity for limited development, in some parts of the character areas, having regard for the setting and form of existing settlement and the character and sensitivity of adjacent landscape character areas. As a large strategic extension, this site would need further assessment to consider its landscape impact. There would need to be woodland buffers and consideration of the boundaries of the site and if they are or can be made defensible</p>	<p>The site is of a significant scale and although relatively well screened in places by established woodland its undeveloped rural character is considered to make an important contribution to the wider rural setting of Crawley Down, from which it derives significant character. As a large strategic extension, this site would need further assessment to consider its landscape impact.</p> <p>The final design would likely need to incorporate woodland buffers and consideration of the boundaries of the site and the extent to which they are, or can be made, defensible. It is noted that the promoter has commissioned their own landscape evidence and prepared a masterplan for the site though it is not considered that in isolation this demonstrates mitigation of loss of rural character to the west of Crawley Down. Whilst the perimeter screening will help limit views in from the wider landscape, the scale of the site will necessarily require enhancement of the connections to Crawley Down creating a more permeable and open western boundary to the settlement where the current built area interfaces with the site. Therefore, whilst the site's impact on the wider landscape further to the west could have potential to be mitigated through the retention and enhancement of perimeter screening, the site's contribution to the rural setting of Crawley Down will likely be eroded through the perceptual and actual urbanisation of what is currently a rural landscape, regardless of the notion that there are currently limited sightlines between the west of the town and the site itself</p>

3.11 In defining landscape capacity/ suitability the Site Selection Paper 2 - Methodology for Site (December 2018, last updated 03/08/2020) in Section 3, p7, advises:

8) Landscape Capacity/Suitability (for sites not in AONB)	
<i>"Planning policies and decisions should contribute to and enhance the natural and local environment by... protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils... recognising the intrinsic character and beauty of the countryside" (NPPF 2018, para 170)</i>	
Source: Capacity of Mid Sussex District to accommodate development (LUC, 2014), SHLAA: Review of Landscape and Visual Aspects of Site Suitability (LUC, 2015), Landscape Capacity Update (TBC), High Weald AONB Unit Assessments, South Downs National Park Authority Assessments	
Assessment Notes: Conclusions are drawn for each site dependent on which Landscape Capacity area they are within (as determined by the landscape capacity studies, based on their assessment methodology) or comments received from specialist advisors.	
Low	Based on landscape evidence, low potential in landscape terms
Low/Medium	Based on landscape evidence, low/medium potential in landscape terms
Medium	Based on landscape evidence, medium potential in landscape terms
Medium/High	Based on landscape evidence, medium/high potential in landscape terms
High	Based on landscape evidence, high potential in landscape terms / site is within Built-up Area

3.12 Having regard to the above we note that the LUC's report 'Capacity of Mid Sussex District to Accommodate Development' (2014), indicates in Figure 4.2: Constraints to Development in Mid Sussex (Primary and Secondary) and Figure 4.3: Constraints to Development in Mid Sussex (Graded by Number of Secondary Constraints) that the land west of Turners Hill Road, Crawley Down is one of the least constrained parts of the district and Figure 5.3: Access to Services Within Least Constrained Areas in Mid Sussex, shows the land west of Turners Hill Road, Crawley Down to be an areas with 'no primary and less than four secondary constraints but with at least three services within walking distance'.



- 3.13 Table 3 (p77) of LUC's Capacity Study (2014) report goes on to score the site as having 'medium landscape capacity'. Which is defined as indicating '*that there is the potential for limited smaller-scale development to be located in some parts of the character area, so long as there is regard for existing features and sensitivities within the landscape*'. The 2014 LUC report gave Area 45, within which the Haywards Heath Golf Course, is located the same landscape capacity. Which it retains in Site Selection Paper 3. It is not clear why, given the fact the site selection papers relate back to the LUC capacity study, some areas have seen their capacity revised and others have not. Either the council are relying on the findings of the LUC report or not, and if the latter they need to explain the rationale behind the revised scoring system they are now using.
- 3.14 In the context of the above, we note that in the main, historical assessments of the site conclude that the site has capacity, in landscape and visual terms, for development. Where capacity has been assessed as more limited (Mid Sussex District SHLAA: review of Landscape and Visual Aspects of Site Suitability, 2015) it has been shown that sensitive development, with the retention of the existing woodland structure, would enable development with limited landscape and visual effect. The information provided with our reps on the Reg 18 Plan demonstrated that provided areas of proposed development were located sensitively within the existing landscape structure, with buffers applied to areas of Ancient Woodland, development could be incorporated with **limited landscape and visual effects**. Potential landscape and visual effects could be largely contained within the site itself subject to the retention and reinforcement of the existing woodland structure surrounding and across the site. The MSDC assessment notes "*the site's impact on the wider landscape further to the west could have potential to be mitigated through the retention and enhancement of perimeter screening*" which aligns with the conclusions of the Preliminary Landscape and Visual Opinion. The MSDC assessment goes on to suggest that "*whilst the perimeter screening will help limit views in from the wider landscape, the scale of the site will necessarily require enhancement of the connections to Crawley Down creating a more permeable and open western boundary to the settlement where the current built area interfaces with the site*". The Preliminary Landscape and Visual Opinion submitted with our Reg 18 reps recommended that existing trees and shrubs should be retained as far as possible and that any access point be planted up with new native tree and shrub planting after construction to limit any potential views into the site and maintain the wooded character of the B2082. The Preliminary Landscape and Visual Opinion assessed that this would result in very limited, and localised, potential landscape and visual effects within the site itself which would not affect the wider landscape context. The council's assessment appears to have ignored the findings of the Preliminary Landscape and Visual Opinion Assessment and the conclusions of the LUC work. Given the findings of these studies, we fail to see why the sites landscape capacity/ suitability has been downgraded. Clearly reviewing these assessments could lead to the site being included within the list of sites referred to the SA for assessment. The site is in our opinion a reasonable alternative to a number of the sites put forward for consideration through the SA and as such should have been considered and may well have been allocated. The council's failure to take on board the information provided in the Reg 18 reps and review the site is in our opinion yet another example of a lack of positivity in the plan making process and suggests a plan that is inconsistent with national government guidance and not soundly based.
- 3.15 The whole site was described in the SHELAA (April 2018) as suitable, available, and achievable, and put forward to progress to stage 2 assessment. It went on to progress through the site selection paper stage 1 assessment in Sept 2018, and the stage 2 assessment in Dec 2018. It was only at the stage 3 assessment that the site was excluded.

To this end we note that para 3.4.13 of SSP3 advises that mitigation to address the reason for exclusion was either unavailable or unnecessary in light of more sustainable alternative sites being available. SSP3 goes on to suggest on p 49 that site 688 was not considered further following detailed assessment as it was a:

'Large site in relation to the housing requirement of the settlement. Potential yield is 300 in relation to a need of 18. Considered that there are more suitable sites available to meet this need.'

3.16 No consideration was, we note, given to the site being developed on a gradual basis, but subject to an overarching masterplan. Furthermore, the rationale for not taking the site forward seems somewhat perverse when other sites of a comparable or greater size have been taken forward as allocations in the Site Allocations DPD¹⁶. Further, giving the recent context of permissions nearby, there is a clear acceptance of this location being suitable for development and an obvious direction of travel for more housing in Crawley Down.

3.17 Having regard to the above we believe that the land west of Turners Hill Road, Crawley Down was unfairly deleted from consideration within the SA at site selection stage 3 and that it should have been a reasonable alternative to those that were assessed, especially as it is not in the AONB, the whole of site 1002 and the vast majority of site 688 is beyond the 7km zone of influence of the Ashdown Forest SPA, and is not as environmentally sensitive as some sites such as the land at Haywards Heath Golf Club which was taken to stage 3 – albeit not allocated through the SA process

b) Site 1002

3.18 We note that the SSP3 in commenting upon site 1002 appears to highlight three main areas of concern:

- archaeology which is said to be a moderate constraint requiring mitigation;
- local road / access which is said to be a moderate constraint requiring mitigation; and
- landscape capacity which is said to be low to medium;

3.19 Taking each issue in turn we note:

i) Archaeology:

3.20 The supporting text makes it clear that there is in reality no objection to this site's development in archaeological terms subject to archaeological assessment and mitigation i.e. a Desk-Based Assessment & walkover & geophysical surveys

ii) Roads:

3.21 The supporting text indicates that a new road will be required to serve the site onto Turners Hill Road – this is not however an impediment to development – as is clear from the note

¹⁶ 300 dwellings on land south of Folders Lane and east of Keymer Road Burgess Hill – SA13
200 dwellings at The Brow and St. Wilfrid's School Burgess Hill – SA16
200 dwellings on Land South of Crawley Down Rd East Grinstead – SA19
550 dwellings on Land South and West of Imberhorne Upper School East Grinstead – SA20

produced by iTransport in February 2020 in response to the updated SHELLA, there is no constraint in terms of achieving access in design, capacity, safety or land ownership terms. Specific discussions have been held with WSCC confirming the suitability of the access arrangements to serve additional development. Specific discussions have been held with WSCC confirming the suitability of the access arrangements to serve additional development.

3.22 As an aside it is also noted that the distance to Health, Services and Public Transport are scored more positively (and we believe more correctly) than the appraisal of site 668.

iii) Landscape

3.23 The sites landscape capacity/ suitability is assessment to 'low – medium'. The supporting text suggest that *'This rating indicates that development is likely to have an adverse effect on most of the character area and while smaller development may be possible in a very few locations within the character area, it will not be suitable for strategic scale development. However, this site is relatively well screened in places by established woodland which will help limit views in from the wider landscape.'* This statement is in our opinion muddled and misleading. Site 1002 is being promoted for 30 – 50 dwellings. This is not a strategic scale of development. 50 dwellings across 2.5 hectares would normally be considered "smaller development". Furthermore, as acknowledged in PPS3, the site is well screened and subject to limited views from the wider area. LUC's 'Capacity of Mid Sussex District to accommodate development' (2014) indicates that the area, within which the site is located, had a "medium" capacity for development being an area with no primary constraints and "less than 4 secondary Constraints with more than 3 Services". Furthermore, Site 1002 is located within the area classified as LCA 3: Crawley Down Northern Fringe. This LCA is assessed as having a Substantial Landscape Sensitivity, a Slight Landscape Value and correspondingly a Medium Landscape Capacity for development reflecting LUC's 5 point scale as described in Section 4 of that report. SSP3 accepts that *"this site is relatively well screened in places by established woodland which will help limit views in from the wider landscape"*. As a result, it is likely that the potential landscape and visual effects of development would be localised, and proposed development would not be likely to have *"an adverse effect on most of the character area"* as suggested in SPP3.

3.24 To assess its landscape capacity as low – medium is not therefore justified in our opinion.

3.25 That said we note that on p49 of SSP3, Site 1002 is *'not considered further following detailed site assessment'* because: *'Ancient woodland on eastern boundary with significant buffer extending into the site.'* The sites relationship with ancient woodland is however only seen as a partial issue in the detailed site appraisal, wherein it states: *'Front Wood ancient woodland forms the entire eastern boundary and intersects with the site's southern extent. 15m buffer extends into the site.'*

3.26 As demonstrated in the illustrative layout submitted with the Reg 18 reps (copy attached), the site is capable of being developed so as to accommodate 30 – 50 dwellings with no infringement into the 15m buffer to the ancient woodland that lies adjacent to/ within the site. Again, we note that when assessing the Hayward Heath Golf Club (SHLAA site 503), which also abuts/ contains areas of ancient woodland, PPS3 did not see this as an impediment to development. In our opinion the council appear to be adopting conflicting approaches to the assessment of certain criteria dependent upon their overall position on a site's development potential. This results in an evidence base that appears is totally unjustified when scrutinised.

3.27 Whilst part of a wider site, site 1002 is capable of being delivered in isolation of the wider proposals with the benefit of its own access and is in close proximity to the local services and amenities whilst being well screened from the surrounding area. The council's decision to exclude it from the third stage of the site assessment process and the SA is in our opinion totally unjustified and again suggest a plan that is not positive in its outlook or consistent with national government guidance in this regard.

4 Conclusions on Reg 19 Site Allocations PDP

4.1 To conclude, whilst we accept that the scale of development now proposed in policy SA10 of the Site Allocations DPD is less than that proposed in Policy DP4 of the adopted Local Plan given completions and consents granted since the Local Plan was adopted in March 2018, we are concerned that the scale of growth is in reality little more than the minimum needed to meet the requirements set out in the adopted local plan and that as such the site allocations DPD provides for limited flexibility. This begs the question as to whether the plan is positively prepared, consistent with national policy and sound. Whilst it is not incumbent upon the Site Allocations DPD to meet anything over and above that required by the adopted plan, the direction of travel of the housing requirement, the age of the adopted plan and the time it will take to adopt a new plan is such that providing for additional flexibility by way of further growth would suggest a plan that is positively prepared, and consistent with national policy.

4.2 Our position in this regard is exacerbated by the fact that spatial distribution strategy set out within policy SA10 does not reflect that promoted in policy DP4 of the adopted local plan. The level of growth directed to category 2 settlements in policies SA10 and SA11 of the Reg 19 Plan being significantly less than that proposed in the adopted Local Plan; and by the fact that there is a clear miss-match between what is said to be the minimum residual requirement for each settlement category in policy SA10 and what is actually allocated in policy SA11. This coupled with the lack of growth directed towards the category 2 settlements again leads us to question whether the plan is positively prepared, consistent with national policy and sound.

4.3 The lack of any assessment to a reasonable alternative above the residual minimum requirement in the SA and the basis upon which sites were sifted through PPS3 and the SA also leads one to question whether the plan is positively prepared, consistent with national policy and sound.

4.4 The discrepancies between the way in which sites 688/ 1002 and other sites were assessed in PPS3 and thus deemed appropriate for consideration in the SA is in our opinion unjustified and reminds us of the debate at the LP examination, where, in his interim findings¹⁷ the LP Inspector, when commenting upon the SHLLA states:

'The SHLAA rejects a number of sites on the basis of availability, transport access, sewerage, landscape capacity, heritage assets, ancient woodland and so on. These are important issues but what the analysis does not do is to consider the extent to which they might be resolved or mitigated through highways and footway improvements, sewerage infrastructure, selective development of parts of sites, the incorporation of green buffers and other measures. In some cases the absence of evidence counts against a site without any further assessment. I have no doubt from the site exercise carried out for the hearing on 8 February that there are sites rejected through the SHLAA process which, through their characteristics or location,

¹⁷ ID11 - 20 February 2017

<https://www.midsussex.gov.uk/media/2892/id11-inspectors-interim-letter-housing-20-feb-17.pdf>

might remain unacceptable. But other representors have given examples where relatively minor infrastructure or mitigation measures, different site boundaries or developable areas, might enable sites to come forward, and have cited other examples where identified constraints in the SHLAA have not proved obstacles to the subsequent allocation of sites, or to the grant of planning permission.

There are some constraints in certain localities, such as sewerage and highway capacity, which may be partially dependent on the programmes of other bodies to resolve. But housing provision is a government priority and should be reflected in the programmes of other public bodies. It is also the case that both site-related development contributions and CIL will assist in future in addressing such constraints'

- 4.5 All of the above leads us to conclude that not only does the discrepancy between site assessments need to be resolved, but in the light of no clear housing trajectory and no clear 5 yr HLS assessment, the council should be looking to review the merits of allocating additional sites such as the land west of Turners Hill Road, Crawley Down, be this site 688 or just part of the site (i.e. site 1002), to help provide greater flexibility within the housing trajectory, more growth within the category 2 settlements, and more sustainable development per say.
- 4.6 In the context of the above, without a clear housing trajectory we have to question whether all the housing sites relied upon in the housing trajectory, including those allocated in the Reg 19 Plan are deliverable and/or developable having regard to the definitions of these terms in the Glossary of the NPPF, and what evidence there is to support this.
- 4.7 There is in our opinion merit in the Reg 19 plan looking to deliver circa 2550 dwellings rather than the 1,764 proposed. This will help address non delivery against the current residual requirement, help move the housing supply closer to that required under the standard methodology, and provide for greater flexibility, thus protect against speculative development It only requires land to accommodate an additional 786 dwellings to be provided of, which is not significantly greater than proposed, and given the findings of the SHELAA eminently achievable.

5 The merits of the land west of Turners Hill Road, Crawley Down

- 5.1 The site is located in a sustainable location free from any landscape designations, beyond the 7km zone of influence of the Ashdown Forest SPA, outside of any conservation area, and within flood zone 1.
- 5.2 Site 688 is available for development and can be brought forward as a whole to provide for 300 dwellings and associated facilities, or on a gradual basis – subject to a site wide masterplan. The illustrative masterplan provides for:
 - A development of circa 300 dwellings – to be brought forward as a whole or on a gradual basis;
 - The ability to come forward in a phased manner, most notably in relation to land south of Huntsland for which an indicative layout is provided
 - Three points of access which WSCC have consulted on and raised no objection;
 - A development that is permeable and provides for enhancements to existing pedestrian/cycle links to between the site and the village centre, and the surrounding area supported by two key existing routes which run alongside the site providing easy access to East Grinstead and Crawley;
 - A surface water drainage strategy that looks to incorporate SuDs features to provide for flood storage, attenuation and mitigation areas so as to address the effects of the

proposed development – including a 40% allowance for climate change and help reduce flood risk elsewhere;

- A development that looks towards an integrated landscape, drainage and ecological strategy that provides suitable buffers to adjacent areas of ancient woodland, protects wildlife corridors, links existing corridors and creates new corridors, so as to create biodiversity net gains;
- A development that retains and protects existing ponds and provides suitable buffers to them;
- A development that is landscape led – retains existing trees and hedgerows were possible and provides for generous structural planting and landscape buffers to soften the edge of the development;
- A development that provides a generous amount of good quality green space, including open space, youth and children's play areas, sports and other recreational facilities;
- A development that provides for allotments and community orchards; and
- A development that provides for suitable buffers around existing properties so as to retain their character and amenity.
- A development that looks to protect local views by avoiding development within the most visually sensitive areas and by sympathetically reinforcing the existing landscape structure.

5.3 In addition, the development of this site could also provide tangible benefits for the local community in terms of improvements to the local highway network, improvements to public transport provision, enhanced pedestrian and cycle links, new sports facilities, new play facilities. It could also, if a need is demonstrated, provide land to accommodate a new primary school, health facility or community facility.

5.4 The above and attached clearly demonstrates a scheme that can provide for much need family sized housing, affordable housing and starter homes without any adverse environmental or landscape impacts.

5.5 Site 1002 is available for development. The illustrative masterplan provides for:

- A development of circa 30 - 50 dwellings;
- A single point of access which WSCC have consulted on and raised no objection;
- A development that is permeable and provides for enhancements to existing pedestrian/cycle links to between the site and the village centre, and the surrounding area supported by two key existing routes which run alongside the site providing easy access to East Grinstead and Crawley;
- A surface water drainage strategy that looks to incorporate SuDs features to provide for flood storage, attenuation and mitigation areas so as to address the effects of the proposed development – including a 40% allowance for climate change and help reduce flood risk elsewhere;
- A development that looks towards an integrated landscape, drainage and ecological strategy that provides suitable buffers to adjacent areas of ancient woodland, protects wildlife corridors, links existing corridors and creates new corridors, so as to create biodiversity net gains;
- A development that is landscape led – retains existing trees and hedgerows were possible and provides for generous structural planting and landscape buffers to soften the edge of the development;
- A development that provides a generous amount of good quality green space, including open space and youth and children's play areas;

- A development that provides for suitable buffers around existing properties so as to retain their character and amenity.
- A development that looks to protect local views by avoiding development within the most visually sensitive areas and by sympathetically reinforcing the existing landscape structure.

5.6 In addition, the development of this site could also provide tangible benefits for the local community in terms of improvements to the local highway network, improvements to public transport provision, enhanced pedestrian and cycle links, and new play facilities.

5.7 The above and attached clearly demonstrates a scheme that can provide for much need family sized housing, affordable housing and starter homes without any adverse environmental or landscape impacts.

Given the above we would welcome the opportunity to meet with officers to discuss our proposals for the land west of Turners Hill Road, Crawley Down further.

Yours sincerely



JUDITH ASHTON
Judith Ashton Associates

Encl Conceptual Masterplan – drawing 17075 / C03L
Illustrative layout – drawing 17075 / SK05A
i-Transport Transport note ITB9155-025 dated 11 February 2020
SLR Landscape Technical note: Response to Site Selection Paper 3, Appendix B dated Sept 2020

C.c. Jordan Van Laun – Wates Developments

1025

Site Allocations DPD: Regulation 19 Consultation Response

Policy:

ID:	1025
Response Ref:	Reg19/1025/4
Respondent:	Mrs H Griffiths
Organisation:	
On Behalf Of:	
Category:	Resident
Appear at Examination?	✓

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="██████████"/>
Line 2	<input type="text" value="██████████"/>
Line 3	<input type="text" value="██████████"/>
Line 4	<input type="text" value="██████████"/>
Post Code	<input type="text" value="██████████"/>
Telephone Number	<input type="text" value="██████████"/>
E-mail Address	<input type="text" value="████████████████████"/>

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

3b. To which part does this representation relate?

Paragraph Policy SA SA29 Draft Policies Map

4. Do you consider the Site Allocations DPD is:

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

4b. Sound Yes No

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

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

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

N/A

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

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

Mid Sussex have failed to declare an interest in land adjacent to site SA29 in Horsted Keynes. Inconsistencies exist in how sustainability assessments (SA) have been made, meaning that their land benefits in the longer term, due to the allocation of SA29 being made in this plan. This enables their previously land locked property to be accessed via this site in the future, resulting in over development of the area (in breach of DP13).

This clear conflict of interest should require that the SA be able to stand up to local comparisons and public scrutiny. To date, the assessments fall short of any comparison by those who have knowledge of the sites, and the strong positive bias for the allocation of Site SA29 at St Stephens has led to other alternative sites being repeatedly negatively discriminated against.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Yes

Yes, I wish to participate at the oral examination

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

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

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

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

10. Please notify me when:

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

Signature:

H.M. Griffiths

Date:

28/9/20

Thank you for taking time to respond to this consultation

Part B – Your Comments (Police House field SA28)

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

Name or Organisation:

Helena Griffiths

3a. Does your comment relate to:

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

3b. To which part does this representation relate?

Paragraph 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

4b. Sound Yes No

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

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

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

N/A

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Yes

Yes, I wish to participate at the oral examination

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

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

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

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

10. Please notify me when:

(i) The Plan has been submitted for Examination

(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 Policy SA SA11 Draft Policies Map

4. Do you consider the Site Allocations DPD is:

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

4b. Sound Yes No

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

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

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

N/A

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

I believe the 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

(ii) The publication of the recommendations from the Examination

(iii) The Site Allocations DPD is adopted

Signature:

H/M Griffiths

Date:

28/9/20

Regulation 19 comments to MSDC DPD

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

September 2020

Prepared by Dr. H. Griffiths

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

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

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

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

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

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

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

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

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

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

Site 68 conclusions:

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

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

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

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

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

- Assessments for the development plan should include information from developers regarding site specific plans, and these should be fed in to the AONB assessments, especially if it involves the removal of mature trees and hedgeline. For site 69 the landowner will not be removing any mature trees for access, and this has been demonstrated in recent planning applications (refer to tree surveys and LVIA for applications DM/16/3974 and DM/19/0957).
- The 'high impact' assessment from advice from the AONB does not mean that development on site 69 cannot be successfully mitigated, and this is '*a matter for consideration by the District Council and the Parish Council*'. Proposed mitigation has been shown in detail in previous planning applications on the Jeffreys Farm sites (see DM/16/3974 and DM/19/0957). The preservation and improvement of existing mature hedgelines which already give '*Very limited views into the site from routeways*' should be considered as mitigation. The landowners plan of enhancing the AONB by provision of onsite 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 helenagriffiths@hotmail.com.

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

Title Number : WSX381300

This title is dealt with by HM Land Registry, Durham Office.

The following extract contains information taken from the register of the above title number. A full copy of the register accompanies this document and you should read that in order to be sure that these brief details are complete.

Neither this extract nor the full copy is an 'Official Copy' of the register. An official copy of the register is admissible in evidence in a court to the same extent as the original. A person is entitled to be indemnified by the registrar if he or she suffers loss by reason of a mistake in an official copy.

This extract shows information current on 13 SEP 2019 at 12:37:54 and so does not take account of any application made after that time even if pending in HM Land Registry when this extract was issued.

REGISTER EXTRACT

Title Number	: WSX381300
Address of Property	: Land on the West side of Sugar Lane, Horsted Keynes, Haywards Heath
Price Stated	: £323,500
Registered Owner(s)	: HELENA MARY GRIFFITHS [REDACTED] [REDACTED] SARAH JANE BAILEY [REDACTED] [REDACTED] TIMOTHY HUGH JOHN GRIFFITHS [REDACTED] [REDACTED] PETER WILLIAM MATTHEW GRIFFITHS [REDACTED] [REDACTED]
Lender(s)	: None

Title number WSX381300

This is a copy of the register of the title number set out immediately below, showing the entries in the register on 13 SEP 2019 at 12:37:54. This copy does not take account of any application made after that time even if still pending in HM Land Registry when this copy was issued.

This copy is not an 'Official Copy' of the register. An official copy of the register is admissible in evidence in a court to the same extent as the original. A person is entitled to be indemnified by the registrar if he or she suffers loss by reason of a mistake in an official copy. If you want to obtain an official copy, the HM Land Registry web site explains how to do this.

A: Property Register

This register describes the land and estate comprised in the title.

WEST SUSSEX : MID SUSSEX

- 1 (20.09.2007) The Freehold land shown edged with red on the plan of the above title filed at the Registry and being Land on the West side of Sugar Lane, Horsted Keynes, Haywards Heath.
- 2 (20.09.2007) The land has the benefit of the rights reserved by but is subject to the rights granted by the Transfer dated 12 April 1990 referred to in the Charges Register.
- 3 (20.09.2007) The land has the benefit of the rights reserved by but is subject to the rights granted by a Transfer of land adjoining Jeffrey's Farmhouse dated 12 November 1992 made between (1) George Frederick Colin Griffiths and (2) Richard Alan Vince and Celia Margaret Vince.
NOTE: Copy filed under WSX312715.
- 4 (20.09.2007) The land has the benefit of the rights reserved by but is subject to the rights granted by a Transfer of land adjoining the Western boundary of the land in this title dated 29 January 1998 made between (1) George Frederick Colin Griffiths and (2) Timothy Hugh John Griffiths.
NOTE: Copy filed under WSX220004.
- 5 (23.03.2009) The land has the benefit of the rights reserved by but is subject to the rights granted by the Transfer dated 11 March 2009 referred to in the Charges Register.

B: Proprietorship Register

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

Title absolute

- 1 (02.06.2016) PROPRIETOR: HELENA MARY GRIFFITHS [REDACTED] and TIMOTHY HUGH JOHN GRIFFITHS of [REDACTED] and PETER WILLIAM MATTHEW GRIFFITHS [REDACTED]
- 2 (02.06.2016) The value stated as at 2 June 2016 was £323,500.
- 3 (02.06.2016) RESTRICTION: No disposition by a sole proprietor of the registered estate (except a trust corporation) under which capital money arises is to be registered unless authorised by an order of the court.

C: Charges Register

This register contains any charges and other matters that affect the land.

- 1 (20.09.2007) A Conveyance of the land in this title and other land dated 2 September 1957 made between (1) The Ashdown And General Land Company and (2) George Frederick Colin Griffiths contains restrictive covenants and reserves rights.

NOTE: Copy filed under WSX312715.

- 2 (20.09.2007) The land is subject to the rights granted by a Conveyance of an electricity sub-station site dated 17 April 1961 made between (1) George Frederick Colin Griffiths (2) The Agricultural Mortgage Corporation Limited (3) Lily Margaret Kerly and Beatrice Brooks and (4) The South Eastern Electricity Board .

NOTE: Copy filed under WSX312715.

- 3 (20.09.2007) A Transfer of Jeffreys Farmhouse dated 12 April 1990 made between (1) George Frederick Colin Griffiths and (2) Richard Alan Vince and Celia Margaret Vince contains the restrictive covenants by the Vendor.

NOTE: Copy filed under WSX312715.

- 4 (23.03.2009) A Transfer of Jeffreys Farm Cottage dated 11 March 2009 made between (1) George Frederick Colin Griffiths and (2) Mary Veronica St Clere Griffiths and Helena Mary Griffiths contains restrictive covenants by the transferor.

NOTE: Copy filed under WSX326927.

- 5 (02.06.2016) A Transfer of the land in this title dated 11 May 2016 made between (1) Mary Veronica St Clere Griffiths and (2) Helena Mary Griffiths, Sarah Jane Bailey, Timothy Hugh John Griffiths and Peter William Matthew Griffiths contains restrictive covenants.

NOTE: Copy filed.

- 6 (02.06.2016) The land is subject to any rights that are reserved by the Transfer dated 11 May 2016 referred to above and affect the registered land.

End of register



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This is a copy of the title plan on 13 SEP 2019 at 12:37:54. This copy does not take account of any application made after that time even if still pending in HM Land Registry when this copy was issued.

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HM Land Registry endeavours to maintain high quality and scale accuracy of title plan images. The quality and accuracy of any print will depend on your printer, your computer and its print settings. This title plan shows the general position, not the exact line, of the boundaries. It may be subject to distortions in scale. Measurements scaled from this plan may not match measurements between the same points on the ground.

This title is dealt with by HM Land Registry, Durham Office.

These are the notes referred to on the following official copy

Title Number WSX312715

The electronic official copy of the document follows this message.

This copy may not be the same size as the original.

Please note that this is the only official copy we will issue. We will not issue a paper official copy.

H M LAND REGISTRY

Land Registration Acts 1925 to 1986

TRANSFER OF PART (Rule 72)

Imposing Fresh Restrictive Covenants



COUNTY AND DISTRICT : WEST SUSSEX - MID SUSSEX
NEW TITLE NUMBER :
LAND TRANSFERRED : Jeffreys Farmhouse Jeffreys Farm
Horsted Keynes West Sussex

DATED : 12th April

3 APR 1990
PRODUCED
- 3 MAY 1990
FINANCE ACT 1931

DEFINITIONS

The Plan : The plan attached hereto
The Property : Jeffreys Farmhouse situate on and forming part of Jeffreys Farm Horsted Keynes West Sussex and for identification only shown edged red on the plan and where the context admits each and every part thereof as
The Retained Land : Jeffreys Farm Horsted Keynes and where the context admits each and every part thereof as comprised in the assurance to the Vendor dated the Second day of September One thousand nine hundred and fifty seven but excluding the Property
Services : Water soil gas electricity drainage telephones and similar services



Service Media : Pipes wires drains cables conduits aerials
water courses gutters soakaways and other
similar installations for the passage of any of
the services

Vendor : GEORGE FREDERICK COLIN GRIFFITHS
of Jeffreys Farm Horsted Keynes West Sussex

Purchaser : RICHARD ALAN VINCE and CELIA MARGARET VINCE


Price : TWO HUNDRED AND SEVENTEEN THOUSAND POUNDS
(£217,000)

1. IN consideration of the price (the receipt whereof is hereby acknowledged) the Vendor as beneficial owner transfers the Property to the Purchaser subject to :-

- (a) The exceptions and reservations contained or referred to in the assurance of Jeffreys Farm to the Vendor dated 2nd September 1957
- (b) the provisions of a Conveyance dated 17th April 1961 made between the Vendor (1) Agricultural Mortgage Corporation (2) Lily Margaret Kirby and Beatrice Brooks (3) South Eastern Electricity Board (4)
- (c) to the exceptions and reservations in the terms detailed in the First Schedule hereto and which so far as not already in existence are reserved by this Transfer but together with the benefit of the rights in the terms detailed in the Second Schedule hereto and which so far as not already in existence are granted by this Transfer

2. THE Vendor covenants with the Purchaser in manner specified in the Third Schedule

3. THE Purchaser covenants with the Vendor in manner specified in the Fourth Schedule

4. THE Vendor and Purchaser agree and declare in the terms detailed in the Fifth Schedule

FIRST SCHEDULE

Exceptions and Reservations for the benefit of the Retained land and which are to be exercised in common with the Vendor and all others who may have or be entitled to or to whom the Vendor may grant like rights

(a) To the passage of the services through the service media now laid in on over or under the Property

(b) To construct and lay such further service media in on over or under the Property as may be required and to make connections to any such service media in on over or under the Property now laid under the property and thereafter to the free passage of services through all such service media

(c) To construct any buildings on or over the Retained land directly up to any boundary of the Property such that gutters eaves downpipes foundations or other projections may protrude into the Property and to key into any buildings on or over the Property

(d) To enter on to so much of the Property

(i) for the exercise of any of the rights referred to in this Schedule

(ii) for the purpose of inspecting maintaining cleaning repairing replacing renewing removing or rebuilding any service media in on over or under the Property and any

- building now or hereafter erected on or adjoining any boundary between the Property and the Retained land and
- (e) The full and free right of access of light and air or other easements to any building erected or to be erected on the Retained land notwithstanding that the same may interfere with or restrict the user of the Property
- (f) All such other rights easements quasi rights and quasi easements of a continuous nature hitherto used and enjoyed in connection with the Retained land and each and every part thereof and over the Property as if the same had always been in separate ownership and such rights easements quasi rights and quasi easements had been acquired by prescription

SECOND SCHEDULE

Rights granted for the benefit of the Property and which are to be exercised in common with the Vendor and all others who may have or be entitled to or to whom the Vendor may grant like rights

- (a) rights similar to those contained in clauses (a) (until such time as the works referred to in Clause (b) of the Fourth Schedule hereto have been completed), (c) and (d) of the First Schedule (mutatis mutandis) and provided that none of the said rights shall be exercisable by the Purchaser in on over or under that part of the Retained land comprising "The Cottage" (as shown on the plan) and the garden ground and land appurtenant thereto
- (b) to pass and repass with or without vehicles or animals at all times of the day or night and for all purposes connected with the use and enjoyment of the Property as a private dwelling over and along the driveway cross hatched in black over the Plan

THIRD SCHEDULE

Covenants by the Vendor
(for the benefit of the Property)

The Vendor hereby covenants :-

- (I) not to erect any building of any type on the land edged yellow on the plan with the exception of a sports pavilion with storage and toilet facilities ancillary thereto but not within the area bounded by points X Y Z on the Plan and
- (II) to keep the driveway cross hatched in black on the plan in a good state of repair and condition

FOURTH SCHEDULE

Covenants by the Purchaser
(for the benefit of the Retained land)

- (a) Within two months of the date hereof and prior to carrying out any works upon the Property to erect stock-proof fencing upon all boundaries of the Property marked with a 'T' and thereafter to maintain the same in good repair and condition
- (b) Within six months hereof to lay and construct a new drainage system for both foul and surface water wholly within the boundaries of and serving the Property exclusively and immediately thereafter to disconnect the Property from any existing drainage service media which shall be left in a good and safe state of repair and condition all which said work shall be carried out to the Vendor's reasonable satisfaction
- (c) Not to erect or convert or adapt the buildings on the Property to provide more than one residential unit without the Vendors prior

written consent which shall not be unreasonably withheld

- (d) Not to carry out any alteration addition or extension to the Property unless the plans elevations and specifications thereof have first been approved in writing by the Vendor or his Surveyor whose reasonable costs in connection with this clause shall be paid by the Purchaser. The Vendor shall not unreasonably withhold or delay approval
- (e) No caravan house on wheels chattel or structure adapted or intended for use as a dwelling or sleeping apartment shall be erected made placed or used or be allowed to remain on the Property
- (f) No earth sand gravel or other material shall be dug out excavated or removed from the property except for the purpose of and laying service media or for the laying of garden paths
- (g) No trade manufacture business or profession of any kind shall at any time be set up or carried on or upon the Property
- (h) Not to do anything or permit anything to be done on the Property which may be or become a nuisance or annoyance or disturbance to the Vendor or the owners or occupiers of the Retained land and without prejudice to the generality of the foregoing not to permit the use of any radio or cassette player/recorder or other similar device to be played nor shall any singing music or excessive noise be permitted so as to be audible on any part of the Retained land
- (i) not to obstruct park or allow to be parked any motor car or other vehicle or other means of transport on the driveway cross hatched black on the plan
- (j) to pay and contribute a fair proportion according to user of the cost of inspecting maintaining cleansing repairing replacing and renewing the driveway cross hatched black on the plan and any service

media used in common with the Vendor or others

(k) not to make any connections to the service media so as to cause the same to become overloaded or subject to excessive use wear or tear

(l) to make good to the Vendor's satisfaction all outbuildings and any fences or other structures now or hereafter erected on the Property which are on or immediately adjacent to any boundary between points "A" and "B" on the plan

(m) not to grant or except or reserve any easements over the land cross hatched black on the plan or in respect of any service media

FIFTH SCHEDULE

(Agreements and Declaration)

(a) Insofar as necessary or applicable the Perpetuity period applicable hereto shall be the period of eighty years from the date hereof

(b) The said rights easements exceptions and reservations are valid only if first exercisable within the Perpetuity period referred to and are subject to the person exercising the same :-

(i) paying a fair proportion of any expense necessarily incurred in inspecting maintaining repairing and renewing them

(ii) in the case of rights of entry to enter only on to so much of the Property or the Retained land (as applicable) as is necessary effecting entry on reasonable notice at a reasonable time of the day (except in case of emergency in each case) causing as little damage as possible and making

good to the reasonable satisfaction of such persons
thereby affected any damage caused

(c) The covenants herein contained are limited to seisin

(d) Covenants by more than one person shall be treated as being
joint and several

(e) The singular shall include the plural and the neuter shall
include the masculine or the feminine as appropriate and vice versa in
each case

(f) The Purchasers hereby declare that the survivor of them
can/~~cannot~~ give a valid receipt for capital money arising on a
disposition of the land

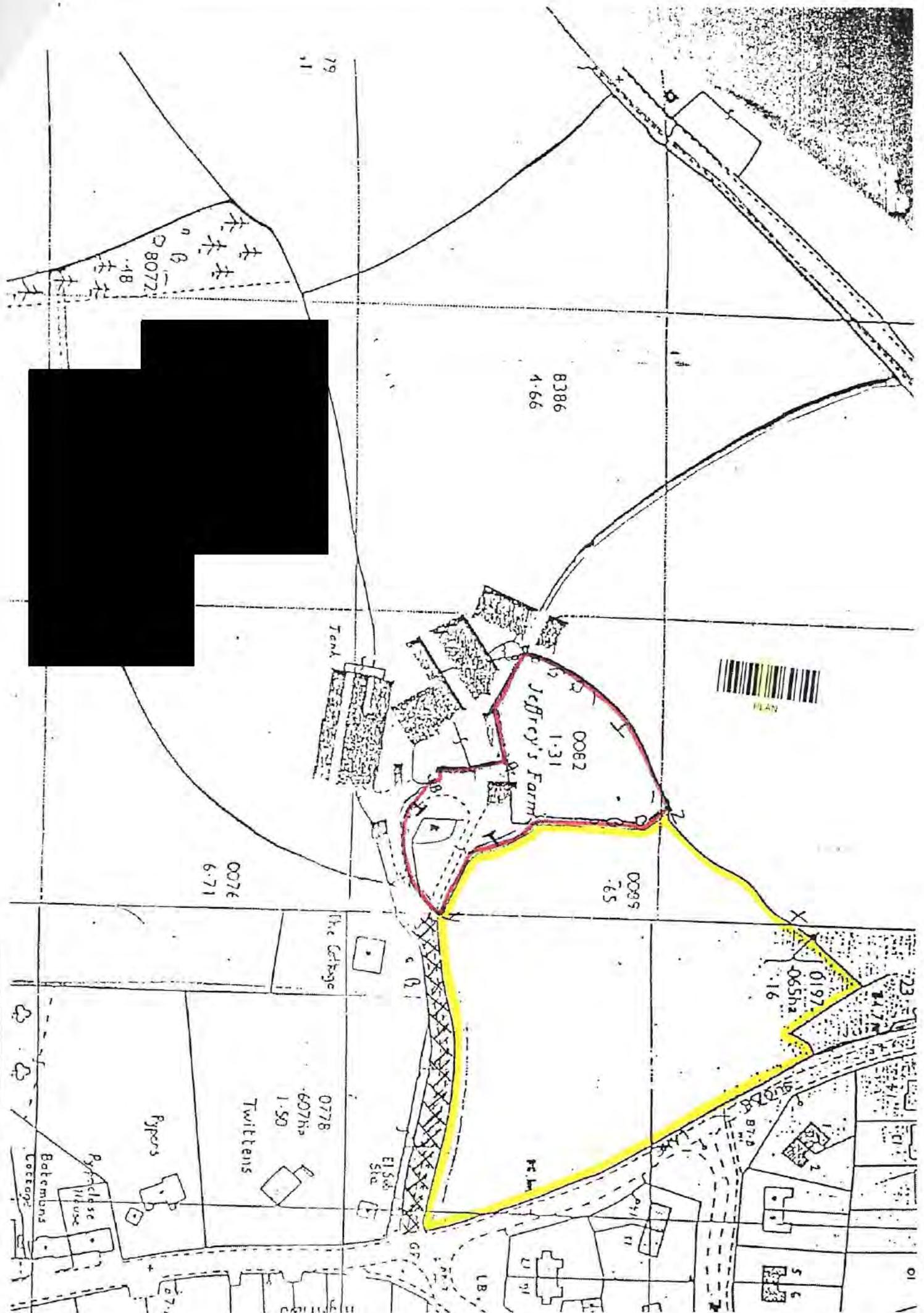
(g) The expressions "the Vendor" and "the Purchaser" shall extend to
their respective successors in title

SIGNED SEALED AND DELIVERED by)
the Vendor in the presence of:-)

SIGNED SEALED AND DELIVERED by)
the Purchaser in the presence)
of :-)

P. M. SCAMPTON
SOLICITOR
22 SUSSEX ROAD
HAYWARDS HEATH
WEST SUSSEX

*Please sign
the plan*



9th September 2016

RE: LAND AT JEFFREYS FARM, HORSTED KEYNES, WEST SUSSEX

OPINION

Instructions

1. I am instructed to advise various members of the Griffiths family on the meaning and effect of a restrictive covenant contained in a transfer of freehold land in West Sussex dated 4th April 1990.
2. My conclusions are set out briefly in paragraph 6 below. The full reasoning for my conclusions follows in paragraphs 7 onwards.

Relevant facts

3. The relevant facts are as these. George Griffiths was the freehold owner of land in Horsted Keynes, West Sussex, known as Jeffreys Farm, which had been conveyed to him on 2nd September 1957.¹ In 1990 he decided to sell part of this land, specifically Jeffreys Farmhouse, to a Mr and Mrs Vince for £217,000. This was achieved by a transfer of part ("the Transfer") dated 12th April 1990. By clause 2 of the Transfer, Mr Griffiths covenanted with Mr and

¹ By an assurance of that date. I do not know whether Mr Griffiths acquired his land in Horsted Keynes pursuant to any further conveyances, but that is not material for present purposes.

Mrs Vince in the manner specified in the Third Schedule to the Transfer. That Schedule imposed restrictive covenants over the land being retained by Mr Griffiths for the benefit of the land being transferred. The material covenant is in the following terms:-

“The Vendor hereby covenants ... not to erect any building of any type on the land edged yellow on the plan with the exception of a sports pavilion with storage and toilet facilities ancillary thereto but not within the area bounded by points X Y Z on the Plan.”

The “land edged yellow” is shown on the plan attached to the Transfer. It is immediately adjacent to Jeffreys Farm and was no doubt part of Mr Griffiths’ “Retained Land” as defined on the first page of the Transfer.²

4. Mr Griffiths has since died. The Retained Land, including the land edged yellow, is now in the ownership of his widow and adult children. Mr and Mrs Vince still live at Jeffreys Farmhouse. Architects’ plans³ have been prepared, on behalf of one of more members of the Griffiths family, for a residential housing development on part of the Retained Land, from which I see that no housing is intended to be built upon the land edged yellow and that the only parts of the development intended to encroach onto the land edged yellow would be “a community building”,⁴ an access road, together with its ancillary

² The Retained Land is defined in the Transfer as “Jeffreys Farm ... as comprised in the assurance to the Vendor dated [2nd] September [1957] but excluding [Jeffreys Farmhouse]”. I have not seen the 1957 assurance, but have proceeded on the basis that the “land edged yellow” lies within the Retained Land.

³ By Ramsay & Co Landscape Architecture. I have been provided with a helpful drawing entitled “Figure 03: Proposed Development and Mitigating Planting Scheme”.

⁴ My instructions refer to this community building as a sports hall. I can see from the architects’ drawing that it is located away from the triangle of land marked X Y Z on the Transfer plan. I have not been asked to consider the meaning of “sports pavilion with storage and toilet facilities ancillary thereto”. I merely observe, for the present, that I doubt very much whether a “sports hall” is an interchangeable definition for a “sports pavilion”. Certainly, a “community building” could be a very different sort of building from a sports pavilion. Care will need to be given to the detailed design of any such building if it is not to breach the covenant.

infrastructure, including pavements, and a pedestrian walkway serving the development. I am told that no street lighting is planned along the access road at the present time.

5. I am asked whether the building of the access road on the land edged yellow would be a breach of the restrictive covenant.

Conclusions in brief

6. In summary, and having regard to the architect's drawing provided to me, I consider that the construction of the access road on the land edged yellow would not constitute the erection of a building within the meaning of the covenant in Transfer and that therefore there would be no breach of covenant. As to whether the construction of the "community building" would be a breach of covenant, I have made some preliminary observations in footnote 4 above. My reasons for these conclusions now follow.

Legal analysis

7. In common parlance, a road and pavements would not ordinarily or obviously fall within the definition of "a building of any sort" but the matter is by no means entirely straightforward. In some reported cases, structures have been held to fall within the definition of a "building" which might at first sight appear to be odd or surprising. It is ultimately a question of construing the words of the covenant in the light of what action or activity the covenant is prohibiting (or permitting). Before considering the relevant cases and explaining the principles of construction in more detail, it will be useful to highlight the relevant words (in bold italics below) under consideration in this case:-

- *not to erect* ... (note the use of the verb “to erect” rather than, for example, to construct, or to build etc; this is significant);
 - *any building* ... (note the choice of building rather than structure etc, and the restriction to a single word description);
 - *of any type* ... (query whether this adds anything);
 - *with the exception of a sports pavilion* ... (clearly a sports pavilion is a particular type of building).
8. Unless the context otherwise requires, the starting point for the construction of covenants is the natural and ordinary meaning of the words used or their conventional usage.⁵ In the face of a clear meaning, it is not the function of the court to find ambiguities; nor should the *contra proferentem* rule for resolving ambiguities be used to create an ambiguity which according to the ordinary meaning of the words is not there. The essential question of construction is the meaning that the words in the deed would convey to a reasonable person having all the background knowledge that would have been reasonably available to the parties in the situation in which they were at the time of the contract. Knowledge is to be gained from the whole deed and also from such other background knowledge as the reasonable person would consider relevant. A particular word is thus considered in the context of the clause within which it is found and as used elsewhere in the same document and also in the context of the admissible relevant background.
9. In a fairly recent judicial review case,⁶ the Court of Appeal had to consider the meaning of the word “building” in the context of the Cremation Act 1902 and associated regulations made under statutory instrument. An orthodox Hindu

⁵ *Investors Compensation Scheme Ltd-v-West Bromwich Building Society* [1997] UKHL 28; [1998] 1 WLR 896 HL.

⁶ *R (Ghai)-v-Newcastle City Council* [2009] FWHC 978 Admin; [2011] QB 591.

had requested the local authority to dedicate land for traditional open air funeral pyres. The authority had refused on the basis of legislative provisions relating to cremation contained in the 1902 Act. The claimant sought judicial review of the authority's refusal (on the grounds that it breached his article 9 rights under the ECHR), which was dismissed. The claimant then appealed, conceding that his religious belief would be satisfied by cremation within a structure, rather than fully in the open air, provided that the process was by traditional fire and sunlight could shine directly on his body. The issue therefore arose whether the claimant's cremation could reasonably be achieved in such a structure, having regard to the definition of a crematorium as a "building" in section 2 of the 1902 Act. The appeal was allowed on the grounds that, having regard to the legislative context and to the aims of the provisions of the 1902 Act, the word building, in section 2, was to be given its ordinary, natural and relatively wide meaning, so as to include a structure which was relatively permanent and substantial and could properly be described as "constructed"; that a substantial and effectively permanent structure like those in which Hindu cremations were carried out abroad, of which evidence had been given, could therefore be a crematorium within the definition in s. 2.

10. It is worth setting out the reasoning and analysis of Neuberger LJ who, in giving, the leading judgment of the Court of Appeal, considered the meaning of the word "building", and the appropriate way to approach its construction, in some detail. He said, at paragraphs 22 to 26 of his judgment:-

"The first argument is based on the normal meaning of the word "building". The meaning of the word "building", or, to put the point another way, determining whether a particular structure is a "building", must depend on the context in which the word is used. Interpreting a word in a statute or a contract, or indeed in any other document, can, of course, only be sensibly done by considering the context in which it is being used. However, where, as is the case here, the word is one which is used in ordinary language and has no established special legal or technical meaning, and is not defined in the document in

question (in this case, the Act), one can usefully take as a starting point the word's ordinary meaning. In the *Moir* case [1892] 1 QB 264,⁷ 270, 271, and 273, Lord Esher MR, Fry and Lopes LJ approached the question of the interpretation of the word "building" in the Metropolitan Building Act 1855 (18 & 19 Vict c 122) by starting with its "ordinary" meaning, its meaning in its "ordinary sense" and "popular usage", or its "ordinary and usual sense", and then considering its context.

In my view, Lord Esher MR's obiter statement in the *Moir* case, at p. 270, that the "ordinary" meaning of the noun "building" is "an inclosure of brick or stonework, covered in by a roof" can only be justified if it was intended to refer to the ordinary meaning of the word "building" in the context of the statute in which it fell to be construed in the case before him. It is not without significance that there is nothing in the reasoned judgments of Fry or Lopes LJ in the *Moir* case to support Lord Esher MR's statement.

Particularly as it appears that Lord Esher MR's statement as to the "ordinary" meaning of the word "building" may be treated as some sort of authoritative guidance as to the normal meaning of the word, I take this opportunity to say that it would be wrong to see it as having any such effect. In my opinion, the word "building" in normal parlance is naturally used to describe a significantly wider range of structures than would be included within Lord Esher MR's "inclosure of brick or stonework, covered in by a roof".

There are many wooden or other structures not made of "brick or stonework", such as chalets, stables, or industrial sheds, and there are many structures which are not "inclosures", such as wood-drying stores, bandstands, or Dutch barns, all of which, on the basis of the normal use of the word, are "buildings". Other structures come easily to mind, such as the pyramids or the colosseum, which are buildings in normal parlance, but do not fall within Lord Esher MR's "ordinary" meaning. So, too, at least some prefabricated structures, particularly if attached to a concrete, or similar, base, are naturally described as buildings.

Deciding what a word means in a particular context can often be an iterative process, and the ultimate decision should not be affected by whether one starts with a prima facie assumption as to the meaning of the word and then looks at the context, or one starts by looking at the context and then turns to the word. However, if one approaches the issue by making a preliminary assumption as to the meaning of a word such as "building", then, in agreement with what Etherton LJ said in argument, I do not think that it would be right to take a somewhat artificially narrow meaning of the word, and then see whether the context justifies a more expansive meaning. It is more appropriate to take its more natural, wider, meaning and then consider whether, and if so to what extent, that meaning is cut down by the context in which the word is used."

Neuberger LJ concluded at paragraphs 35 to 38:-

⁷ *Moir-v-Williams* [1892] 1 QB 264 at 270.

"In the light of these factors, I consider that there is no reason not to give the word "building" its natural and relatively wide meaning in section 2 of the Act, as discussed in paras 21–26 above. The fact that the noun which one might primarily use, in ordinary conversation, to describe some of the structures mentioned in para 25 above would not be a "building" is nothing to the point. The primary way most people would describe the structure in which they live would be a house or a block of flats, but that does not mean that a house or a block of flats is not, in ordinary language, a building.

There have, predictably, been many cases which have required the courts to consider the meaning of the noun "building", but the outcome has inevitably been governed by the context. None the less, it is not without interest to note that in this court a reasonably substantial barbecue has been held to be a "building" in the context of a restrictive covenant: see *Windsor Hotel (Newquay) Ltd-v-Allan The Times*, 1 July 1980; [1980] CA Transcript No 620. It is also perhaps worth mentioning that the contention that the noun "building" in section 10 of the Open Spaces Act 1906 should be restricted in the way that Mr Swift suggests was rejected in *In re St Luke's, Chelsea* [1976] Fam 295, 312d.

Accordingly, the wording of the Act does not detract from adopting the natural and relatively broad meaning of "building" in section 2. The references to crematoria being "constructed" in sections 5 and 6, and the reference to a donation of land in section 6, tend to suggest that to be a "building" within section 2 a structure must be (at the risk of an oxymoron) relatively permanent and substantial. This may remove some structures from the ambit of the word as used in the Act, but I doubt those aspects take the matter any further: if a structure is not relatively permanent and cannot be described as "constructed", it would not, I think, ordinarily be described as a "building".

This conclusion is supported by other factors. Thus, in the light of the wide regulatory powers given to the Secretary of State by section 7, there is no need to give a restricted meaning to the word "building" in the Act: if it was considered that, for one reason or another, the type of structure in which cremations could occur should be restricted, that could be achieved by regulations made pursuant to section 7. Further, where Parliament wanted to impose restrictions on crematoria (as it did in sections 2 and 5, with regard to fitting out and location), it spelt them out. Additionally, given that cremating bodies was known to be lawful as at 1902, it appears to me that one should lean in favour of a construction which gives a statute, introduced primarily to regularise, and ensure uniformity in, cremations, a generous rather than a restricted effect. (Quite apart from this, if, as I prefer to leave open, the Act does not preclude open air cremations, there would be a further reason for adopting a natural and wide definition of "building" for present purposes.)

11. Although the word “building” is naturally used to describe a wide range of structures, as Lord Halsbury LC said in *Paddington Corporation-v-Attorney General* [1906] AC 1 at p. 3:-

“ ... in the books there may be found a great variety of cases where, with reference to the subject-matter of the covenant and the meaning of what was in question between the parties, a screen or some erection of that nature might be considered a “building” with reference to some covenants and might not be considered a building with reference to others. The subject-matter to be dealt with is to be looked at in order to see what the word “building” means in relation to that particular subject-matter. It is impossible to give any definite meaning to it in the loose language which is used in some cases; anything which is in the nature of a building might be within one covenant and the same erection might not be a building with reference to another covenant.”

12. The meaning of the word “building” has also been discussed at length in the context of the Disused Burial Grounds Act 1884⁸ but perhaps one of the more interesting cases is the Court of Appeal authority of *Long Eaton Recreation Grounds Co Ltd-v-Midland Railway Co* [1902] 2 KB 574. In that case a railway company took, for the purpose of their undertaking (i.e. the construction of the railway), land which was subject to a covenant, entered into by their vendor, not to erect thereon “any building other than private dwelling-houses.”⁹ The company constructed a railway embankment on the land. It was held that the erection of the embankment was a breach of the covenant. This may seem surprising. Collins MR held:-¹⁰

⁸ Section 3 of which provides: “... it shall not be lawful to erect any buildings upon any disused burial ground, except for the purpose of enlarging a church, chapel, meeting house, or other places of worship.” See in particular *Re St Luke's, Chelsea* (No. 1) [1976] Fam 295 and *Paddington Corporation-v-Attorney General* [1906] AC 1. In the latter case, Buckley J, with whom the House of Lords agreed, held: “I am of opinion that [s. 3 of 1884 Act] meant what it said - that the space was to remain unbuilt upon. It is to be disused as a burial ground, but it is not to be used as a building ground - that is the meaning of it; and it appears to me that anything that approaches to the character of a building, whether temporary or permanent, is obviously within the prohibition.”

⁹ The precise wording that the purchasers “will not erect any building on the said piece of land hereinbefore secondly described other than private dwelling-houses with proper conveniences, and all such houses shall front to Springfield Avenue aforesaid.”

¹⁰ At pp. 580-581.

"[I]n this case it seems to me to be obvious that these provisions as to the particular class of building which alone was to be allowed on the land were for the benefit of the land retained. The covenant was intended to secure that nothing but private dwelling-houses of a certain value should face Springfield Avenue; and to place an embankment there instead of private houses is certainly a breach of what was intended to be provided for by the covenant. It is said that there has been no breach because an embankment is not a building, but what is provided for is that if any building is to be erected on the land it is to be a private house, and that would, in my judgment exclude, and was intended to exclude, anything in the nature of an embankment. In substance the covenant is that nothing but a private dwelling shall be erected on the land. If, however, it is necessary to say whether a railway embankment can be covered by the word "building," I see no reason for saying that it cannot. A building is not necessarily limited to a structure of bricks and mortar. There is nothing to negative this view, and it seems to me to be obvious that it comes within the sense of the covenant, and that to hold otherwise would be to defeat the object of the parties."

13. I turn now to the verb "to erect" which has been used in the covenant affecting Jeffreys Farm. The noun "erection", like the word construction, has a wider meaning than building, although it is considered¹¹ that it probably has to be above a surface. This is consistent with the origin of the verb "to erect" which comes from the Latin, *erigere*, to raise. The Shorter Oxford English Dictionary gives the following meanings for the verb to erect:-

I – elevate, raise

1. set in an upright position, make erect
2. direct upwards
3. raise in importance, dignity

II – construct, establish

1. build, construct, set up (a statue, a pole etc)
2. raise an army
3. draw a line perpendicular to a given line.

¹¹ See Preston & Newsom on *Restrictive Covenants Affecting Freehold Land* (10th edn.) at para. 7.02.

14. Having regard to the above authorities and principles of construction, it therefore seems to me that in the present case the normal, everyday meaning of the word “building” or the words “building of any type” would not ordinarily include a road within its definition. My view that, in this particular covenant, the definition “building” was not obviously intended to include “road” is reinforced by the use of the verb “to erect”. Whilst one readily refers to “building” or “constructing” a road, it would be most unusual to use the phrase “to erect a road” unless the road was of an obviously elevated type.¹² The use of the verb “to erect” in these types of restrictive covenants conveys the sense of a construction that rises above the ground, unlike the intended access road, in a way that is more than merely *de minimis*. I have found no case where a road has been held to be either a building or an erection, or even contemplated as such. I pause to observe, however, that if the intended access road were to be of a noticeably elevated type, then I consider that such a road, with the substantial infrastructure that it would possess, could well fall within the definition of “a building or any type of building” as those words appear in the Transfer.
15. Poles for the purpose of carrying electricity cables can be erections or structures, but strong judicial doubt has been expressed as to whether they could be buildings.¹³ This is relevant to the concern expressed in my instructions about street lighting, although I note that street lighting is not planned at the present time.

¹² Such as a flyover. It would not be odd, it seems to me, to refer to “erecting a flyover”.

¹³ See *National Trust-v-Midland Electricity Board* [1952] Ch 380 *per* Vaisey J at p. 384: “The first and fundamental point to be considered is the meaning and effect of the restrictive conditions. Let me deal first with the second, which reads as follows: “No building shall at any time hereafter be erected upon any part of the land by or with the consent of the covenantors,” a word which now, in the events which have happened, means the Church Commissioners. In my judgment, these poles are certainly not buildings, though they may well be erections or structures, and for that proposition I rely on *Wood-v-Cooper* [1894] 3 Ch 671 and *Paddington Corporation-v-Attorney-General*. [1903] 1 Ch 109.

16. Turning to the broad intention of the restrictive covenant, it seems to me that, in the light of that intention, the words “building or any type of building”¹⁴ are not reasonably capable of encompassing an access road of the type intended at Jeffreys Farm. The broad purpose of the covenant, so it seems to me, is to preserve the open space and rural character of the land edged yellow retained by George Griffiths (albeit that a sports pavilion is permitted), for the benefit of the neighbouring land at Jeffreys Farmhouse (in respect of which similar restrictions are imposed by the Transfer) and that it is for that reason that the erection of buildings is prohibited by the covenant.¹⁵ That being the broad purpose of the covenant, it therefore seems to me that there is no justification for construing an access road of the type intended as a “building” within the meaning of the covenant.¹⁶

17. That is probably all I can usefully say for the time being.



KATE SELWAY

9th September 2016

¹⁴ It seems to me that if the words “any type of building” add anything to the definition it is simply that they emphasise its intended width.

¹⁵ See the Fourth Schedule to the Transfer.

¹⁶ It would clearly not, in my view, be open to argue that the construction of the road breaches the covenant affecting the land edged yellow because the road provides access to a housing development (“buildings”) on neighbouring land. The buildings to which the access road is intended to lead would not be on the land burdened by the covenant. This may seem obvious but a similar point was in issue in the Court of Appeal case of *Coventry School Foundation Trustees-v-Whitehouse* [2013] EWCA Civ 885; [2014] 1 P&CR 4 where the matter was clarified. In that case the covenant prohibited the burdened land being used for purposes causing nuisance annoyance and disturbance. The operation of a school was proposed on the burdened land. The apprehended nuisance etc was the increased traffic twice daily on the school run; but this traffic nuisance would take place on adjacent highways, not on the burdened land itself. The court held there would be no breach of covenant.

Radcliffe Chambers,
11 New Square,
Lincoln's Inn,
London,
WC2A 3QB.

September 2016

RE: LAND AT JEFFREYS FARM, HORSTED

KEYNES, WEST SUSSEX

OPINION

WAUGH & CO SOLICITORS
3 HEATH SQUARE
BOLTRO ROAD
HAYWARDS HEATH
WEST SUSSEX
RH16 1BD

REF: JSC/GRI30/2/Griffiths

September 2019

Challenge to AONB assessment of site #69, Land at Jeffreys Farm (Fields to North of Farm Buildings), Horsted Keynes of May 2019.

Prepared by H. Griffiths

We understand that the High Weald Area of Outstanding Natural Beauty (AONB) Partnership fulfil an advisory role to both Local Authorities and Neighbourhood Plans steering groups. The advice provided by the AONB Partnership is being heavily weighted in planning decisions, and therefore needs to be robust and defensible.

We have serious concerns over the advice being provided in respect of both planning decisions, local plan formulation and Neighbourhood Plan preparation in Horsted Keynes by the AONB planning department. There appears to be a failing in impartiality, transparency, and consistency of the assessment of sites in connection with the Mid Sussex District Council (MSDC) SHELAA assessments, and also the Horsted Keynes Neighbourhood Plan site assessments. This seems to be most notable for site #69 (Land at Jeffreys Farm, Field to north of farm buildings). We are raising these concerns to you as the landowners of site #69, however there have been comments made to us by several members of the public concerning the assessment of site #69, so we feel we are also representing the interests of the community as a Neighbourhood Plan is being prepared, and site #69 has support from many residents of the parish.

History of the AONB Assessments:

Site #69 has been assessed twice by the AONB: firstly, in October 2018 as part of an amalgamated assessment of the farm area (SHELAA site #780), and again in May 2019 as a stand-alone site #69.

The initial October 2019 assessment was on a site (#780) that was not being promoted by the landowners as a large block of 5.32 ha. MSDC had amalgamated the 3 different sites put forward, which included a large area being promoted as green space (with a restrictive covenant on it preventing building, but NOT access), and also a woodland area. MSDC used the whole area to calculate a housing unit number of 80 units. This was not a number that the landowners envisaged or were comfortable promoting. Understandably the AONB Partnership assessed this amalgamated area as high impact, as it affected a medieval field system in the south, and also was a large development which would have been out of character with the historic growth of the village. See Appendix 1 for the AONB assessment.

In December 2018 / January 2019 the landowner contacted MSDC and asked them to subdivide the amalgamated area (#780) into the different sites that they had originally promoted within the

SHELAA call for land, and to change the number of units associated with the site, to reflect their aspirations. The subdivision also included the removal of the woodland area and the covenanted green space, as these areas were not available for development, thus substantially reducing the area being promoted. Two new site numbers were generated: #69 (field to the north) being 2.23ha for 22 units, and #971 (field to the south) being 0.86 ha for 12 units. The density aspirations for the sites were guided by pre-application advice for a development on the farm buildings (#68) where the MSDC planner had indicated she wanted to see large detached dwellings in character with the surrounding residential development (for example as per Lewes Road, Sugar Lane and Boxes Lane). The assessment of these two sites by the AONB Partnership in May 2019 was confirmed then to be of high impact (See Appendix 1).

It is unclear which of these assessments was a 'desktop assessment', and which have involved site visits. The landowners met the AONB Planning officer, together with the Parish Council planning consultant on site by coincidence earlier this year (2019). This was by coincidence, as there had been no communication to say that they were visiting the sites. We can only assume that earlier assessments were only desktop exercises.

Our Concerns:

1. Recent AONB re-assessment of site #69 - May 2019

The new assessment of site #69 does not seem to reflect the reduction in area being promoted, the reduced number of housing units being proposed, nor the fact that this site is now only occupying a modern field system, as per the AONB Partnerships own assessment of field system ages in 2017.

- The site area has reduced from 5.32ha (#780) to 2.23ha (#69)
- The reduction in housing proposed for the site has reduced from 80 units (#780) to 22 units (#69)
- The reduced site (#69) no longer incorporates the medieval fields to the south (new site #971) and occupies modern field systems only. Appendix 3 includes the map of field system ages, taken from the AONB Partnerships assessments of SHELAA sites in October 2018.

The conclusion of high impact for site #69 in May 2019 does not seem to take account or indeed represent the site and the new information that has come forward since the first assessment.

AONB assessments should consider the impact on the AONB in conjunction with the plans of the developer as this is how mitigation can be discussed and a positive outcome for both parties can be achieved.

2. Terminology used to describe site #69 is not objective.

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.

The description reads: ***'Jeffreys 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'***.

- The use of the term 'separated' from the village, suggests that the area is disconnected from the settlement boundary. This is not the case. The site is adjacent to the built-up area boundary of Horsted Keynes. The fact that this boundary is along a road does not mean it is disconnected from the settlement. The mature woodland to the east of the site forms a substantial screen to existing housing, and would reduce the impact of development for existing residents, two listed buildings (Boxes Farm and Ludwell), and the AONB as a whole, and this screening is noted positively in the description of the site under 'Public understanding and enjoyment'. See Appendix 4 for the built-up area boundary map.
- The description of Sugar Lane as having 'dispersed settlement' along its western side is also misleading. Sugar Lane is a Lane by name, but leads directly in to a section of Lewes Road and Treemans Road, to the south (all sections of the existing highway network). The settlement along the western boundary of this continuation is not dispersed, but a continuous row of 11 predominantly detached houses with large gardens. See Appendix 5 for the detailed map of Sugar Lane and Lewes Road / Treemans Road to the south.
- The description is quick to characterise the western side of Sugar Lane, but omits to describe the eastern side of the lane. The eastern side is a continuous stretch of housing from Station Road in the north, to Lewes Road in the south, running parallel to site #69, again being predominantly detached houses. Sugar Lane is not the rural lane that many might envisage when reading the description, but is a heavily urbanised edge of the village. See Appendix 5 for the detailed map of Sugar Lane and Lewes Road / Treemans Road to the south.
- The comment that suggests that 'development of this site would be uncharacteristic of this area', seems to contradict what is clearly shown on maps. The area is already urbanised, with large detached dwellings.

3. Uncertainly over the age of the farmstead at Jeffreys Farm

The site assessment for site#69 notes ***'the probable age of Jeffreys Farm House'***. This is speculation.

Horsted Keynes is a historic village, and it has been serviced by small farmsteads that have gradually been over-run by development. Most notably Rixons Farm (on the Green), and Boxes Farm (on Sugar Lane). These are both listed buildings and are predominantly of a timber construction, clearly medieval in nature.

Jeffreys Farm House is not of a similar construction, being predominantly brick, showing characteristics of Georgian architecture. Within the farmhouse there is an old beam on the internal western wall, but as far as we know there is no date attributed to this construction. A Sussex barn (now dilapidated) has stood on the farm site and is noted on the Tythe map 1842.

None of this definitively points towards the farm, or farmhouse being medieval.

4. Conclusion comments for site #69 show little knowledge or understanding of how Horsted Keynes has developed since the Second World War

The Conclusion states: '**development would be out of character with the settlement pattern of Horsted Keynes**'.

These concluding comments are ill-informed, and show no understanding of how the village has developed over the last 75 years.

Pre-war, houses were built sporadically, in isolation, and in a scattered pattern across the bounds of the village as we know it today. However, Post-war, the village has grown substantially, and development has occurred as clusters of multiple houses, predominantly in cul-de-sacs, both infilling within the village historic routeways, but also on the edges of the village, jumping the routeways in to open countryside. The developments ranged in number from 6 houses (Rixons Orchard in the 1960's) to tens of houses (Challoners in the 1970's and 1980's). A list of the housing developments with approximate dates and number of housing units is shown below. Appendix 6 shows a map of the location of these housing clusters.

Post war cluster developments in Horsted Keynes:

- **Rixons** (cul-de-sac off Station Road) – 16 semi-detached houses, built pre 1947
- **Jefferies** (through road from Sugar Lane to Lewes Road) – 16 semi-detached houses, built ~1947
- **Boxes Lane** (cul-de-sac off Sugar Lane) – detached houses, 14 built ~1955
- **Lucas** (cul-de-sac off Birch Grove Road) – 12 detached houses, built ~1959
- **Hamsland** (cul-de-sac off Lewes Road) – 11 bungalows, and 10 semi-detached houses, built ~1956 to 1959
- **Rixons Orchard** (cul-de-sac off Station Road) – 6 detached and semi-detached bungalows, built pre 1973
- **Challoners** (extension of cul-de-sac off Lewes Road / Hamsland) – 60 semi-detached houses, built post 1974 to 1980's
- **Cheeleys** - (cul-de-sac off Church Lane) – 12 bungalows, and 8 detached houses, built post 1974
- **Hillcrest** (cul-de-sac off the Green) – 9 semi-detached houses, built ~2000
- Since 2000 only single or double infill dwellings have been built and as a result no more infill opportunities exist in the built-up area boundary of Horsted Keynes today.

The development of Horsted Keynes clearly shows that historically, larger developments have occurred and these have also occurred on the periphery of the village, jumping the old routeways in to open countryside sporadically as the need for housing grew. Whilst there is an understanding that the AONB Partnership seek to limit development, there is no space left within the built-up area boundary of Horsted Keynes for larger developments. In addition small piece-meal development and single dwellings provide no affordable housing for the village.

5. The AONB assessment of site #69 does not appear to be comparable with other site assessments in the village.

Several sites across the village have been assessed by the AONB Partnership as part of both the SCHELAA assessment for MSDC, and also for the Neighbourhood Plan of Horsted Keynes. When comparing the high impact conclusion reached in relation to site #69 with other sites that have a high impact rating, there are dramatic discrepancies in the characteristics which suggest that site #69 is not being assessed consistently. In addition, when comparing site #69 to sites with 'Low' and 'Moderate' impacts, again there seems little justification to rate site #69 as high.

The sites in question are listed below, and the full AONB assessments are also shown in Appendix 7:

- Farm Buildings, Jeffreys Farm #68 – 18 units (0.7ha) – **LOW impact**
- Land at Jeffreys Farm #780 – 80 units (NUMBER AND AREA NOT AS PER LANDOWNER PROMOTION) (5.32 ha) – **HIGH impact**
- Land at Jeffreys Farm (Fields to North of farm buildings) #69 – 22 units (AS PER LANDOWNER PROMOTION) (2.23ha) - **HIGH impact**
- Land at Jeffreys Farm (Fields to South of farm buildings) #971 – 12 units (AS PER LANDOWNER PROMOTION) (0.86ha) - **HIGH impact**
- Land west of Church Lane 'Sledging Field' #893 – 38 units (4.3ha) - **HIGH impact**
- Land at Police House Field #216 – 10 units (0.26ha) - **MODERATE impact**
- Land South of Police House Field #807 – 40 units (3.0ha) - **HIGH impact to MODERATE impact (with mitigation)**
- Land South of St Stephens Church #184 – 30 units (1.2ha) – **LOW impact**

Again, I reiterate that it is unclear which of these assessments have been made on the basis of desktop analysis and which sites have actually been visited in person. We understand that the Parish Council planning consultant has been on some sites with the AONB planning officer at some point in 2019, but it is unclear which sites and when.

For ease I will break down the concerns that I have about the way in which site #69 has been assessed in comparison with other sites in the village in to 3 sections: (A) comparing with site #893 in Church Lane; (B) comparing with site # 184 St Stephens Field; and finally (C) comparing to site # 216 and #807 at Police House Field.

A. Comparing site #69 with site #893 in Church Lane

Both sites have been deemed high impact by the AONB Partnership, but when comparing the proximity to the Conservation Area of Horsted Keynes, the topography and hence the potential to mitigate any visual impacts of development, the existing screening, and the visibility from public footpaths, the sites are dramatically different.

Appendix 8 shows map located photographs of the sites to compare the impact.

Site #893:

- Site #893 is directly adjacent to the Conservation Area and in clear sight of a Grade I listed building (St Giles Church) – refer to photo 7 in Appendix 8, and map of Conservation Area in Appendix 8.

- Site #893 has a public footpath running along its northern boundary, with no existing screening meaning the site is highly visible – refer to photos 9, 10 and 11 in Appendix 8.
- Site #893 has no existing screening on its northern, eastern or western boundaries – refer to photos 6-11 in Appendix 8.
- Site #893 has 25m of elevation gain across the site, meaning any mitigation planting will be ineffective – refer to map of site #893 in Appendix 8.
- Site #893 is assessed as a modern field system by the AONB. See Appendix 3 for the map of field system ages, taken from the AONB assessments of SHELAA sites in October 2018.

Site #69:

- Site #69 is some distance from the Conservation Area across the village and is well screened from 2 listed buildings (Ludwell and Boxes Farm) - refer to photos 1 and 2 in Appendix 8.
- Site #69 has no public footpaths in the vicinity – refer to map of site #69 in Appendix 8.
- Site #69 is surrounded by tall mature hedge-lines on all boundaries - refer to photos 1-5 in Appendix 8.
- Site #69 has 10m of elevation gain across the site, enabling any mitigation planting to be effective, if needed – refer to map of site #69 in Appendix 8.
- Site #69 is assessed as a modern field system by the AONB. See Appendix 3 for the map of field system ages, taken from the AONB assessments of SHELAA sites in October 2018

We believe that site #69 is NOT directly comparable to site #893, and cannot be considered to be a high impact site in the AONB.

B. Comparing site #69 with site # 184 St Stephens Field

Site #69 has been deemed high impact by the AONB Partnership, yet site #184 is deemed low impact. When comparing the sites visual impact and the existing screening, the sites are quite similar. Yet site #184 requires the removal of mature trees for access, and has little screening to the northern boundary.

Appendix 9 shows map located photographs of the sites to compare the impact.

Site #184:

- Site #184 has existing mature screening on the majority of its eastern, southern and western boundaries, with only minimal distant views – refer to photos 12 to 15 in Appendix 9.
- Site #184 has no existing screening on the northern boundary, so would have a high visual impact on the properties to the north and also from the public footpath that runs along Hamsland and Challoners – refer to photos 12, 15 and 16 in Appendix 9.
- Access to site #184 is of limited width (7m), and bounded by mature trees to the west. The developer has said that these trees will need to be removed as

root systems will be severely damaged by the access road. This in itself removes a distinct tree belt, and also a large portion of the existing screening to the site from the west – refer to photos 15 and 16 in Appendix 9.

- Site # 184 concluding remarks do not make comment on the development of the site for 30 units and the impact on the settlement pattern.
- Site #184 is assessed as a medieval field system by the AONB. See Appendix 3 for the map of field system ages, taken from the AONB assessments of SHELAA sites in October 2018

Site #69:

- Site #69 is surrounded by tall mature hedge-lines on all boundaries - refer to photos 1-5 in Appendix 8.
- Site #69 has no public footpaths in the vicinity – refer to map of site #69 in Appendix 8.
- Access to site #69 will not involve the removal of any mature trees, on the southern boundary (refer to photo 3 in Appendix 8), nor on the access point on Sugar Lane opposite Jefferies (refer to photo 5a in Appendix 8). This access has been proposed in 2 previous planning applications, and in neither application was there objection to the access by WSCC Highways.
- Site #69 concluding remarks from the assessment say that a development of 22 units is out of character with the settlement pattern.
- Site #69 is assessed as a modern field system by the AONB. See Appendix 3 for the map of field system ages, taken from the AONB assessments of SHELAA sites in October 2018

We believe that site #69 IS comparable to site #184, or potentially has even less impact as is a modern field system and no mature trees are being removed to gain access to the site. It should be considered low impact on the AONB, in line with the assessment of site #184.

What is of more concern is that the AONB Partnership consider a development of 22 houses on site #69 to be out of character with the settlement pattern, yet a development of 30 houses on site #184, also outside the built-up area boundary for Horsted Keynes, is not considered out of character, nor even mentioned. Why is the scale of the development not an issue for site #184, yet is a defining conclusion for site #69?

C. Comparing site #69 to site # 216 and #807 at Police House Field

Site #69 has been deemed high impact by the AONB Partnership, yet site #216 is deemed low impact and site #807 high impact. Site #216 is just the strip of Police House field along the Birch Grove Road to the junction with Danehill Lane. Site #807, is the extension of the field behind the Police House, and a second field to the south, with a mature hedge-line separating the two.

When comparing the sites with site #69 in relation to the boundary screening to the east, south and west, the sites are quite similar. Yet site #216 requires the likely removal of a distinct mature tree for access, has a mature hedge-line running across the site which could be threatened, has a footpath running across the site, and has little screening to the northern boundary. Appendix 10 shows map located photographs of the sites to compare the impact.

Site #216/807:

- Site #216 is clearly visible from Birch Grove Road and if developed will be the first glimpse of housing as you enter the village from the east - refer to photo 23 in Appendix 10.
- Site #216 is directly opposite and in clear line of sight to a listed building, Lucas Farm - refer to photo 23 in Appendix 10.
- Site #216 has no existing boundary on the southern side and is open field (site #807), and the northern boundary is an overgrown hedge that the majority of will need to be removed to create access - refer to photos 18 and 20 in Appendix 10.
- Access to site #216 will most likely need the removal of a distinct mature oak in the roadside verge to enable visibility splays - refer to photo 23 in Appendix 10.
- Site #807 has a footpath crossing the site, so visual impact along that open field footpath will be high - refer to photos 19 and 22 in Appendix 10.
- Site #807 is clearly visible from Danehill Lane, as you enter the village from the east - refer to photo 23 in Appendix 10.
- Site #807 has predominantly mature screening on its eastern, southern and western boundaries - refer to photos 17, 21 and 22 in Appendix 10.
- Site #807 has little mature screening along its northern boundary adjoining the residential houses.
- Site #807 is directly adjacent to the Conservation Area along a small section of its western boundary - refer to photo 21 in Appendix 10, and the Conservation Area map in Appendix 8.
- Site #807 has a mature hedge-line running across the site, which could be under threat from development - refer to photo 19 in Appendix 10.
- Site #807 is assessed as a medieval field system by the AONB. See Appendix 3 for the map of field system ages, taken from the AONB assessments of SHELAA sites in October 2018.

Site #69:

- Site #69 is surrounded by tall mature hedge-lines on all boundaries - refer to photos 1-5 in Appendix 8.
- Site #69 has no public footpaths in the vicinity – refer to map of site #69 in Appendix 8.
- Site #69 is not close to the Conservation Area, but is well screened from 2 listed buildings (Ludwell and Boxes Farm) - refer to photos 1 and 2 in Appendix 8.
- Site #69 has no hedge-lines running across the site at risk from development.

- Access to site #69 will not involve the removal of any mature trees, on the southern boundary (refer to photo 3 in Appendix 8), nor on the access point on Sugar Lane opposite Jefferies (refer to photo 5a in Appendix 8). This access has been proposed in 2 previous planning applications, and in neither application was there objection to the access by WSCC Highways.
- Site #69 is assessed as a modern field system by the AONB. See Appendix 3 for the map of field system ages, taken from the AONB assessments of SHELAA sites in October 2018

The comparison of these sites and their assessments is again confusing and seems to be in contradiction regarding field system ages, visibility from routeways and footpaths. How is a development of 40 houses on a site that is visible at the entrance to the village, comparable to a site that is well screened and only for 22 houses?

6. The AONB assessment of sites seems to be 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 current AONB assessments appear to use a solely descriptive element, which as we have shown, is open to substantially different interpretation. There is no apparent assessment matrix, or methodology statement attached to the determination of impact. If this does exist in the background this information should be made publicly available, as the process to assess sites should be transparent and the methodology for decision making made clear.

If an assessment matrix or defined methodology does not exist (as it appears not to) there should at the very least be a more robust and reproducible assessment for each element that is being assessed, such as a simple traffic light system, as MSDC do with the SHELAA assessments.

Assessment made by the AONB Partnership are being used by Local Authorities and Parish Councils to rank sites, and although the AONB Partnership describe their assessments as 'advice' it is being used as evidence to influence decisions being made, and is being weighted heavily. The inconsistency and lack of identifiable methodology for assessments calls in to question their validity. This opens up the AONB Partnership to unnecessary scrutiny, that could be avoided by a more pragmatic approach that is auditable. Sometimes employing a simplistic approach is appropriate, but in this case a more robust assessment is required given the gravity and weight being applied in decision making.

Conclusion:

We would like to challenge the assessment that the AONB Partnership have given to both the Horsted Keynes Parish Council in relation to their Neighbourhood Plan, and also Mid Sussex District Council with regards to their local plan formulation and SHELAA site assessments, for the site described as #69 Jeffreys Farm fields to north.

The AONB Partnerships assessment of site #69 does not appear to be a robust or consistent assessment, when compared to how other sites in the village of Horsted Keynes have been considered. The lack of identifiable methodology of the assessment leaves it open to interpretation and ultimately criticism. Sites in close proximity are not compared comprehensively with site #69, and as a result we believe that a full reassessment of all Horsted Keynes sites with a comprehensive and clear methodology should be undertaken. This should also be applied to all AONB assessments provided to MSDC and other parishes preparing Neighbourhood Plans.

We understand that the AONB Partnership have limited resources, but their advice is being used as evidence to justify planning decisions and it should be able to be scrutinised objectively.

There have been a number of concerns raised about the high impact conclusion for site #69 not just by local residents but also by planning professionals not associated with our own applications. As landowners we are challenging this assessment on behalf of the community as the site #69 on Jeffreys farm has local support, yet is being excluded from development solely due to the AONB impact assessment.

Appendix 1 – AONB assessments of Jeffreys Farm sites in Horsted Keynes

Farm Buildings, Jeffreys Farm #68 – 18 units (0.7ha)

Assessment from High Weald AONB Advice on Horsted Keynes SHELAA Sites Oct 2018 – **LOW**

IMPACT

SHELAA Reference 68	Farm buildings, Jeffreys Farm, Horsted Keynes	18 units
Geology, landform, water systems and climate <i>Topography and watercourses</i>	Reasonably flat farmyard of mainly modern buildings. No watercourses mapped.	
Settlement <i>Historic settlement pattern and scale of development relative to settlement</i>	Originally farm buildings for historic farmstead Jeffreys Farm. Separated from main village by farmland and Sugar Lane. Design of development would need to reflect farmstead model rather than sub-urban layout.	
Routeways <i>Impact on adjacent historic routeways, ecology and archaeology</i>	Sugar Lane is a historic routeway.	
Woodland <i>On site and adjacent woodland and ancient woodland including downstream</i>	No woodland on or adjacent to site but mature trees on boundaries and within site.	
Field and heath <i>Field systems and meadows / heathland data</i>	Not classified as a field in the Historic Landscape Characterisation.	
Public Understanding and Enjoyment <i>Views, PROWs, public open space</i>	Secluded site with limited public views.	
Conclusion	Low impact on AONB provided the design of the development reflects a farmstead model.	

Land at Jeffreys Farm #780 – 80 units (NUMBER AND AREA NOT AS PER LANDOWNER PROMOTION) (5.32 ha)

Assessment from High Weald AONB Advice on Horsted Keynes SHELAA Sites Oct 2018 – **HIGH**

IMPACT

SHELAA 780	Land at Jeffery's Farm, Sugar Lane, Horsted Keynes	80 units
Geology, landform, water systems and climate <i>Topography and watercourses</i>	Undulating fields around and including farmyard (site 68). No watercourses mapped.	
Settlement <i>Historic settlement pattern and scale of development relative to settlement</i>	Jeffreys 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. The scale of development is significant for the size of the village.	
Routeways <i>Impact on adjacent historic routeways, ecology and archaeology</i>	Sugar Lane and Keysford Lane are historic routeways.	
Woodland <i>On site and adjacent woodland and ancient woodland including downstream</i>	There is an area of Ancient Woodland to the south-west of the site and mature trees on field boundaries and within the site. There is a dense screen of trees alongside Sugar Lane and at the junction with Keysford Lane which probably marks the original wider junction for driving stock.	
Field and heath <i>Field systems and meadows / heathland data</i>	Partly medieval and partly post-medieval field system, the latter due to more recent field amalgamations. Given the probable age of Jeffreys Farmhouse it is likely that the whole farmstead is medieval in origin.	
Public Understanding and Enjoyment <i>Views, PROWs, public open space</i>	Very limited views into the site from routeways due to mature hedgerows and trees.	
Conclusion	High impact on AONB due to loss of medieval fields and development out of scale and character with the settlement pattern of Horsted Keynes.	

Land at Jeffreys Farm #69 (fields to North) – 22 units (AS PER LANDOWNER PROMOTION) (2.23 ha)

Assessment from High Weald AONB Advice on Horsted Keynes SHELAA Sites May 2019 – **HIGH IMPACT**

SHELAA Site 69 (part of site 780)	Land at Jeffery's Farm, Sugar Lane, Horsted Keynes (the northern field of site 780)	22 units
Geology, landform, water systems and climate <i>Topography and watercourses</i>	Undulating field to the north of the farmyard site. No watercourses mapped.	
Settlement <i>Historic settlement pattern and scale of development relative to settlement</i>	Jeffreys 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.	
Routeways <i>Impact on adjacent historic routeways, ecology and archaeology</i>	Sugar Lane and Keysford Lane are historic routeways.	
Woodland <i>On site and adjacent woodland and ancient woodland including downstream</i>	Mature trees on field boundaries and a dense screen of trees alongside Sugar Lane and at the junction with Keysford Lane which probably marks the original wider junction for driving stock.	
Field and heath <i>Field systems and meadows / heathland data</i>	Post-medieval field system due to more recent field amalgamations. Given the probable age of Jeffreys Farmhouse it is likely that the whole farmstead is medieval in origin.	
Public Understanding and Enjoyment <i>Views, PROWs, public open space</i>	Very limited views into the site from routeways due to mature hedgerows and trees.	
Conclusion	High impact on AONB as development would be out of character with the settlement pattern of Horsted Keynes.	

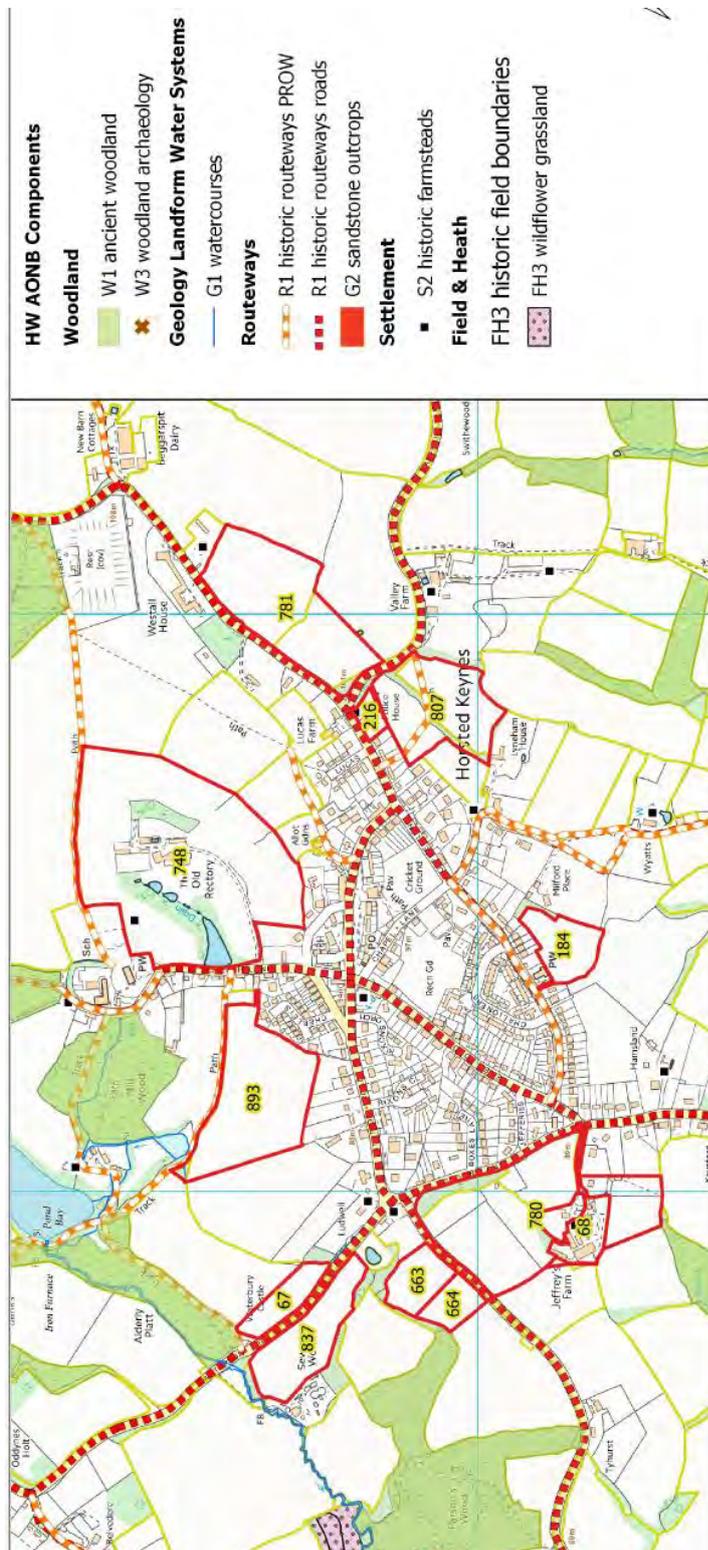
Land at Jeffreys Farm #971 (fields to South) – 12 units (AS PER LANDOWNER PROMOTION) (0.86 ha)

Assessment from High Weald AONB Advice on Horsted Keynes SHELAA Sites May 2019 – **HIGH IMPACT**

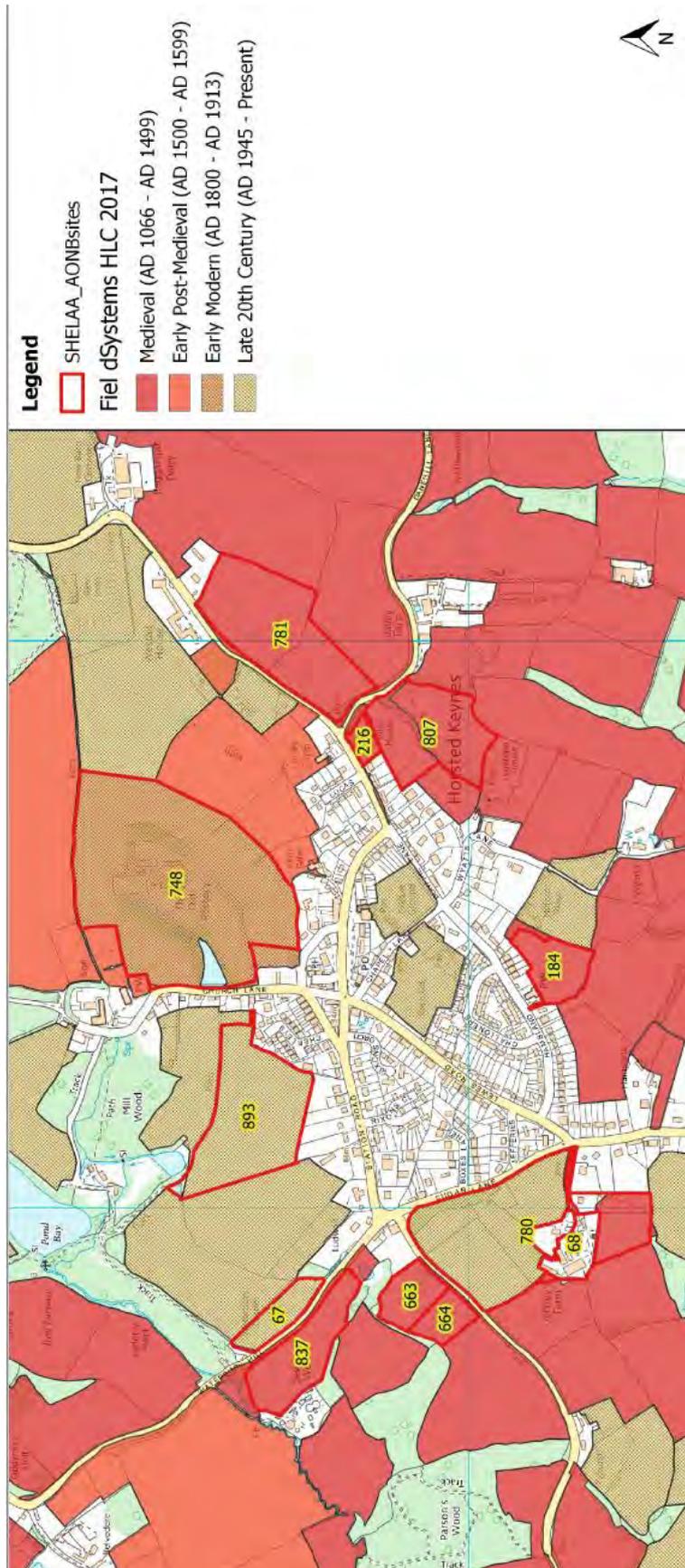
SHELAA Site 971 (part of site 780)	Land at Jeffery's Farm, Sugar Lane, Horsted Keynes (the southern field of site 780, south of site 68)	12 units
Geology, landform, water systems and climate <i>Topography and watercourses</i>	Undulating field to south of farmyard (site 68). No watercourses mapped.	
Settlement <i>Historic settlement pattern and scale of development relative to settlement</i>	Jeffreys Farm is a historic farmstead separated from the village by Sugar Lane. Location of access unclear and 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.	
Routeways <i>Impact on adjacent historic routeways, ecology and archaeology</i>	Sugar Lane and Keysford Lane are historic routeways.	
Woodland <i>On site and adjacent woodland and ancient woodland including downstream</i>	There is an area of Ancient Woodland to the south-west of the site and mature trees on field boundaries.	
Field and heath <i>Field systems and meadows / heathland data</i>	Part of a medieval field system. Given the probable age of Jeffreys Farmhouse it is likely that the whole farmstead is medieval in origin.	
Public Understanding and Enjoyment <i>Views, PROWs, public open space</i>	No views into the site from public viewpoints due to mature hedgerows and trees and residential curtilages.	
Conclusion	High impact on AONB due to loss of medieval field and development out of character with the settlement pattern of Horsted Keynes.	

Appendix 2 – Map of sites assessed – taken from the AONB report dated Oct 2018

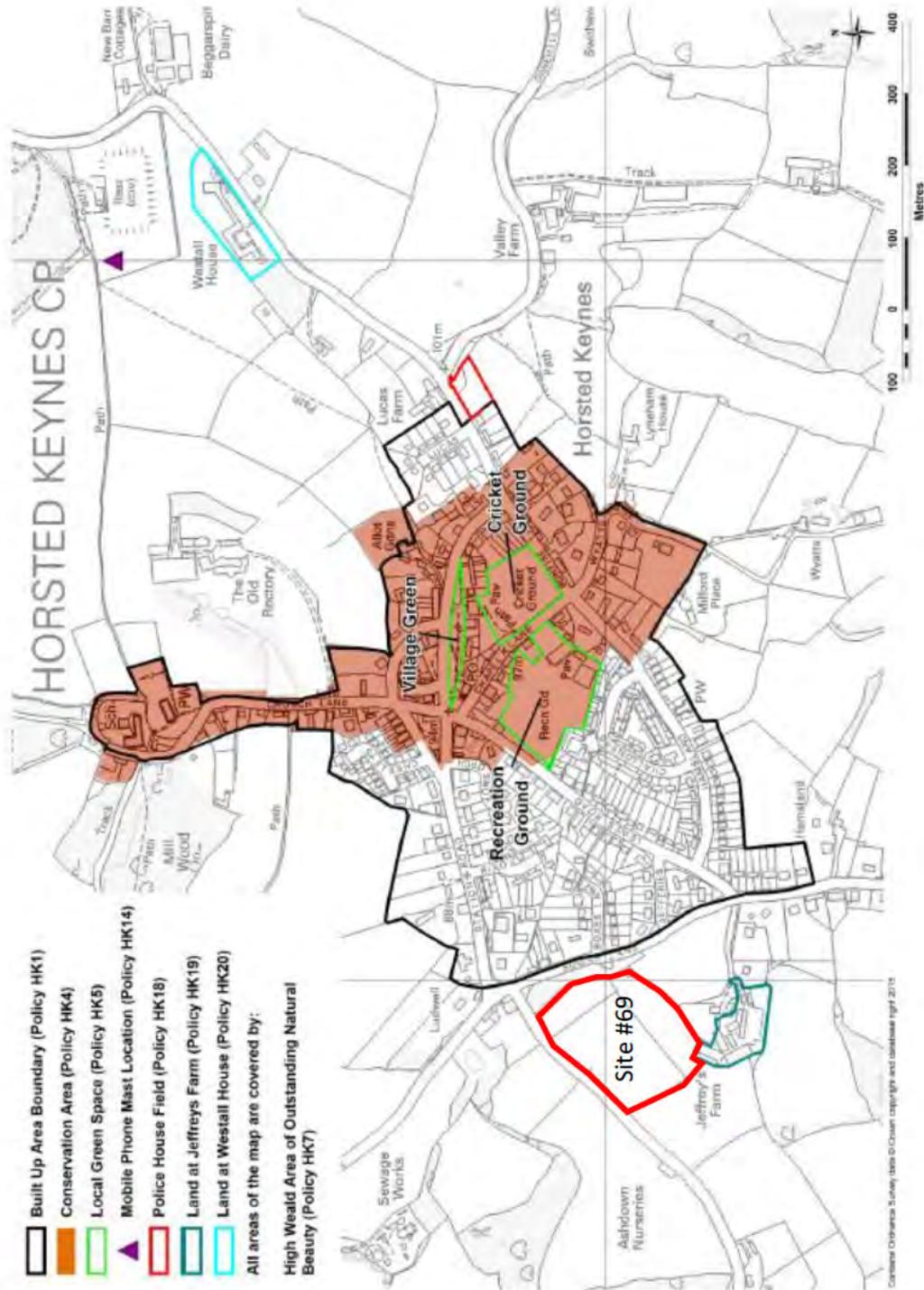
Note that Site #780 at Jeffreys farm was amalgamated by MSDC, and has since been re-subdivided in to 2 sites: site #69 (northern field) and site #971 (southern field) – eastern field withdrawn from SHELAA assessment.



Appendix 3 – Map of field system ages from AONB assessment dated 2017 – taken from the AONB report dated Oct 2018



Appendix 4 – Map of Horsted Keynes Built up area Boundary – from the Horsted Keynes Neighbourhood Plan (submitted Nov 2017, withdrawn July 2018), with site #69 added in red outline



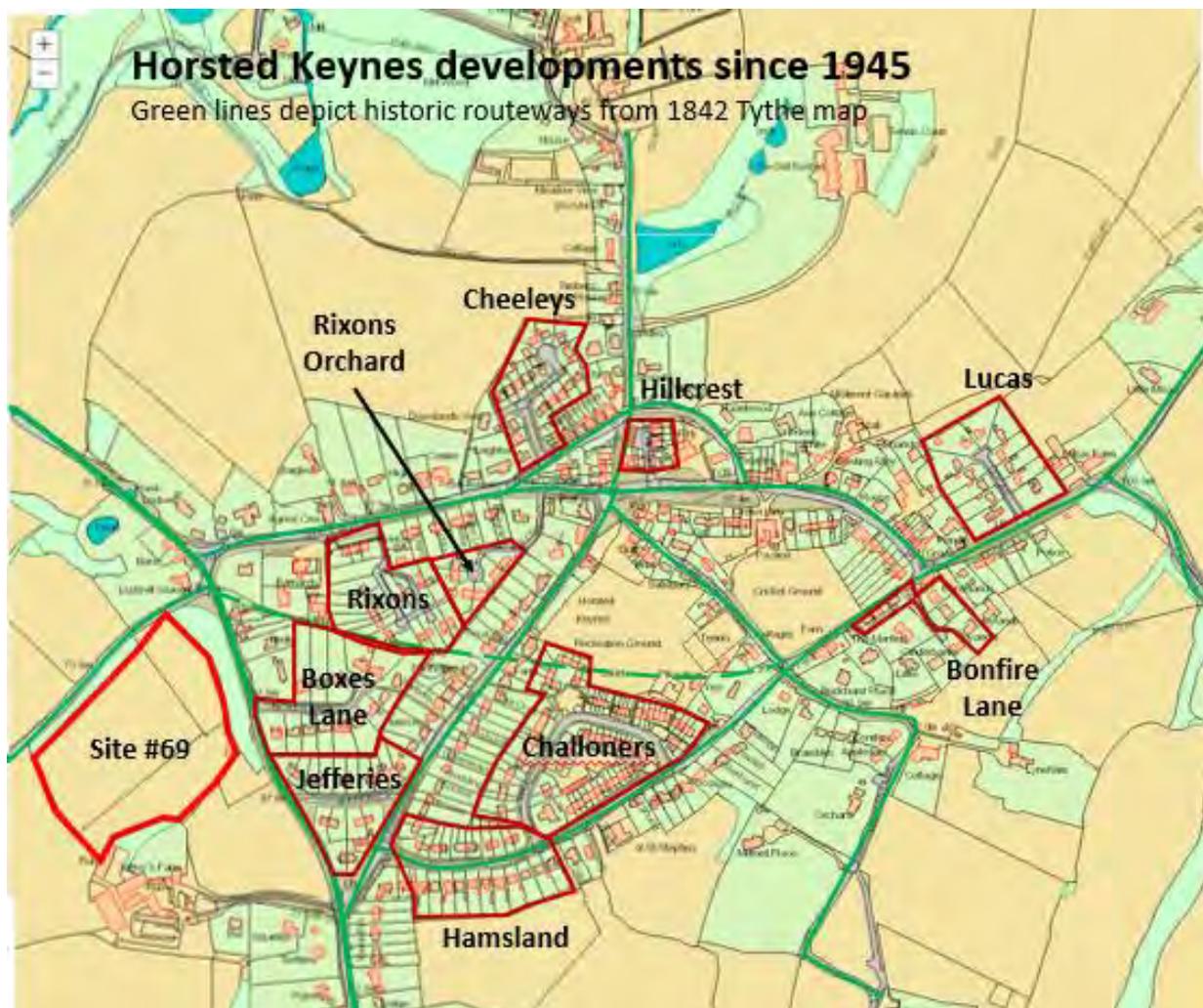
Appendix 5 – Detailed map of the western side of Horsted Keynes 2019 (from the MSDC planning website)

Note – lines in site #69 represent modern barbed wire stock fencing.

Note – green area to east of site #69 represents woodland with TPO's on, but this would not be threatened by any development on site #69 as the field to the south of site #69 is also in the landowners ownership, so access from site #69 would be from the south-eastern corner through that field on to Sugar Lane.



Appendix 6 – Map of Horsted Keynes showing the location of cluster development in the village since the war (base map from the MSDC planning website 2019, date information from OS maps and aerial photos as listed)



Maps / Aerial images used:

- Horsted Keynes Tythe Map 1842
- Horsted Keynes OS Maps 1874 (six inch to the mile)
- Horsted Keynes OS Maps 1896 (six inch to the mile)
- Horsted Keynes OS Maps 1909 (six inch to the mile)
- Horsted Keynes OS Maps 1938 (six inch to the mile)
- Aerial photograph 1947
- Horsted Keynes OS Maps 1956 (six inch to the mile)
- Horsted Keynes OS Maps 1961 (1:10000)
- Horsted Keynes OS Maps 1957 (1:25000)
- Horsted Keynes OS Maps 1974 (1:25000)
- Google earth satellite images 2001

Appendix 7 – AONB assessments of other specific sites in Horsted Keynes

Land West of Church Lane ‘Sledging Field’ #893 – 38 units (4.3ha)

Assessment from High Weald AONB Advice on Horsted Keynes SHELAA Sites Oct 2018 – **HIGH**

IMPACT

SHELAA Reference 893	Land west of Church Lane, Horsted Keynes	38 units
Geology, landform, water systems and climate <i>Topography and watercourses</i>	Very steep site sloping down to north boundary. Pond in north-east corner.	
Settlement <i>Historic settlement pattern and scale of development relative to settlement</i>	Part of the gap between the Saxon settlement around the Church and original location of the Manor House (now occupied by the school) and the later medieval village around the intersecting routeways and commons to the south.	
Routeways <i>Impact on adjacent historic routeways, ecology and archaeology</i>	Church Lane is a historic routeway. A historic PROW runs along the north boundary.	
Woodland <i>On site and adjacent woodland and ancient woodland including downstream</i>	No woodland on the site but Ancient Woodland to the east and downstream from the pond.	
Field and heath <i>Field systems and meadows / heathland data</i>	Post medieval field system due to amalgamation of smaller fields.	
Public Understanding and Enjoyment <i>Views, PROWs, public open space</i>	Site is very visible from the PROW. Its development would detract from the public enjoyment of this historic landscape.	
Conclusion	High impact on the AONB due to damage to the settlement pattern of a Saxon village around the Church and a later medieval village around the intersecting routeways and commons to the south.	

Land at Police House Field #216 – 10 units (0.26ha)

Assessment from High Weald AONB Advice on Horsted Keynes SHELAA Sites Oct 2018 – **MODERATE**

IMPACT

SHELAA Reference 216	Land at Police House Field, Birch Grove Road/Danehill Lane, Horsted Keynes	10 units
Geology, landform, water systems and climate <i>Topography and watercourses</i>	Reasonably flat site but high. No watercourses mapped.	
Settlement <i>Historic settlement pattern and scale of development relative to settlement</i>	Adjacent to a row of houses of varying ages. Reasonably well-related to village depending on design, which should be linear in character with existing development. This could reduce capacity.	
Routeways <i>Impact on adjacent historic routeways, ecology and archaeology</i>	Birchgrove Road and Danehill Lane are both historic routeways.	
Woodland <i>On site and adjacent woodland and ancient woodland including downstream</i>	No Ancient Woodland on or adjacent to site but there is a small copse around the junction of routeways which probably marks the original wider junction for driving stock.	
Field and heath <i>Field systems and meadows / heathland data</i>	Part of a medieval field system according to HLC, albeit not intact due to development inserted along Birchgrove Road.	
Public Understanding and Enjoyment <i>Views, PROWs, public open space</i>	Some limited views from Birchgrove Road, Danehill Lane screened by trees.	
Conclusion	Moderate impact on AONB due to potential impact on historic routeway junction and difficulty of accommodating 10 units in a linear way. A lower number of units could reduce the impact.	

Land South of Police House #807 – 40 units (3.0 Ha)

Assessment from High Weald AONB Advice on Horsted Keynes SHELAA Sites Oct 2018 – **HIGH**

IMPACT to MODERATE IMPACT with mitigation

SHELAA Reference 807	Land South of The Old Police House, Birchgrove Road, Horsted Keynes	40 units
Geology, landform, water systems and climate <i>Topography and watercourses</i>	Slightly sloping to south, no watercourses mapped.	
Settlement <i>Historic settlement pattern and scale of development relative to settlement</i>	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.	
Routeways <i>Impact on adjacent historic routeways, ecology and archaeology</i>	Birchgrove Road and Danehill Lane are historic routeways.	
Woodland <i>On site and adjacent woodland and ancient woodland including downstream</i>	No woodland on or adjacent to the site but some mature trees in field boundaries.	
Field and heath <i>Field systems and meadows / heathland data</i>	Part of a medieval field system.	
Public Understanding and Enjoyment <i>Views, PROWs, public open space</i>	Limited view of site from Danehill Lane access.	
Conclusion	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.	

Land south of St Stephens Church #184 – 30 units (1.2ha)

Assessment from High Weald AONB Advice on Horsted Keynes SHELAA Sites Oct 2018 – **LOW**

IMPACT

SHELAA Reference 184	Land south of St. Stephens Church, Hamsland, Horsted Keynes	30 units
Geology, landform, water systems and climate <i>Topography and watercourses</i>	Reasonably flat site but high. No watercourses mapped.	
Settlement <i>Historic settlement pattern and scale of development relative to settlement</i>	Immediately to south of modern development in Hamsland. Reasonably well-related to village depending on design.	
Routeways <i>Impact on adjacent historic routeways, ecology and archaeology</i>	Hamsland follows the route of a historic PROW.	
Woodland <i>On site and adjacent woodland and ancient woodland including downstream</i>	No woodland on or adjacent to site but mature trees on boundaries and within site.	
Field and heath <i>Field systems and meadows / heathland data</i>	Part of a medieval field system according to HLC, but not intact due to church and development inserted along Hamsland.	
Public Understanding and Enjoyment <i>Views, PROWs, public open space</i>	Some limited views from Hamsland.	
Conclusion	Low impact on AONB.	

Appendix 8 – Map located photographs of site #69 Jeffreys Farm, and site #893 Church Lane

SITE #69 Jeffreys Farm north field

Note Topography – 10m elevation difference from top to bottom of site
Note lack of any footpaths in vicinity



Photo 1 – View north from site #69 towards Ludwell (Listed building)



Photo 2 – View north-east from site #69 towards Boxes Farm (listed building)



Photo 3 – View south from site #69 towards Jeffreys Farmhouse



Photo 4 – View south-west from site #69

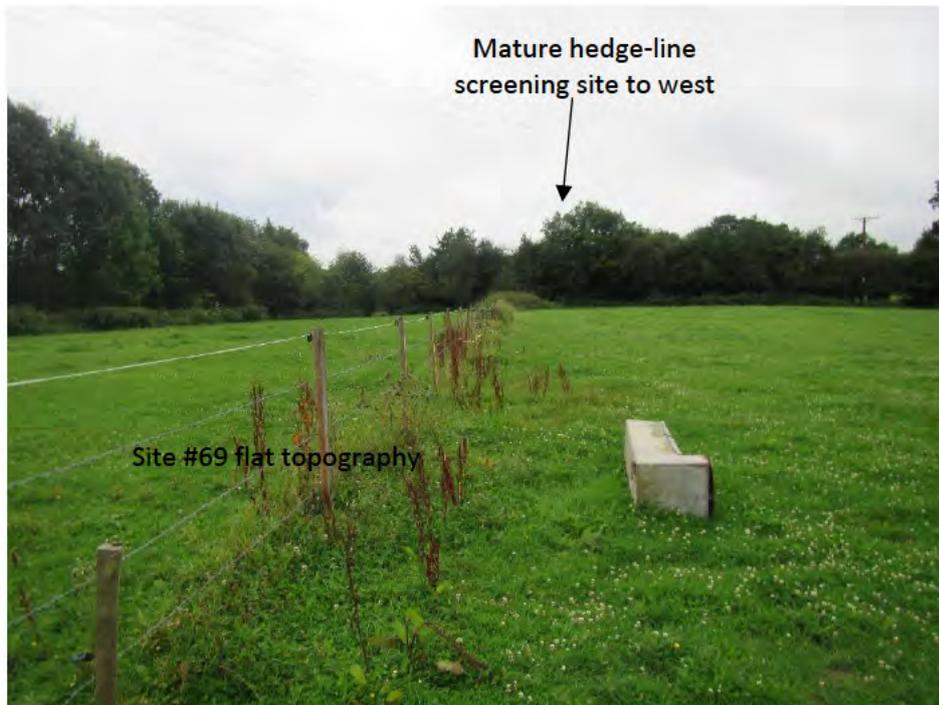


Photo 5 – View north-west from site #69 towards Keysford Lane

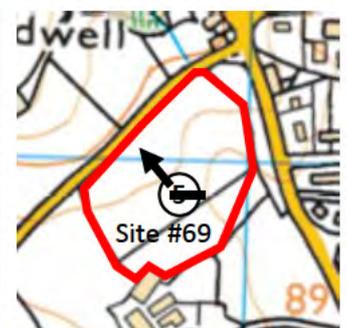
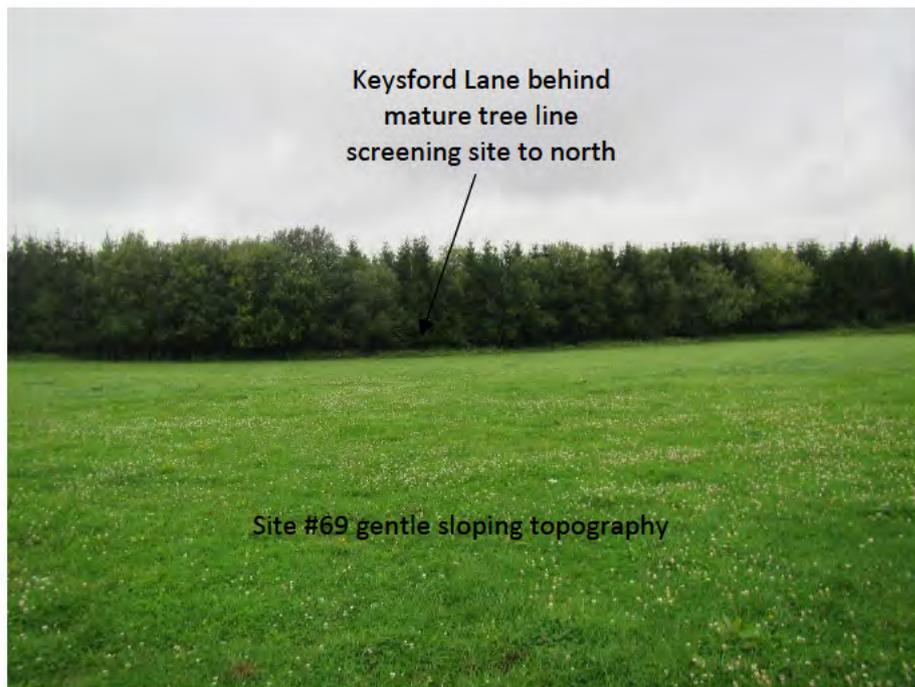
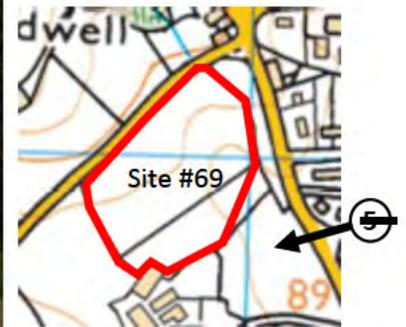
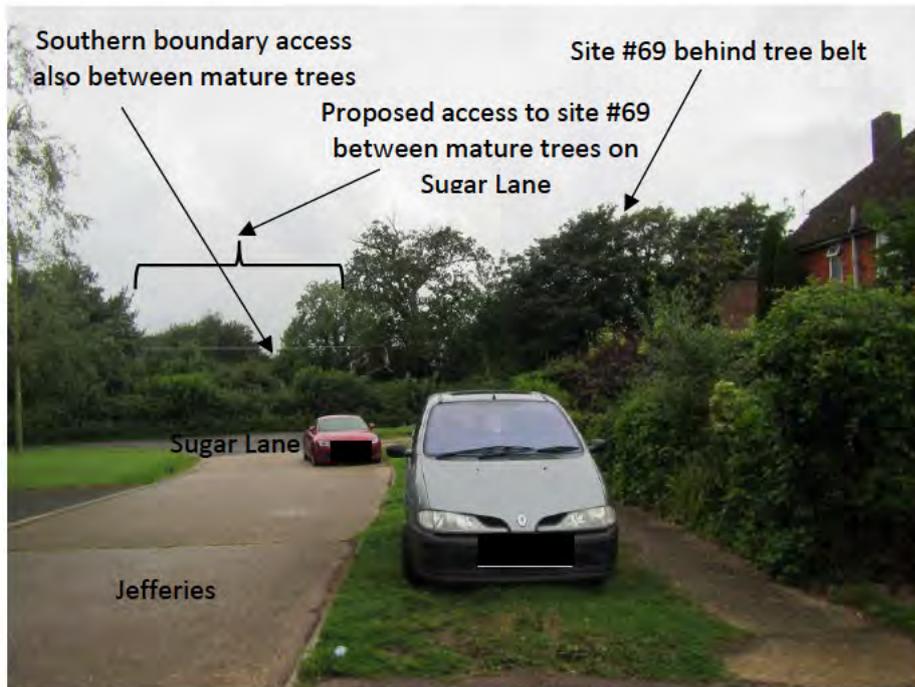


Photo 5a – View west from Jefferies across Sugar Lane to the access point in to site #69



SITE #893 Church Lane

Note Topography – 25m elevation difference from top to bottom of site

Note footpath along northern boundary

Note proximity to church (Grade I listed)

Note proximity to conservation area



Map showing Horsted Keynes Conservation Area (taken from MSDC document dated August 2018). Conservation Area outlined in green. Note Site #893 and Site #807 (both outlined in red) directly adjacent to Conservation Area.

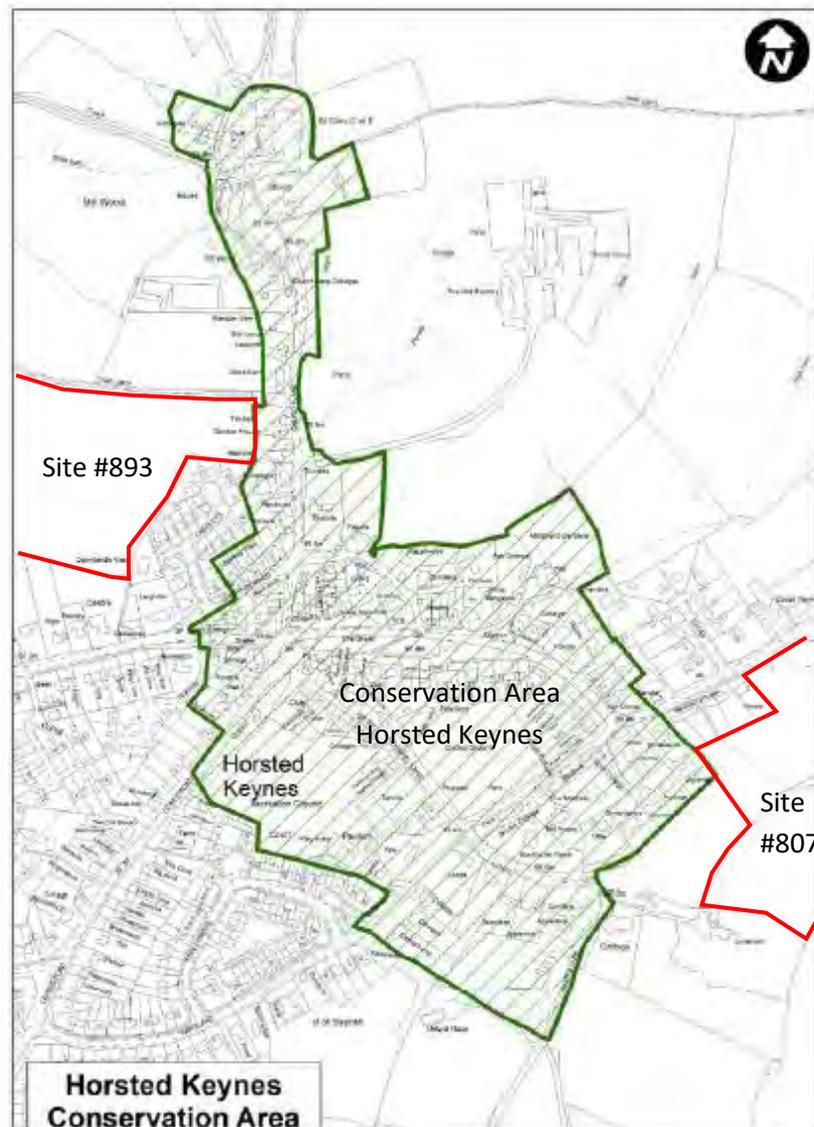


Photo 6 – View east across site #893 towards Cheeleys

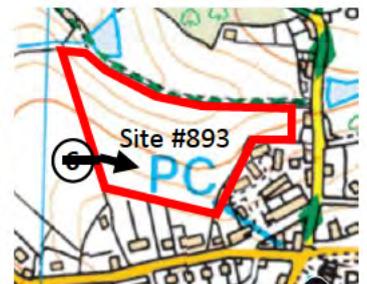


Photo 7 – View north-east across site #893 towards St Giles Church and the Conservation Area

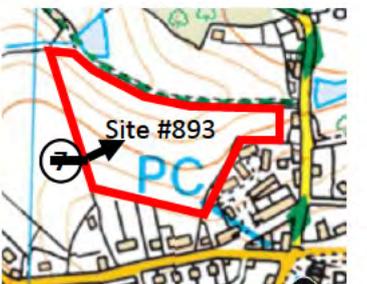
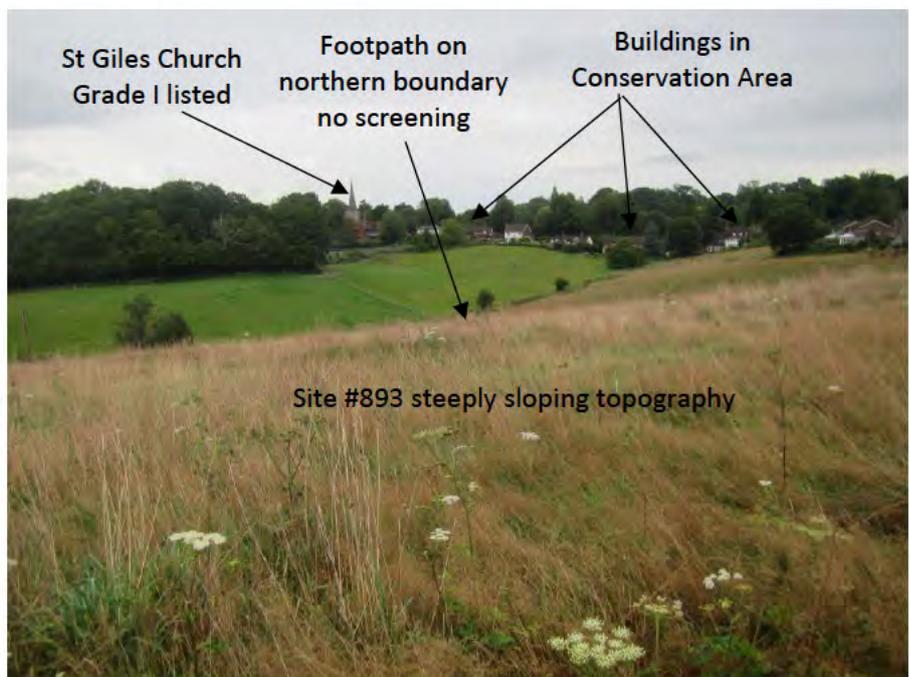


Photo 8 – View south-west across site #893

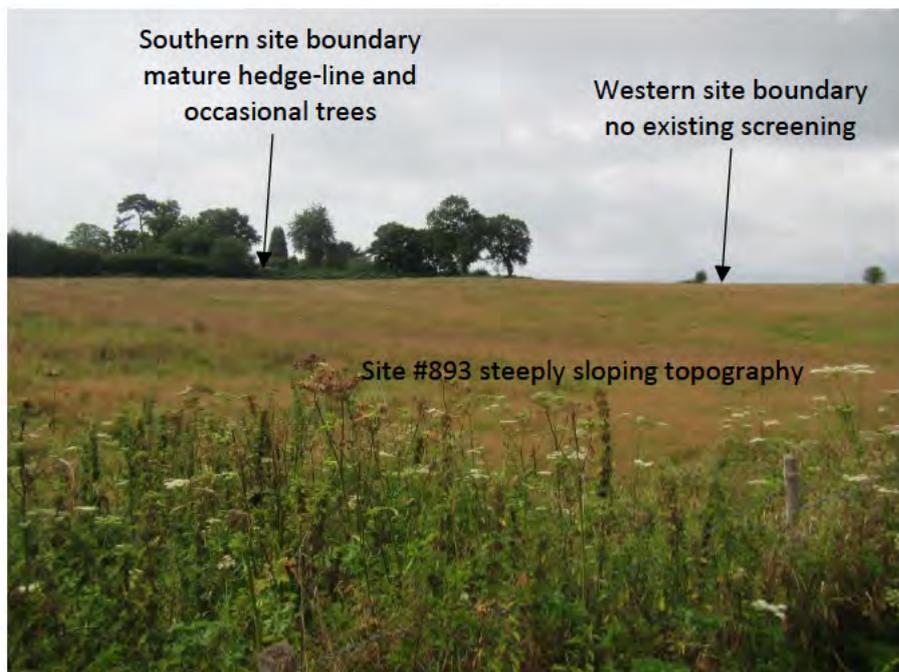


Photo 9 – View south-east across site #893 towards Cheeleys

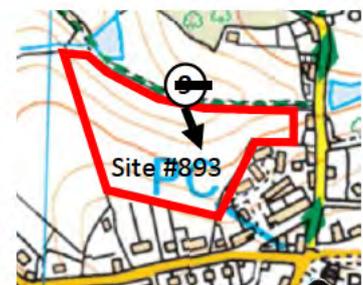


Photo 10 – View east along the northern boundary of site #893 looking along the public footpath

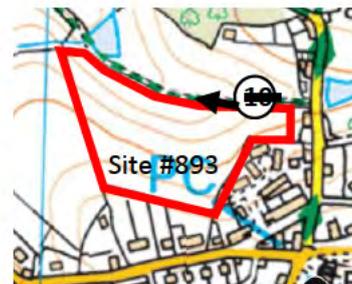
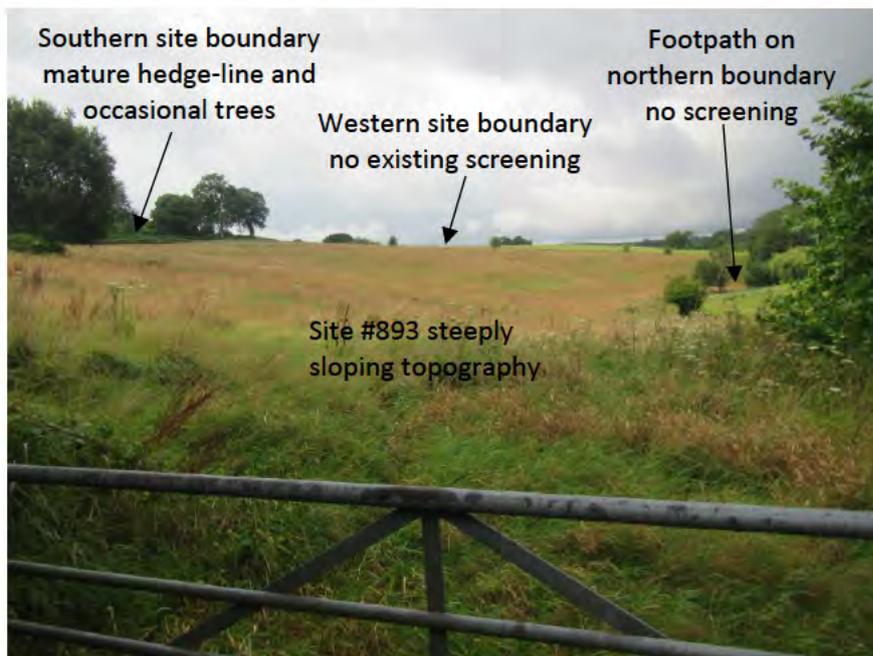


Photo 11 – View west across site #893



Appendix 9 – Map located photographs of site #184 St Stephens Field

SITE #184 St Stephens Field

Note footpath close to northern boundary

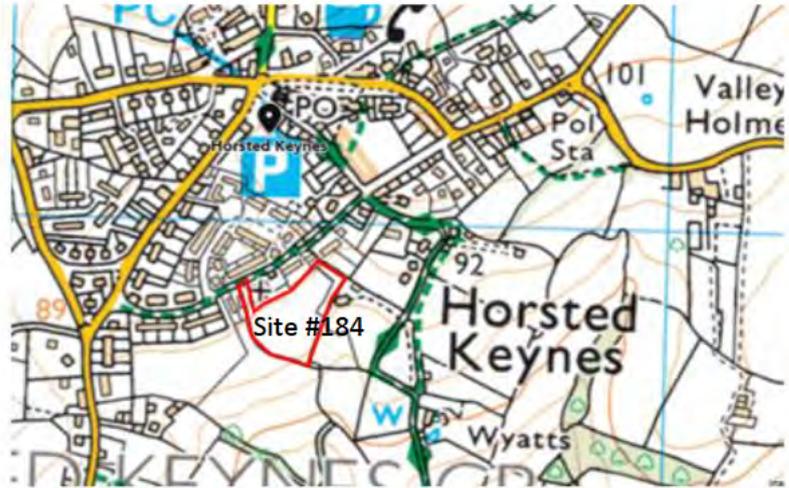


Photo 12 – View east across site #184



Photo 13 – View south-east across site #184



Photo 14 – View south across site #184



Photo 15 – View south-west across site #184 looking along northern boundary to site. Note as per the developers plans the trees to the right of the picture will all be removed as access road will affect root systems.

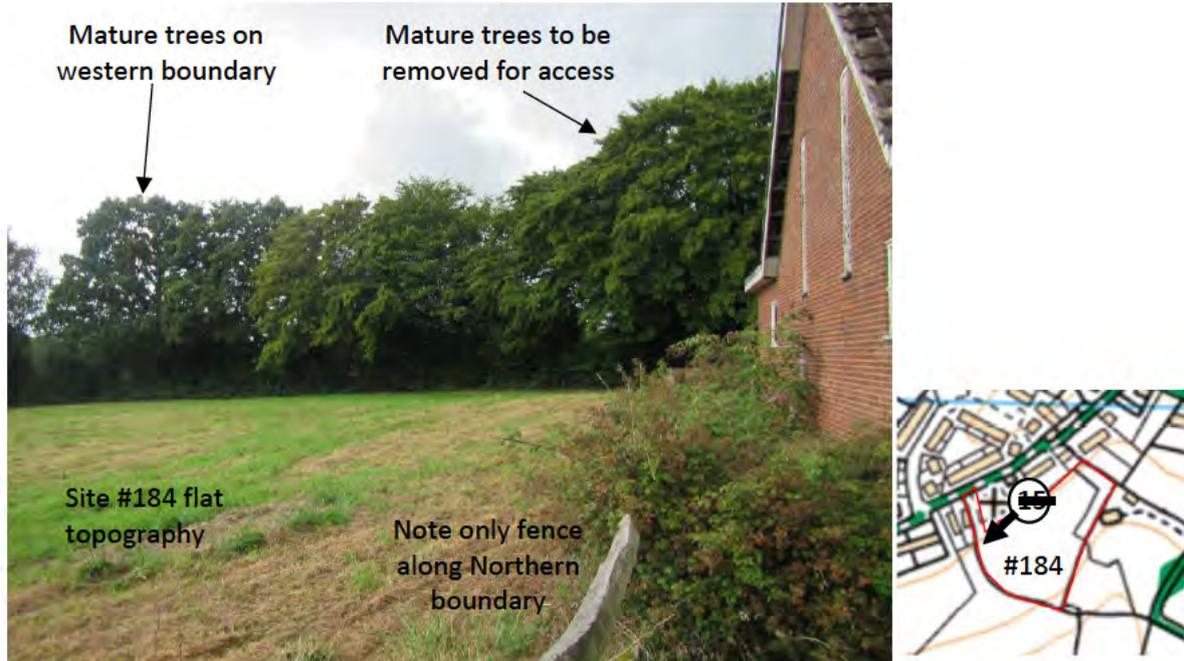


Photo 16 – View South across site #184 entrance. Note the entrance is between the post and rail fence and the treeline. The developer has said the mature trees will need to be removed for access as the access road will severely affect their root systems.



Appendix 10 – Map located photographs of site #216/807 Police House Field

SITE #216 / 807 Police House Field

Note Topography – 20m elevation difference from top to bottom of site
Note footpath across centre of site



Photo 17 – View south-west across site #216 and #807.

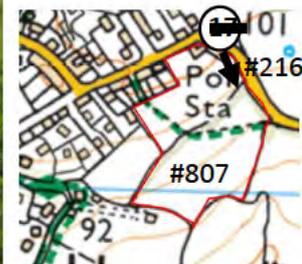


Photo 18 – View west across site #216 towards Police House.

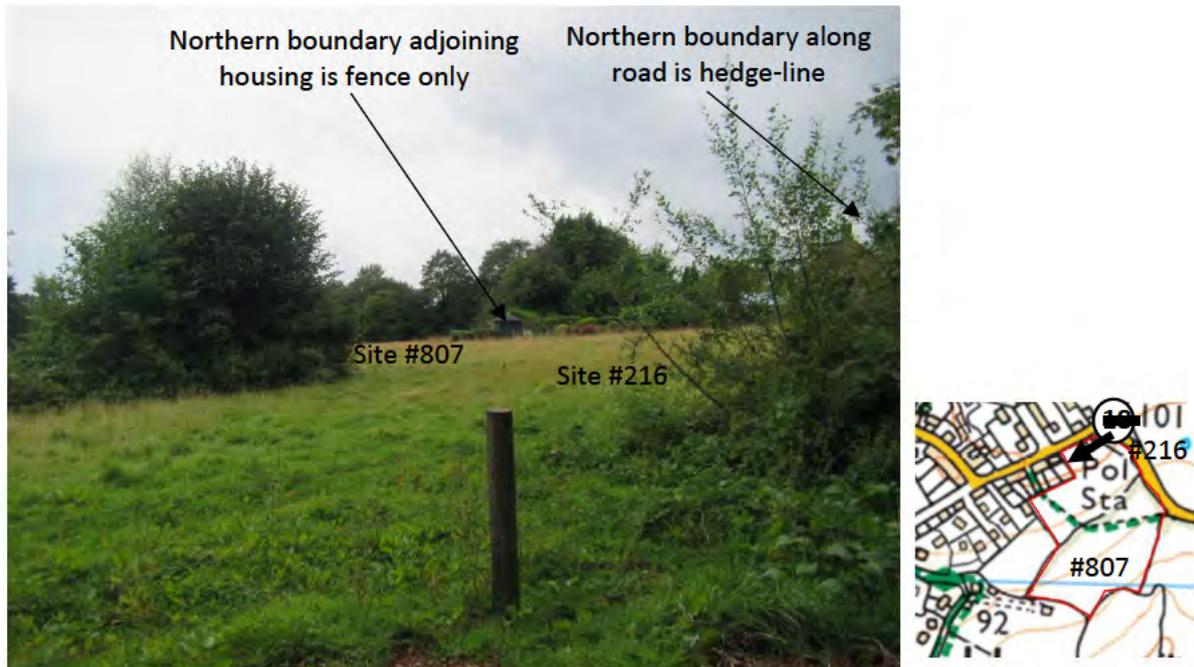


Photo 19 – View south-west across site #807 looking down the footpath that crosses the site.

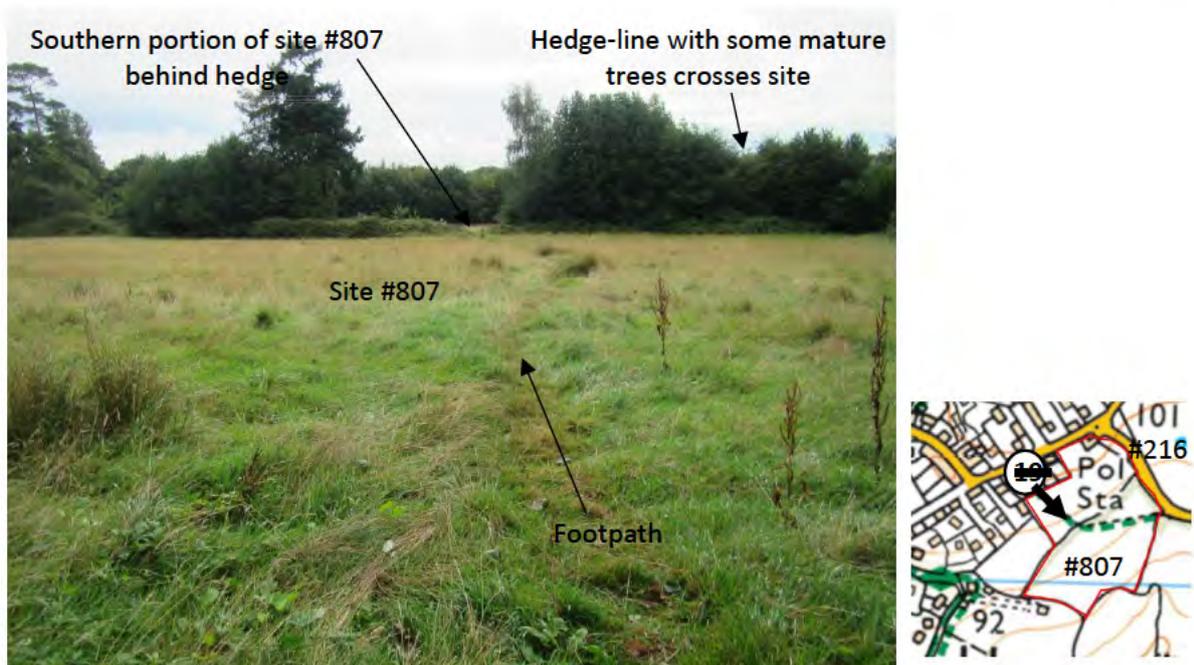


Photo 20 – View north across site #807 looking towards Police House from footpath, towards the strip of site #216 along Birch Grove Road.

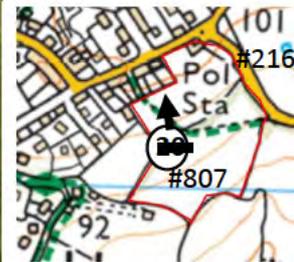


Photo 21 – View south-west along the Western boundary of site #807



Photo 22 – View east along the footpath that crosses site #807

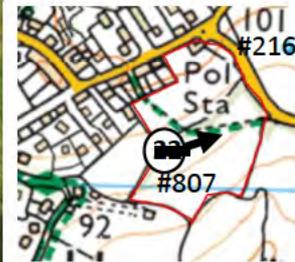
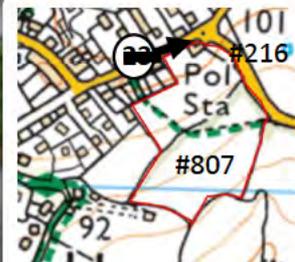


Photo 23 – View east along the northern boundary of site #216 along Birch Grove Road – access to the site will be here.





Response to challenge to AONB impact assessments of sites in Horsted Keynes

The High Weald AONB Unit

The High Weald was designated in 1983 as an Area of Outstanding Natural Beauty. It is an exceptionally beautiful medieval landscape covering 564 square miles across the counties of East and West Sussex, Kent and Surrey.

The High Weald AONB Joint Advisory Committee (JAC) is a partnership established in 1989 of 15 local authorities, Defra, Natural England and organisations representing farming, woodland, access and community interests. The JAC is responsible for publishing and monitoring the statutory AONB Management Plan. The JAC is supported by a small, dedicated staff team, the High Weald AONB Unit, which provides advice on how to conserve and enhance the AONB. The advice provided by the AONB Unit assists public bodies and statutory undertakers to meet their duty as set out in Section 85 of the Countryside and Rights of Way Act 2000 to have regard to the purpose of conserving and enhancing the natural beauty of AONBs in making decisions that affect it. Due to the national importance of this landscape, 75% of our funding comes from central government.

Unlike National Park authorities, the High Weald AONB Unit is not a statutory body but an advisory one. It is not a local planning authority and the responsibility for determining planning applications and plan-making remains with the 15 local authorities. In the case of neighbourhood plans, the responsibility for preparing them lies with the Town and Parish Councils and for making (adopting) them with the 11 District and Borough Councils.

The scope of the advice provided by the High Weald AONB Unit is set by the statutory High Weald AONB Management Plan, which has been adopted by all partner authorities, as 'their policy for the management of the area and for the carrying out of their functions in relation to it'.

Background to the Advice on SHELAA Sites

Mid Sussex District Council produces a Strategic Housing and Economic Land Availability Assessment (SHELAA) to inform its plan-making and this document is also used by the Town and Parish Councils within Mid Sussex to inform their neighbourhood plans where they have chosen to allocate sites. The methodology for the SHELAA is guided by the National Planning Policy Framework and Planning Practice Guidance and is set out in detail at <https://www.midsussex.gov.uk/planning-building/strategic-housing-and-economic-land-availability-assessment/>

In the autumn of 2018 both Mid Sussex District Council and Horsted Keynes Parish Council requested assistance from the High Weald AONB Unit to assess the impact of potential sites on the AONB. This advice would then feed into the overall site assessments carried out by both organisations, which would also take into account other relevant matters.

In October 2018 the High Weald AONB Unit provided Horsted Keynes Parish Council with a report titled 'High Weald AONB Advice on Horsted Keynes SHELAA Sites' to inform its neighbourhood planning process. This report assessed the following SHELAA Sites for impact on the AONB:

- Site 68 Farm buildings, Jeffreys Farm, Horsted Keynes 18 units
- Site 184 Land south of St. Stephens Church, Hamsland, Horsted Keynes 30 units
- Site 216 Land at Police House Field, Birch Grove Road/Danehill Lane, Horsted Keynes 10 units
- Site 748 The Old Rectory, Church Lane, Horsted Keynes 40 units
- Site 780 Land at Jeffery's Farm, Sugar Lane, Horsted Keynes 80 units
- Site 781 Land to the south of Robyns Barn, Birchgrove Road, Horsted Keynes 45 units
- Site 807 Land South of The Old Police House, Birchgrove Road, Horsted Keynes 40 units
- Site 893 Land west of Church Lane, Horsted Keynes 38 units
- Site 945 Lucas Farm, Birch Grove Road, Horsted Keynes – Revised Access October 2018 30 units
- Site 67 Castle Field, Cinder Hill Lane capacity unknown
- Site 837 Land at Little Oddynes Farm, Waterbury Hill capacity unknown
- Site 663 Field 1, Ludwell Grange, Keysford Lane capacity unknown
- Site 664 Field 2, Ludwell Grange, Keysford Lane capacity unknown

Also in October 2018 the High Weald AONB Unit provided Mid Sussex District Council with a report titled 'High Weald AONB Advice on Mid Sussex SHELAA Sites' to inform the District Council's evidence gathering for the Site Allocations Document. This report covered a wider area but used the same methodology as the Horsted Keynes report and included the same sites and site assessments in Horsted Keynes with the exception of sites 67, 837, 663 and 664 which Mid Sussex District Council had excluded from their site assessment process.

In May 2019 the High Weald AONB Unit provided Mid Sussex District Council with an Addendum for the following amended sites:

- Ashhurst Wood - parcel of site 207
- Horsted Keynes – sites 69 and 971 (parcels of site 780)

The amended Horsted Keynes sites were also provided to Horsted Keynes Parish Council for information.

Methodology for the Reports

The methodology for the reports is set out in their introductions. The advice from the High Weald AONB Unit takes the form of an assessment of each site against the five landscape components identified on the High Weald AONB Management Plan. These are:

- Geology, landform, water systems and climate (topography and watercourses)
- Settlement (historic settlement pattern and scale of development relative to settlement)
- Routeways (impact on adjacent historic routeways, ecology and archaeology)
- Woodland (on site and adjacent woodland and ancient woodland including downstream)
- Field and heath (field systems and meadows / heathland data).

The sites are also assessed against the Management Plan's objectives for Public Understanding and Enjoyment, including views (where known), enjoyment of public rights of way and public open space.

An overall conclusion is provided as follows:

- High impact on the AONB
- Moderate impact on the AONB or
- Low impact on the AONB.

This was a desktop assessment based on the AONB Unit's datasets (metadata included within the reports) and it was clearly stated that they would need to be supplemented by evidence on visual impact. It was also highlighted that this assessment only considered impact on the AONB and there will be other planning considerations which may affect the overall rating for sites in the final published SHELAA by Mid Sussex District Council or the site assessment work carried out by Horsted Keynes Parish Council.

Response to Concerns Raised by Dr. H. Griffiths

It is unclear which of these assessments was a 'desktop assessment', and which have involved site visits. The landowners met the AONB Planning officer, together with the Parish Council planning consultant on site by coincidence earlier this year (June 2019).

All the site assessments were carried out as desktop assessments as stated in the report methodology. The site meeting in June 2019 took place after the assessments were completed and was between the High Weald AONB Planning Advisor and the Planning Consultant acting for the Parish Council.

1. Recent AONB re-assessment of site #69 - May 2019

The reduction in the site area at Jeffreys Farm was considered in the May 2019 Addendum and the reference to the medieval field and scale of development removed. However, the impact was still considered high because development would be out of character with the settlement pattern of Horsted Keynes.

The AONB assessments were based on the AONB datasets and information in the SHELAA assessments available on the District Council's website, they 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 who are the decision-makers on the allocation of sites.

2. Terminology used to describe site #69 is not objective.

The description of site 69 is based on the High Weald AONB Unit's knowledge and expertise in how settlements in the High Weald developed, and particularly the characteristic dispersed development, including farmsteads, which occurs across the landscape compared to the denser, more consolidated development that characterises the later villages. This site is clearly part of a farmstead and is therefore different in character to the village to the east of Sugar Lane. Screening is not relevant to the assessment of historic settlement pattern, but is referred to in the section on Public Understanding and Enjoyment where it states "Very limited views into the site from routeways due to mature hedgerows and trees".

3. Uncertainly over the age of the farmstead at Jeffreys Farm

Given the intact medieval nature of some of the farmstead's other fields, it is likely that the farmstead itself was medieval whatever the age of the current farmhouse.

4. Conclusion comments for site #69 show little knowledge or understanding of how Horsted Keynes has developed since the Second World War

The AONB assessment relates to historic settlement pattern, which is protected by objective S2 of the High Weald AONB Management Plan. Twentieth century additions to the village are not relevant to this assessment. Nonetheless, the development on the east side of Sugar Lane is of a denser, more consolidated character compared to the dispersed development beyond Sugar Lane.

5. The AONB assessment of site #69 does not appear to be comparable with other site assessments in the village.

A. Comparing site #69 with site #893 in Church Lane

Impact on a Conservation Area or listed buildings are not factors that are taken into account in the AONB assessment. These are examples of the other planning considerations that the District and Parish Council would need to take into account before deciding whether to allocate a site but it is not part of the methodology for the AONB assessments. As previously stated, the potential for mitigation is also not considered as part of these assessments as that is a matter for the determining Council.

It is accepted that the topography of site 893 is steep, and this is reflected in the section on Geology and Landform. Similarly the presence of the footpath and views from it are reflected in the Public Understanding and Enjoyment section for site 893.

The overall reasons why sites have been assessed as major are set out in the Conclusions – for site 68 that is “High impact on AONB as development would be out of character with the settlement pattern of Horsted Keynes” and for site 893 “High impact on the AONB due to damage to the settlement pattern of a Saxon village around the Church and a later medieval village around the intersecting routeways and commons to the south”. They will not be “directly comparable” to each other because each site has different characteristics.

B. Comparing site #69 with site # 184 St Stephens Field

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. It is understood that it may now be a feature of pre-application discussions on the site but that was not the basis of the October 2018 assessment report.

The section on Public Understanding and Enjoyment for site 184 acknowledges that there will be some limited views from Hamsland. These are mostly limited by St Stephens Church which is located in front of the site.

Under the section on settlement it states that site 184 is immediately to the south of modern development in Hamsland and is reasonably well-related to the village depending on design. Unlike the situation at site 69, there is continuous development on both sides of Hamsland up to the site and the field is not legible as part of a separate farmstead. Whilst the field is medieval in origin, it is

no longer intact because the church development has already removed the northern part of it. As with all heritage assets, the degree of intactness affects its value.

Dr Griffiths has queried why a development of 22 houses on site 69 is considered to be out of character with the settlement pattern, yet a development of 30 houses on site 184 is not. The conclusion on site 69 is about the location of development on the western side of Sugar Lane where the settlement character is very different to that on the eastern side. It is not about the scale of the development.

C. Comparing site #69 to site # 216 and #807 at Police House Field

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. In terms of settlement pattern, site 216 would continue the line of cottages along Birchgrove Road and the northern part of site 807 would continue development behind this. There is no road separating the sites from the rest of the village in the way that site 69 is separated and the fields are not legible as part of a farmstead in the same way as Jeffreys Farm. Therefore sites 216 with the northern field of 807 would be more sympathetic to the historic settlement pattern. However, they undoubtedly do have adverse impacts on the AONB, including on medieval field systems, which is why they score as moderate rather than low.

6. The AONB assessment of sites seems to be a simple and basic qualitative process, rather than a quantitative process and as a result is open to wildly different interpretation by different assessors.

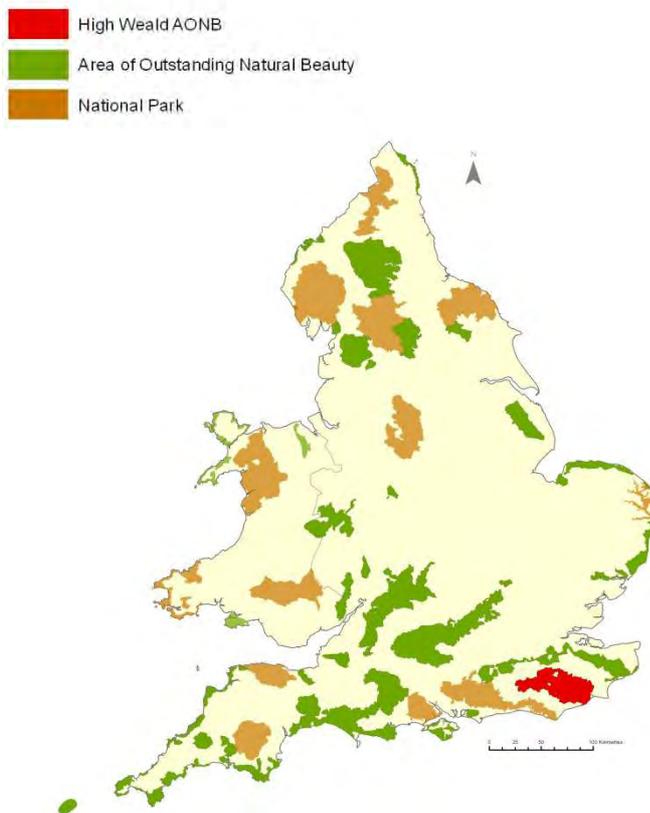
All site assessments are largely a matter of informed judgement rather than a numerical exercise that can be definitively quantified. We have made the AONB assessments as objective and transparent as possible by using a consistent template, linking the criteria directly to the High Weald AONB Management Plan objectives and including information about the sources of the data we have used in the report. The reports include the methodology used and the data we have relied on, and also make it clear that the AONB assessment is only part of the picture and that the District and Parish Councils will also need to take into account other factors in coming to decisions on site allocations. These will include impacts on Conservation Areas and listed buildings.

Importantly the reports also make clear that the assessment is desk based and that further evidence on visual impact will be required. Many of Dr Griffiths' comments relate to the relative screening of sites. Whilst the AONB datasets include woodland, historic hedgerows and contour lines the effect on views in and out of a site can really only be assessed on site. It should be noted though that screening by vegetation may only be temporary and inappropriate development in an AONB should not be justified on the basis that it can't currently be seen.

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, in this case the Horsted Keynes Neighbourhood Plan and the Mid Sussex Site Allocations document. It is understood that the latter will be going out for public consultation in October 2019 for six weeks.

08.10.19.

Appendix 1



The High Weald: a cultural landscape

The High Weald is a special place. Its dispersed settlements, ancient routeways, abundant ancient woodland, extensive open heaths, and small, irregular shaped and productive fields are draped over rolling hills of clay and sandstone that together create a unique landscape distinct from other parts of Sussex, Surrey, and Kent and the rest of Britain.

The High Weald's distinctive countryside arises from a long history of human interaction and collaboration with the natural environment. Its main features were established by the fourteenth century and these features have either survived or been fortified by a number of subsequent historical events and social and technological changes.

The High Weald is essentially a cultural landscape and is considered as one of the best surviving coherent medieval landscapes in northern Europe. This is why the High Weald is considered worthy of protection – it has remained a unique, distinct, and

homogenous area for at least the last 700 years.

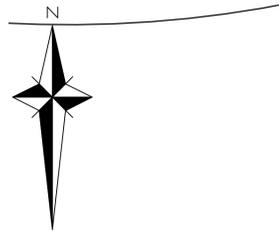
In recognition of the national importance of its landscape, the High Weald was designated an Area of Outstanding Natural Beauty (AONB) in 1983 and joined a family of 46 other AONBs and 13 National Parks across England, Wales and Northern Ireland.

The High Weald Joint Advisory Committee (JAC)

The High Weald Joint Advisory Committee (JAC) is a partnership of 15 local authorities, the Department for Environment, Food and Rural Affairs, Natural England, the National Farmers Union, the Country Land and Business Association, Action in Rural Sussex, and the Forestry Commission.

The High Weald AONB Unit

The JAC is supported by the High Weald AONB Unit, a small multi-disciplinary team. The AONB Unit aims to increase the understanding of the High Weald landscape's special qualities and provide information, advice and support to organizations and local people on action and policy to help conserve and manage the area (for more information visit www.highweald.org).



- GENERAL NOTES**
1. The location, size, depth and identification of existing services that may be shown or referred to on this drawing have been assessed from non intrusive observations, record drawings or the like. The contractor shall safely carry out intrusive investigations, trial holes or soundings prior to commencing work to satisfy himself that it is safe to proceed and that the assessments are accurate. any discrepancies shall be notified to gta prior to works commencing.
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PL	INITIAL ISSUE	31.03.2020	JMW	RW	
Rev	Amendments	Date	Dsn	Chk	
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Architect					
Project JEFFREYS FARM HORSTED KEYNES					
Title ACCESS PLAN					
Date	MARCH 2020	Scale @ A1	As Shown		
Clients Ref.	Project Ref. 10001				
 Civils & Transport Gloucester House, 66a Church Walk, Burgess Hill, West Sussex, RH15 9AS Tel: 01444 871444 Web: www.gtacivils.co.uk					
Drawing Number	10001/201			Rev.	P1

Transport Statement

Proposed Development on the Land at Jeffrey's Farm,
Horsted Keynes, West Sussex



Index

Executive Summary

1	Introduction	4
	The Report	4
2	Policy Context	5
	National Planning Policy Framework (March 2012)	5
	National Planning Practice Guidance	5
	Horsted Keynes Parish Council's Pre-Submission Neighbourhood Plan (2016-31)	6
3	Existing Site Details	8
	Site Location	8
	Existing Use / Access	9
4	Local Highway Network	10
	Accident Data	11
5	Modal Choices	12
	Public Transport – Bus	12
	Public Transport – Rail	12
	Walk / Cycle Facilities	13
6	Proposed Development	14
	General	14
	Access	14
	Car Parking	15
	Cycle Parking	16
	Servicing and Emergency Vehicle Access	17
7	Development Impact	18
	General	18
	Proposed Traffic Generation – TRICS Analysis	18
8	Recommended Access Strategy	20
	Vehicular Access	20
	Access Visibility Standards	20
	Pedestrian Access	21
9	Travel Plan Welcome Pack	22
10	Conclusion	23

Schedule of Appendices

- A Site Location / Allocation Plan (HKNP)
- B Development Proposals
- C TRICS Analysis
- D Stage 1 Road Safety Audit & Designer's Response
- E Proposed access and footway improvements

Issue	Issue date	Compiled	Checked	Authorised
DRAFT	24 th August 2016	RS	RW	LNS
2nd Issue	15 th September 2016	RS	RW	LNS
Final	4 th October 2016	RS	RW	LNS

Compiled by: Rachel Stevenson
Checked by: Richard Wells BSc, MCIHT
Authorised by: Lawrence Stringer CEng, MCIHT, MRTPI

Executive Summary

The proposed development is to provide a new access to serve 42 new residential dwellings on the land at Jeffrey's Farm, Horsted Keynes, West Sussex. The site covers a total area measuring over 1 hectare.

The Horsted Keynes Parish Council's emerging Neighbourhood Plan has identified broad locations for new housing in Horsted Keynes delivering around 125 units within the Plan period. One of the locations identified in the review are the Jeffrey's Farm buildings and the land to the north of the farm buildings, covering a total area of 1.77 hectares to deliver circa 42 units.

The front field at Jeffrey's Farm was also identified as a potential location for future housing, however the discussion document for this site showed there is a covenant which restricts building on the site to a pavilion (for sports fields) and therefore, this site could not be developed for residential use but could be used to provide access to the site.

Access to the development is proposed via a new vehicular access from Sugar Lane, this meets with West Sussex County Council and Manual for Streets guidance. The proposals also consist of providing an informal pedestrian crossing and a new footway link to improve the general footway connectivity between the site and the village centre. The access and footway improvements have been subject to a Stage 1 Road Safety Audit and Designer's Response.

On site, car and cycle parking will be provided in accordance with West Sussex County Council standards.

The nationally recognised TRICS database has been used to establish the likely trips associated with the proposed use of the site. The development is likely to result in 18 vehicle trips in the AM & PM peak hours. These trips can easily be accommodated on the local highway network.

Refuse and emergency vehicles will enter the site from Sugar Lane via the proposed access. The proposed access road will be laid out so that emergency and refuse vehicles can enter and turn on site within the proposed turning head and exit the site in forward gear.

Overall, there are no unacceptable highway or transport impacts as a result of the proposed development.

1 Introduction

- 1.1 This report has been prepared for Helena Griffiths in conjunction with the above development and no responsibility is accepted to any third party for all or part of this study in connection with this or any other development.
- 1.2 GTA Civils Ltd has been commissioned by Helena Griffiths to prepare an Access Strategy Report in connection with developing the land at Jeffrey's Farm, Horsted Keynes, West Sussex.

The Report

- 1.3 This Transport Statement has been written to include the following scope of work:
 - Detailed review of the local highway network;
 - Acquire, examine and report on appropriate accident data;
 - Detail relevant national & local planning and transport policies;
 - Estimate person and vehicle trip generation using the TRICS database;
 - Detailed review of impact of the traffic generated from the development on the local network;
 - Assess the accessibility by all transport modes and to local facilities;
 - Review any local transport issues and their relevance to the site;
 - Review of the internal layout of the development with reference to relevant guidance documents including emergency access;
 - Consider car & cycle parking requirements and their compliance with WSCC standards;
 - Provide a framework Travel Plan (please note that this is not a fully detailed Travel Plan usually developed post planning);
 - Recommend appropriate mitigation if required

2 Policy Context

National Planning Policy Framework (March 2012)

2.1 *Planning should drive and support sustainable economic development. It should:*

- *secure high quality design and good standard of amenity;*
- *take account of the different roles of areas, recognising the intrinsic character and beauty of the countryside;*
- *support transition to a low carbon future in a changing climate, taking account of flood risk and encourage the reuse of existing resources and encouraging the use of renewable resources;*
- *contribute to conserving and enhancing the natural environment and reducing pollution;*
- *encourage the effective use of land by reusing land that has been previously developed;*
- *conserve heritage assets in a manner appropriate to their significance;*
- *focus significant development in locations which are, or can be made sustainable.*

2.2 *Paragraphs 115 and 116: "Great weight should be given to conserving 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 landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas, and should be given great weight in National Parks and the Broads.*

Planning permission should be refused for major developments in these designated areas except in exceptional circumstances and where it can be demonstrated they are in the public interest. Consideration of such applications should include an assessment of:

- *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;*
- *the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and*
- *any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that should be moderated".*

National Planning Practice Guidance

2.3 National Planning Practice Guidance (NPPG) is supplementary advice intended to expand on and support the principals and practices of the National Planning Policy Framework (NPPF). It is managed and maintained by the Department of Communities & Local Government. Amongst other

things, NPPG provides advice on the need for, and the preparation of, Travel Plans, Transport Statements and Transport Assessments.

2.4 NPPG states that Travel Plans, Transport Assessments and Transport Statements can positively contribute to:

- encouraging sustainable travel;
- lessening traffic generation and its detrimental impacts;
- reducing carbon emissions and climate impacts;
- creating accessible, connected, inclusive communities;
- improving health outcomes and quality of life;
- improving road safety; and
- reducing the need for new development to increase existing road capacity or provide new roads.

2.5 NPPG advises that the key transport issues to be considered in a transport evidence base should:

- assess the existing situation and likely generation of trips over time by all modes and the impact on the locality in economic, social and environmental terms; and
- consider the cumulative impacts of existing and proposed development on transport networks.

Horsted Keynes Parish Council's Pre-Submission Neighbourhood Plan (2016-31)

2.6 In total 25 sites were put forward for consideration as housing sites. The proposed application site has been split into 5 site allocation sections within the emerging draft Horsted Keynes Neighbourhood Plan (HKNP), these are as follows:

- | | | |
|---------------------------|-------------------------------------------------|----------------------|
| • HKNP013 | Jeffrey's Farm Buildings | 1 hectare |
| • HKNP014 | Land north of farm buildings (A) Jeffrey's Farm | 0.77 hectares |
| • HKNP015 | Land north of farm buildings (B) Jeffrey's Farm | 1.5 hectares |
| • HKNP016 | Sugar Lane Field | 0.85 hectares |
| • HKNP017 | Jeffrey's Farm Field | 1.2 hectares |
| • Total Site Area: | | 5.32 hectares |

2.7 Site 017 was assessed as being unavailable for use as a housing site. The Sustainability Assessments summarised that *'the site has potential for a range of community needs. If pedestrian access across Sugar Lane could be provided and appropriate screening and design used to minimise the landscape*

*impact of development from the west, then the site is considered to have reasonable potential'. Sites 013 – 016 were fully assessed, the summary of the Sustainability Assessments for these sites are shown below in **Table 1.1**.*

Table 1.1 – Summary of Sustainability Assessments (HKNP Sites 013 – 016)

HKNP013	HKNP014	HKNP015	HKNP016
<p>The site on its own is poorly related to the village. If developed along with HKNP017, and if the southern half of the site is left open for public green open space and possibly community uses then it has much better potential. The impact on the landscape and views is a possible issue.</p>	<p>The site on its own is poorly related to the village. If developed along with HKNP017, and if the western half of the site is left open for public green open space and possibly community uses then it has much better potential. The impact on the landscape and views is a possible issue.</p>	<p>The site on its own is poorly related to the village. If developed along with HKNP016, and if the western half of the site is left open for public green open space and possibly community uses then it has better potential. However, the lack of pedestrian access is a fundamental constraint.</p>	<p>The site on its own is not well related to the village. However, if developed along with HKNP017, then it has good potential, provided improved pedestrian access is provided across Sugar Lane. Impact on the landscape could be a possible issue.</p>

2.8 Overall, the development will consist of site 017 as public green open space / community use to serve the whole community, and could be a possible access location providing a potential dedicated pedestrian crossing over Sugar Lane in order to access the centre of the village on foot. Site 016 could be developed to form a new access to serve the site via Keysford Lane which would require a drop in levels down to any junction. Sites 013, 014 and 015 will be developable to provide housing to meet the needs of the HKNP, on the 3.27 hectare area there is capacity for up to 65 – 80 dwellings although the exact number of dwellings is likely to be much less than this and is yet to be agreed upon.

3 Existing Site Details

Site Location

- 3.1 The site is located at Jeffrey's Farm within Horsted Keynes in the area administered by Mid Sussex District Council. The location of the site for the proposed new residential dwellings are shown in red below in **Figure 1**. See **Appendix A** for a map showing the allocated sites as shown within the Sustainability Appraisal (incorporating SEA) Scoping Report.

Figure 1 – Aerial View of Site Location



- 3.2 The area in the south eastern corner of the site, adjacent the Jeffrey's Farm House, is Jeffrey's Farm Field, identified as site HKNP 017, a potential location for future housing. However the discussion document for this site showed there is a covenant which restricts building on the site to a pavilion (for sports fields) and therefore, this site could not be developed for residential use. Although, a

new access to serve the site in this location may be possible. The area marked grey is Jeffrey's Farm House and is under third party ownership and is included as site 017.

Existing Use / Access

- 3.3 The existing use of the site is predominantly agriculture associated with Jeffrey's Farm.
- 3.4 The site has some existing field accesses located on Sugar Lane. There is an existing access road off Sugar Lane serving Jeffrey's Farm and other properties which runs along the southern end of the site. The existing accesses are sub-standard, narrow, and are not suitable for use as the main entrance to the proposed residential site.

4 Local Highway Network

- 4.1 Keysford Lane is subject to the national speed limit of 60mph and has grass verges on both sides. There is a 30mph speed restriction at the north-eastern end of Keysford Lane. It is a relatively straight road with generally good visibility. There is no street lighting provided along the length of the road in the vicinity of the site. To the west Keysford Lane connects to Stonecross Lane and Park Lane which provide a road link to the B2028. To the east Keysford Lane ends at the junction with Sugar Lane on the north-western edge of Horsted Keynes village. At the junction with Sugar Lane there is a footpath on the grass verge adjacent to the junction, providing pedestrian access from Sugar Lane to the gated entrance on Keysford Lane.
- 4.2 Sugar Lane runs from the southern end of the site to the northern end. The entire length of the road is subject to a 30mph speed limit and is considered to be lightly trafficked. There is no street lighting or footways provided along Sugar Lane. There is a grass verge which runs along the eastern side of the road for most of its length. To the north, Sugar Lane terminates at a junction with Station Road/Waterbury Hill. To the south, Sugar Lane becomes Treemans Road at the junction with Lewes Road. The 30mph speed restriction on Sugar Lane/Treemans Road extends up to around 330m south of the junction with the Lewes Road, at this point Treemans Road is subject to the national speed limit for the remainder of its length.
- 4.3 Both roads have a carriageway width of around 5 – 5.5m. There are no parking restrictions along Sugar Lane or Keysford Lane within the vicinity of the site. At the time of the site visit not much on-street parking took place along these roads as most of the properties along Sugar Lane have their own off-street parking areas provided.
- 4.4 The direct vicinity of the site to the east is predominantly residential in nature and many local amenities are situated in the village centre to the east of the site. There are a number of residential properties located along Sugar Lane and therefore many of the local roads to the east of the site have footways and street lighting provided.
- 4.5 There are existing bus stops located on Church Lane, approximately 520m (westbound) and 530m (eastbound) north-east of the proposed access location to the site on Sugar Lane. These stops are situated at the village centre within short walking distance. These stops are frequently served by service number 270 which provides connections to Wivelsfield Station, Haywards Heath Princess Royal Hospital, Horsted Keynes Station, Brighton Churchill Square and East Grinstead.

5 Modal Choices

5.1 Details and frequencies of local transport available and the overall accessibility of the site is outlined below.

Public Transport – Bus

5.2 There nearest bus stops to the site are situated on Church Lane, approximately 520m (westbound) – 530m (eastbound) north-east of the proposed access location to the site on Sugar Lane. These stops are situated at the village centre and are provided with timetable information, the westbound stop is also provided with a sheltered seating area.

5.3 These stops provide for the No. 270 bus service. Service frequency is set out in **Table 5.1**.

Table 5.1 – Bus services serving the site

Service No./Route	Average Frequency		
	Monday to Friday	Saturdays	Sundays
270 – East Grinstead – Horsted Keynes – Haywards Heath – Brighton	Hourly service	Hourly service	n/a

Public Transport – Rail

5.4 The Horsted Keynes railway station is the closest station to the site and is located around 1.8km north-west of the proposed access location on Sugar Lane, this equates to a 22 minute walk time. The station is 1.5 miles north-west of the village centre.

5.5 Metrobus 270 calls at Horsted Keynes station each Saturday from Haywards Heath and East Grinstead, the total journey time is around 15 minutes to travel from the site to the railway station.

5.6 At Horsted Keynes station, there is a large unmarked car parking area in the field beyond. Hard surface for about 30 cars with the additional field in summer for up to 100 cars.

5.7 Horsted Keynes railway station is a preserved railway station on the Bluebell Railway line in Sussex. The Bluebell Railway has two services. Service one is a weekday service only providing a connection from Sheffield Park to East Grinstead with only 3 services per day. Service two is the peak service with two-steam hauled trains running between Sheffield Park and East Grinstead with up to 7 services a day.

- 5.8 Haywards Heath is the nearest train station with regular services on the Brighton Main Line and Thameslink. The station is situated around 4.5 miles south west of the site. The 270 bus serves this station, therefore, future residents of the site could walk to the bus stops on Church Lane and catch the 270 bus service to Haywards Heath, this total journey would take around 24 minutes.

Walk / Cycle Facilities

- 5.9 There is generally relatively good footpath connectivity between the northern end of the site (at the Sugar Lane / Keysford Lane junction) and the village centre where there are local pubs and some small shops and other local amenities via Station Road. There is an approximately 2 metre wide footway provided along Station Road on alternating sides for most of its length.
- 5.10 For the southern end of the site, Jefferies and Lewes Road have footways provided on one side of the road giving easy access to the eastern end of Station Road. These footways connect to the village centre and the local facilities.
- 5.11 Although there are no footways along Keysford Lane and Sugar Lane (other than the narrow footpath adjacent to the Keysford Lane/Sugar Lane junction) there are narrow grass verges on Keysford Lane and Sugar Lane for most of the road lengths.
- 5.12 Many of the local roads are cycle friendly due to low vehicle speeds however there are no marked cycle trails or dedicated lanes within the direct vicinity of the site. Although there are no cycle paths / dedicated cycle lanes close to the site, there are number of local facilities that lie within the standard 5km cycle radius.
- 5.13 There are a number of local amenities (including local food establishments and retail shops) located on Station Road and further north of the site. The site and essential facilities are relatively easily accessible for pedestrians, see below distances and travel times from the site:
- Local Preschool (Village Hall) – 8 minute walk (600m)
 - Local Primary School – 10 minute walk (800m)
 - Local convenience store/newsagents (Station Rd) – 4 minute cycle journey (1.4km)
 - Local food establishments/pubs (Station Rd) – 7-8 minute walk (540m-600m)
 - Local places of worship – 9 minute walk (750m)
 - Community building/Youth club – 6 minute walk (520m)

6 Proposed Development

General

- 6.1 The proposed development is for the construction of 42 dwellings together with a community pavilion/hall of around 200sqm. The site is located on the land north of Jeffrey's Farm.
- 6.2 Horsted Keynes Parish Council's emerging Neighbourhood Plan has identified broad locations for future housing in Horsted Keynes delivering around 125 units within the Plan period. The locations identified are the Jeffrey's Farm buildings (013), the land to the north of the farm buildings (014/015), Sugar Lane field (016) and Jeffreys Farm field (017), covering a total area of 5.32 hectares to deliver circa 65 – 80 units.
- 6.3 A new vehicular access will be formed as part of the development providing improved visibility onto Sugar Lane. The available visibility splays are marked on the proposed layout plans in **Appendix B**.
- 6.4 Good pedestrian and cycle connectivity is important within the layout of the sites with connections through to the existing village.
- 6.5 An informal pedestrian crossover will be formed providing a safe crossing point from the site to the grass verge situated at the Sugar Lane junction with Jefferies. A footpath will be provided across the grass verge. This will provide a link to the footway provided on the north side of Jefferies where there is an existing footway leading to Lewes Road which provides a safe walking route to the centre of the village.
- 6.6 The access and footway improvements has been subject to a Stage 1 Road Safety Audit (RSA1). This highlighted a concern with regard to visibility northwards for pedestrian crossing Sugar Lane. As a result, the informal crossing point has been relocated to the southern side of the access road where visibility is adequate. The revised layout for the informal pedestrian crossing in Sugar Lane is included in **Appendix E**. This is picked up in the Designer's Response. Both the RSA1 and Designer's Response are included in **Appendix D**.
- 6.7 The internal layout of the development is in accordance with Manual for Streets and West Sussex County Council Local Design Guide. The layouts have been designed to achieve a vehicle speed of less than 20mph.

Access

- 6.8 The site access road is proposed as indicated on the layout plan in **Appendix B**. The proposed access will be surfaced and 5m wide to allow cars to pass one another. The access width has been

designed in accordance with various guides such as Manual for Streets 1 and local guides such as the West Sussex County Council Local Design Guide. Based on the number of units the access will serve, a minimum width of 4.8m is required and therefore this is compliant. A 1.8m wide footway will be provided on the north side of the access road, this will link with a circular footway which will be provided on site as part of the proposals.

- 6.9 Manual for Streets 1 (MfS1) is considered to be the appropriate guidance for determining visibility splay requirements for this type of road based on the 30mph speed limit on Sugar Lane. MfS1 determines the Y distance visibility splay requirements for roads with speeds up to 37mph. It also confirms, in paragraph 7.7.6, that a distance of 2.4m is the appropriate X distance for most roads. However, the absolute minimum X distance of 2m is acceptable where roads are lightly trafficked.
- 6.10 Adequate visibility splays are achieved in each direction of at least 2.4m x 43m in accordance with Table 7.1 of MfS1 based on a 'maximum' speed of 30mph for this road. The maximum required 43m is achievable subject to some minor trimming back of the hedges where they are overhanging the carriageway. Visibility in each direction from this access is shown in **Appendix C**.
- 6.11 The Sustainability Assessments stated under site 017 that being on the west side of Sugar Lane, the site has limited connections with neighbouring areas. Pedestrians would need to cross Sugar Lane in order to access the village centre. A dedicated pedestrian crossing could satisfactorily address this issue.
- 6.12 Therefore, as part of the development an informal pedestrian crossing is proposed from the site to the grass verge situated at the Sugar Lane junction with Jefferies. A footpath will be provided across the grass verge with appropriate tactile paving. There is an existing footway on the north side of Jefferies which provides a link to Lewes Road which leads to the centre of the village via footpaths.
- 6.13 The access location and design is shown in the drawing included in **Appendix B**. Visibility at the proposed access location on Sugar Lane is also shown in **Appendix B**.

Car Parking

- 6.14 On-site parking will be laid out in accordance with West Sussex County Council's 'Guidance for Car Parking in New Residential Developments' and the WSCC car parking demand calculator. The calculation tool gives the appropriate level of parking provision with regards to the ward and district within West Sussex, the number of bedrooms and habitable rooms per unit, and should be used as a guide. See **Table 6.1** below.

Table 6.1 – WSCC Car Parking Demand Calculator

DEVELOPMENT MIX				PARKING DEMAND					TOTAL
Unit Type	Unit Tenure	Habitable Rooms	No. of Units	Allocated No. of Spaces	Unallocated for Residents		Unallocated for Visitors		
					Per Unit	Total	Per Unit	Total	
Houses	Private	2	4	4	0	1	0	1	6
Houses	Private	4	16	32	0	1	0	2	36
Houses	Private	5	17	34	0	3	0	3	40
Houses	Private	6	5	10	0	1	0	1	12
Total			42	80		6.09		8.40	94

The results from the WSCC car parking demand calculator suggest that there will be a total demand for a provision of 94 car parking spaces as part of the development. The parking spaces are to be allocated as follows:

6.15 Therefore, in accordance with the requirements outlined above, a total of 80 spaces will be provided for all residents of the 42 units. To meet the above requirement a total of 14 unallocated spaces for use by residents and visitors will be provided on site. The layout plans are included in **Appendix B**

Cycle Parking

6.16 Covered and secure cycle parking to meet the West Sussex County Council’s standards will be provided for each unit. The WSCC ‘Guidance on Parking in New Residential Development’ document states the following standards:

- 1No & 2No bedroom houses 1 space (per dwelling)
- 3No+ bedroom houses 2 spaces (per dwelling)
- 1No & 2No bedroom flats 1 space (per unit)

6.17 These will be provided within garages or sheds for each dwelling.

Servicing and Emergency Vehicle Access

- 6.18 All bins will be provided in the front garden of each residential dwelling and within a communal bins store for the block of flats. The location of the bin stores is designed in accordance with Manual for Streets (MfS) standards which states within paragraph 6.8.9 that '*residents should not be required to carry waste more than 30m to the storage point*' and '*waste collection vehicles should be able to get within 25m of the storage point and the gradient between the two should not exceed 1:12*'.
- 6.19 Refuse vehicles will enter the site from Sugar Lane via the proposed access. The proposed access road will be laid out so that emergency and refuse vehicles can enter and turn on site within the proposed turning head and exit the site in forward gear. This is in line with the requirements set out for emergency vehicles in paragraph 6.7.2 and 6.7.3 of Manual for Streets, i.e. '*there should be vehicle access for a pump appliance within 45m of all dwelling entrances*'.

7 Development Impact

General

- 7.1 Using the TRICS database, the likely trip generations of the proposed development are set out in **Tables 7.1** and **7.2**. The development is likely to have a high element of car use, with walk being the dominant sustainable mode.

Proposed Traffic Generation – TRICS Analysis

- 7.2 Likely trip rates for a development of this scale in this type of location are set out in **Table 4** below based on an interrogation of the detailed TRICS database for private flats, private houses community centres in edge of town locations in England excluding London. Full TRICS outputs are at **Appendix C**.
- 7.3 To provide the most robust assessment, the analysis is based on private houses and takes no account of any proportion of affordable housing.

Table 7.1 - Trip Rates (per 1 unit)

Vehicle Trip Rates	AM Peak Hour (0800-0900)			PM Peak Hour (1700-1800)		
	In	Out	2-Way	In	Out	2-Way
'Privately Owned Houses'	0.096	0.322	0.418	0.308	0.111	0.419
Community Building	0.202	0.000	0.202	0.506	0.574	1.080

- 7.4 Resultant trips to and from the proposed 42 dwellings and the approximate 200sqm community pavilion are shown in **Table 7.2** below.

Table 7.2 – Vehicle Trips (per 42 units)

Vehicle Trips	AM Peak Hour (0800-0900)			PM Peak Hour (1700-1800)		
	In	Out	2-Way	In	Out	2-Way
'Privately Owned Houses' (42)	4	14	18	13	5	18
Community Building (200m ²)	0.404	0.000	0.404	1.012	1.148	2

- 7.5 The detailed TRICS data for the proposed site is included in **Appendix C**.

7.6 Using the information from the TRICS database, the proposed development is likely to lead to:

- Around 18 additional two-way trips in the AM peak period (0800-0900);
- Around 18 additional two-way trips in the PM peak period (1700-1800);

7.7 Although the development will generate some vehicle trips during the AM and PM peak periods, this would not have a negative material impact on the local highway network and can be readily accommodated. Sugar Lane is already lightly trafficked and therefore the development will result in a very minor impact on the local road network.

8 Recommended Access Strategy

Vehicular Access

- 8.1 Sugar Lane is the recommended access location to serve the site. The existing road is relatively straight with good visibility in both directions. The access will be laid out to meet West Sussex County Council and Manual for Streets standards.
- 8.2 A 4.8m wide bellmouth access laid out to WSCC and MfS standards would be acceptable as outlined in **Section 4**. The required visibility splays would be 2.4m x 43m based on the 30mph speed limit. These visibility splays have been shown on the access plan in **Appendix B**.

Access Visibility Standards

- 8.3 Manual for Streets is considered to be the appropriate guidance for determining visibility requirements on this type of road. MfS 1 was introduced in 2007. It is a guide to the layout and design of largely residential roads. In accordance with Section 7 'Street Geometry' Table 7.1 provides the following visibility splay requirements for roads with speeds of up to 37mph in **Table 8.3**.

Table 8.3 – Visibility Splay requirements from Manual for Streets 1

Speed in kph	16	24	32	40	45	48	50	60
Speed in mph	10	15	20	25	28	30	31	37
SSD in metres	11	17	25	33	39	43	45	59

- 8.4 The lower visibility splay requirements in Manual for Streets were based on research including updated driver reaction times and taking account of modern vehicles which can stop quicker than those used in older research.
- 8.5 Manual for Streets 2 developed this research with many case studies to show that there was no clear correlation between accidents and lower visibility splays.
- 8.6 MfS1 determines the Y distance visibility splay requirements for roads with speeds up to 37mph. It also confirms, in paragraph 7.7.6, that a distance of 2.4m is the appropriate X distance for most roads. However, the absolute minimum X distance of 2m is acceptable where roads are lightly trafficked.
- 8.7 Manual for Streets 1 (MfS1) is considered to be the appropriate guidance for determining visibility splay requirements for the types of road in the village of Horsted Keynes which is largely subject to

a 30mph speed restriction. Where actual speed of traffic is higher (i.e. Keysford Lane) then greater splays will be considered.

Pedestrian Access

- 8.8 In the Sustainability Assessments of the site it was noted that the site does not have very good access to the village centre via safe footpaths, and therefore, a dedicated pedestrian crossing should be put in place crossing Sugar Lane to address this issue.
- 8.9 Therefore, as part of the development an informal pedestrian crossover will be formed providing a safe crossing point from the site access to the grass verge situated at the Sugar Lane junction with Lewes Road. A footpath will be provided across the grass verge. This will provide a footway link to an existing footway on the eastern side of Lewes Road leading to the centre of the village via safe footpaths.
- 8.10 The access and crossing will be designed to comply with WSCC and MfS standards.

9 Travel Plan Welcome Pack

- 9.1 The WSCC Transport Assessment Guidance refers to the DfT Guidance on Transport Assessments which provides indicative thresholds for Transport Statements, Transport Assessments and Travel Plans.
- 9.2 Travel Plans are usually secured by a Condition of Planning Permission, however, the DfT guidance states for a residential development of this size (42 dwellings) no Transport Assessment or Travel Plan is required.
- 9.3 A Travel Plan Welcome Pack may be required for distribution amongst future residents on occupation of the development to encourage more sustainable modes of transport. This Welcome Pack would include the following:
- Benefits of a Travel Plan;
 - Local footways;
 - Local cycle routes;
 - Local bus stops / bus services and route maps;
 - Links to helpful journey planning or car sharing websites etc.

10 Conclusion

- 10.1 This Transport Statement has been prepared to support a planning application for a new access to serve a development of 42 dwellings on the land at Jeffrey's Farm in Horsted Keynes.
- 10.2 Appropriate access via Sugar Lane can be achieved within the current land ownership to serve the site.
- 10.3 The observed traffic flows along both Keysford Lane, and Sugar Lane are all light with plenty of spare capacity including at peak periods of the day.
- 10.4 The proposed development is likely to generate around 18 additional two-way vehicle trips in both the AM peak hour (0800-0900) and PM peak hours (1700-1800). These can be easily accommodated on the highway network with no material impact.
- 10.5 The site is located within walking distance of the village centre shops and services. To improve pedestrian access, an informal crossing point is proposed with dropped kerbs and tactile paving across Sugar Lane.
- 10.6 A footpath will be provided across the grass verge at the Sugar Lane junction with Jefferies. A dropped kerb crossing will be provided in Jefferies to connect to the existing footpath along the north side of Jefferies which provides a footway link to Lewes Road. The footway along the eastern side of Lewes Road provides a footway link leading to the centre of the village. The access and footway improvements have been the subject of a Stage 1 Road Safety Audit and Designer's Response.
- 10.7 Refuse and emergency vehicles will enter the site from Sugar Lane via the proposed access. The proposed access road will be laid out so that emergency and refuse vehicles can enter and turn on site within the proposed turning head and exit the site in forward gear.
- 10.8 Travel Plans are usually secured by a Condition of Planning Permission, however, a development of this size may only require a Travel Plan Welcome Pack for distribution amongst the future residents of the development. This would outline local footways, cycle routes and bus stops and bus services etc. to encourage the use of sustainable transport modes.
- 10.9 This report concludes there are no unacceptable highway or transport implications arising from the proposed development to construct a new access to serve 42No dwelling and a community building within the village of Horsted Keynes.

- End of Report -

Appendix A

Site Location Map



Site Allocation Map (HKNP)



Appendix B

Development Proposals



LEGEND

UNIT TYPE	No. of UNITS
A Not Used	
B 2-Bed Terrace	12
C Not Used	
D 3-Bed Semi-detached	12
E 3-Bed Detached	5
F 4/5-Bed Detached	5
G 1-Bed Bungalow	4
H 2-Bed Bungalow	4
TOTAL NO. OF UNITS	42



PROPOSED SITE PLAN
SCALE : 1:500 @ A1

Appendix C

TRICS Analysis

Calculation Reference: AUDIT-349901-160815-0813

TRIP RATE CALCULATION SELECTION PARAMETERS:

Land Use : 03 - RESIDENTIAL
 Category : A - HOUSES PRIVATELY OWNED
 VEHICLES

Selected regions and areas:

02	SOUTH EAST	
	ES EAST SUSSEX	1 days
	HC HAMPSHIRE	1 days
03	SOUTH WEST	
	SM SOMERSET	1 days
04	EAST ANGLIA	
	NF NORFOLK	2 days
	SF SUFFOLK	1 days
05	EAST MIDLANDS	
	LN LINCOLNSHIRE	1 days
06	WEST MIDLANDS	
	SH SHROPSHIRE	1 days
	ST STAFFORDSHIRE	1 days
	WK WARWICKSHIRE	1 days

This section displays the number of survey days per TRICS® sub-region in the selected set

Filtering Stage 2 selection:

This data displays the chosen trip rate parameter and its selected range. Only sites that fall within the parameter range are included in the trip rate calculation.

Parameter: Number of dwellings
 Actual Range: 6 to 37 (units:)
 Range Selected by User: 6 to 40 (units:)

Public Transport Provision:

Selection by: Include all surveys

Date Range: 01/01/08 to 12/11/15

This data displays the range of survey dates selected. Only surveys that were conducted within this date range are included in the trip rate calculation.

Selected survey days:

Tuesday	3 days
Wednesday	2 days
Thursday	3 days
Friday	2 days

This data displays the number of selected surveys by day of the week.

Selected survey types:

Manual count	10 days
Directional ATC Count	0 days

This data displays the number of manual classified surveys and the number of unclassified ATC surveys, the total adding up to the overall number of surveys in the selected set. Manual surveys are undertaken using staff, whilst ATC surveys are undertaken using machines.

Selected Locations:

Suburban Area (PPS6 Out of Centre)	6
Edge of Town	4

This data displays the number of surveys per main location category within the selected set. The main location categories consist of Free Standing, Edge of Town, Suburban Area, Neighbourhood Centre, Edge of Town Centre, Town Centre and Not Known.

Selected Location Sub Categories:

Residential Zone	10
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This data displays the number of surveys per location sub-category within the selected set. The location sub-categories consist of Commercial Zone, Industrial Zone, Development Zone, Residential Zone, Retail Zone, Built-Up Zone, Village, Out

Filtering Stage 3 selection:

Use Class:

C3

10 days

This data displays the number of surveys per Use Class classification within the selected set. The Use Classes Order 2005 has been used for this purpose, which can be found within the Library module of TRICS®.

Population within 1 mile:

1,001 to 5,000

1 days

5,001 to 10,000

2 days

10,001 to 15,000

3 days

20,001 to 25,000

3 days

25,001 to 50,000

1 days

This data displays the number of selected surveys within stated 1-mile radii of population.

Population within 5 miles:

25,001 to 50,000

2 days

50,001 to 75,000

2 days

75,001 to 100,000

4 days

125,001 to 250,000

1 days

250,001 to 500,000

1 days

This data displays the number of selected surveys within stated 5-mile radii of population.

Car ownership within 5 miles:

0.6 to 1.0

5 days

1.1 to 1.5

5 days

This data displays the number of selected surveys within stated ranges of average cars owned per residential dwelling, within a radius of 5-miles of selected survey sites.

Travel Plan:

Yes

1 days

No

9 days

This data displays the number of surveys within the selected set that were undertaken at sites with Travel Plans in place, and the number of surveys that were undertaken at sites without Travel Plans.

LIST OF SITES relevant to selection parameters

1	ES-03-A-02 PRIVATE HOUSING SOUTH COAST ROAD		EAST SUSSEX
	PEACEHAVEN Edge of Town Residential Zone Total Number of dwellings: 37 Survey date: FRIDAY 18/11/11		Survey Type: MANUAL
2	HC-03-A-17 HOUSES & FLATS CANADA WAY		HAMPSHIRE
	LIPHOOK Suburban Area (PPS6 Out of Centre) Residential Zone Total Number of dwellings: 36 Survey date: THURSDAY 12/11/15		Survey Type: MANUAL
3	LN-03-A-03 SEMI DETACHED ROOKERY LANE BOULTHAM LINCOLN		LINCOLNSHIRE
	Suburban Area (PPS6 Out of Centre) Residential Zone Total Number of dwellings: 22 Survey date: TUESDAY 18/09/12		Survey Type: MANUAL
4	NF-03-A-01 SEMI DET. & BUNGALOWS YARMOUTH ROAD		NORFOLK
	CAISTER-ON-SEA Suburban Area (PPS6 Out of Centre) Residential Zone Total Number of dwellings: 27 Survey date: TUESDAY 16/10/12		Survey Type: MANUAL
5	NF-03-A-03 DETACHED HOUSES HALING WAY		NORFOLK
	THETFORD Edge of Town Residential Zone Total Number of dwellings: 10 Survey date: WEDNESDAY 16/09/15		Survey Type: MANUAL
6	SF-03-A-04 DETACHED & BUNGALOWS NORMANSTON DRIVE		SUFFOLK
	LOWESTOFT Suburban Area (PPS6 Out of Centre) Residential Zone Total Number of dwellings: 7 Survey date: TUESDAY 23/10/12		Survey Type: MANUAL
7	SH-03-A-06 BUNGALOWS ELLESMERE ROAD		SHROPSHIRE
	SHREWSBURY Edge of Town Residential Zone Total Number of dwellings: 16 Survey date: THURSDAY 22/05/14		Survey Type: MANUAL

LIST OF SITES relevant to selection parameters (Cont.)

8	SM-03-A-01 WEMBDON ROAD NORTHFIELD BRIDGWATER Edge of Town Residential Zone Total Number of dwellings: 33 Survey date: THURSDAY 24/09/15	DETACHED & SEMI	SOMERSET	Survey Type: MANUAL
9	ST-03-A-05 WATERMEET GROVE ETRURIA STOKE-ON-TRENT Suburban Area (PPS6 Out of Centre) Residential Zone Total Number of dwellings: 14 Survey date: WEDNESDAY 26/11/08	TERRACED & DETACHED	STAFFORDSHIRE	Survey Type: MANUAL
10	WK-03-A-01 ARLINGTON AVENUE LEAMINGTON SPA Suburban Area (PPS6 Out of Centre) Residential Zone Total Number of dwellings: 6 Survey date: FRIDAY 21/10/11	TERRACED/SEMI/DET.	WARWICKSHIRE	Survey Type: MANUAL

This section provides a list of all survey sites and days in the selected set. For each individual survey site, it displays a unique site reference code and site address, the selected trip rate calculation parameter and its value, the day of the week and date of each survey, and whether the survey was a manual classified count or an ATC count.

MANUALLY DESELECTED SITES

Site Ref	Reason for Deselection
CA-03-A-04	Anomalous Result
DV-03-A-01	Anomalous Result
SF-03-A-05	Anomalous Result
SH-03-A-03	Anomalous Result
WK-03-A-02	Anomalous Result

TRIP RATE for Land Use 03 - RESIDENTIAL/A - HOUSES PRIVATELY OWNED
VEHICLES

Calculation factor: 1 DWELLS

BOLD print indicates peak (busiest) period

Time Range	ARRIVALS			DEPARTURES			TOTALS		
	No. Days	Ave. DWELLS	Trip Rate	No. Days	Ave. DWELLS	Trip Rate	No. Days	Ave. DWELLS	Trip Rate
00:00 - 01:00									
01:00 - 02:00									
02:00 - 03:00									
03:00 - 04:00									
04:00 - 05:00									
05:00 - 06:00									
06:00 - 07:00									
07:00 - 08:00	10	21	0.048	10	21	0.293	10	21	0.341
08:00 - 09:00	10	21	0.096	10	21	0.322	10	21	0.418
09:00 - 10:00	10	21	0.130	10	21	0.168	10	21	0.298
10:00 - 11:00	10	21	0.154	10	21	0.091	10	21	0.245
11:00 - 12:00	10	21	0.115	10	21	0.125	10	21	0.240
12:00 - 13:00	10	21	0.144	10	21	0.135	10	21	0.279
13:00 - 14:00	10	21	0.091	10	21	0.149	10	21	0.240
14:00 - 15:00	10	21	0.139	10	21	0.159	10	21	0.298
15:00 - 16:00	10	21	0.255	10	21	0.130	10	21	0.385
16:00 - 17:00	10	21	0.269	10	21	0.163	10	21	0.432
17:00 - 18:00	10	21	0.308	10	21	0.111	10	21	0.419
18:00 - 19:00	10	21	0.178	10	21	0.130	10	21	0.308
19:00 - 20:00									
20:00 - 21:00									
21:00 - 22:00									
22:00 - 23:00									
23:00 - 24:00									
Total Rates:			1.927			1.976			3.903

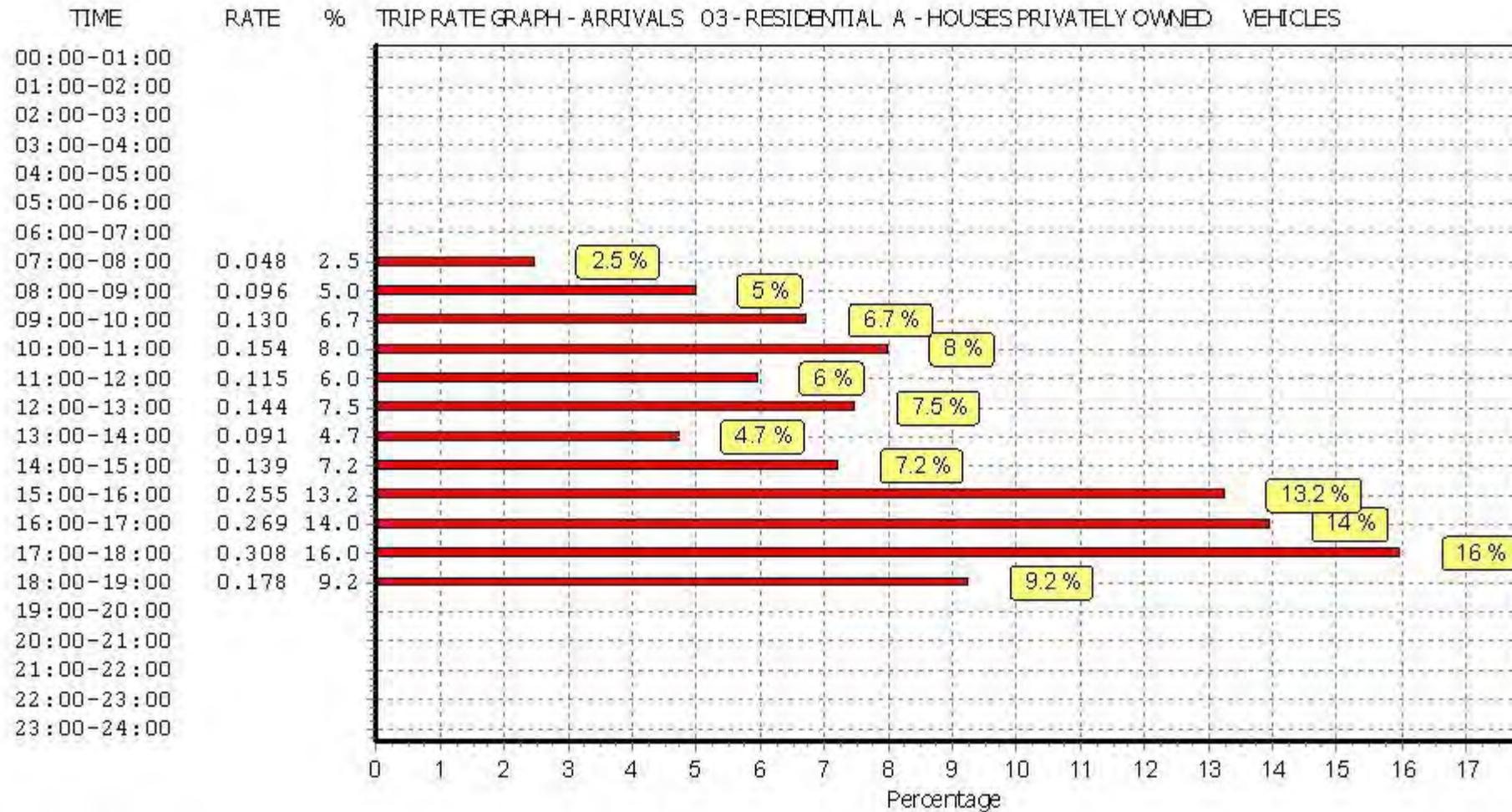
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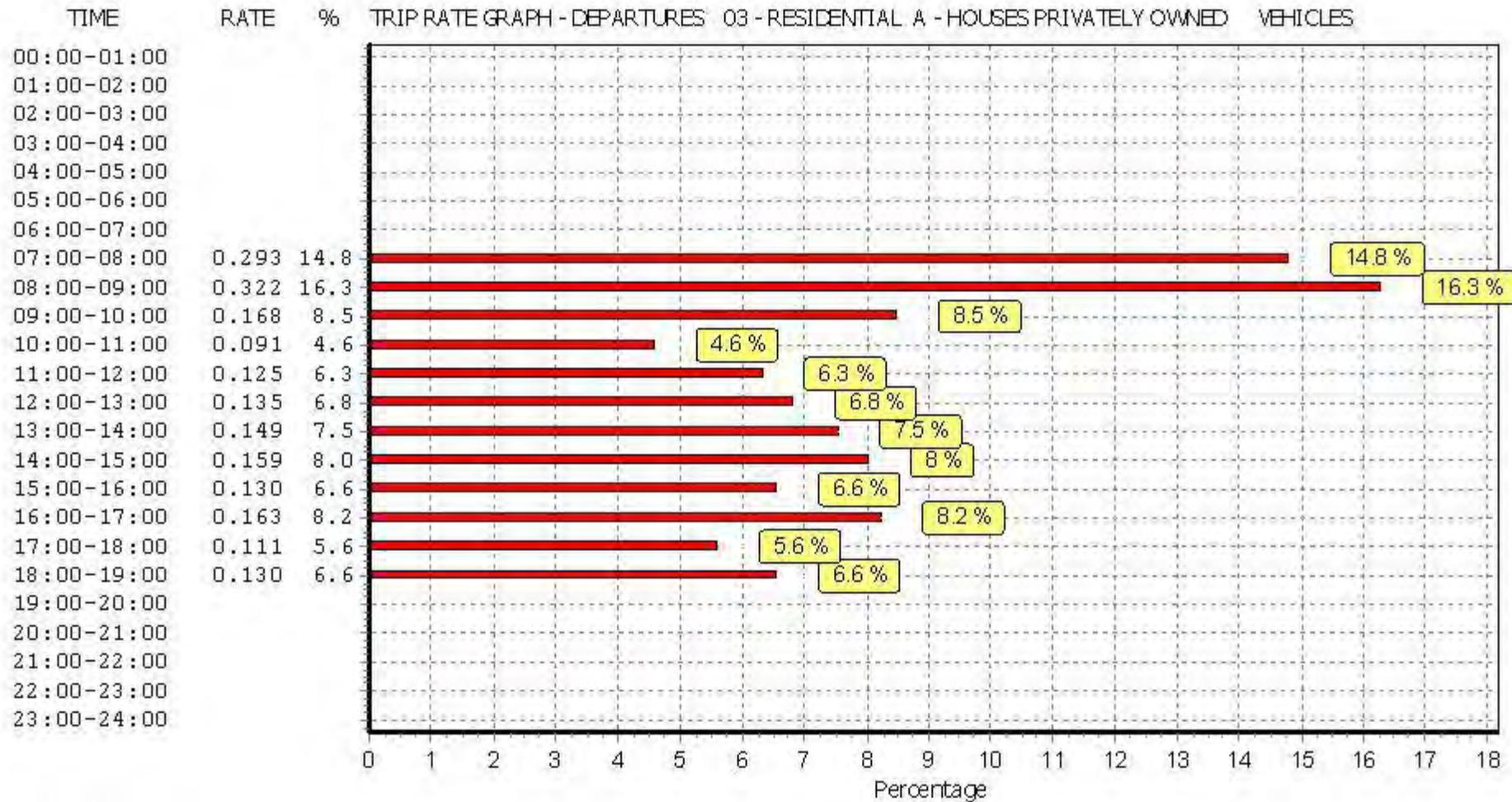
Parameter summary

Trip rate parameter range selected: 6 - 37 (units:)
 Survey date range: 01/01/08 - 12/11/15
 Number of weekdays (Monday-Friday): 10
 Number of Saturdays: 0
 Number of Sundays: 0
 Surveys automatically removed from selection: 0
 Surveys manually removed from selection: 5

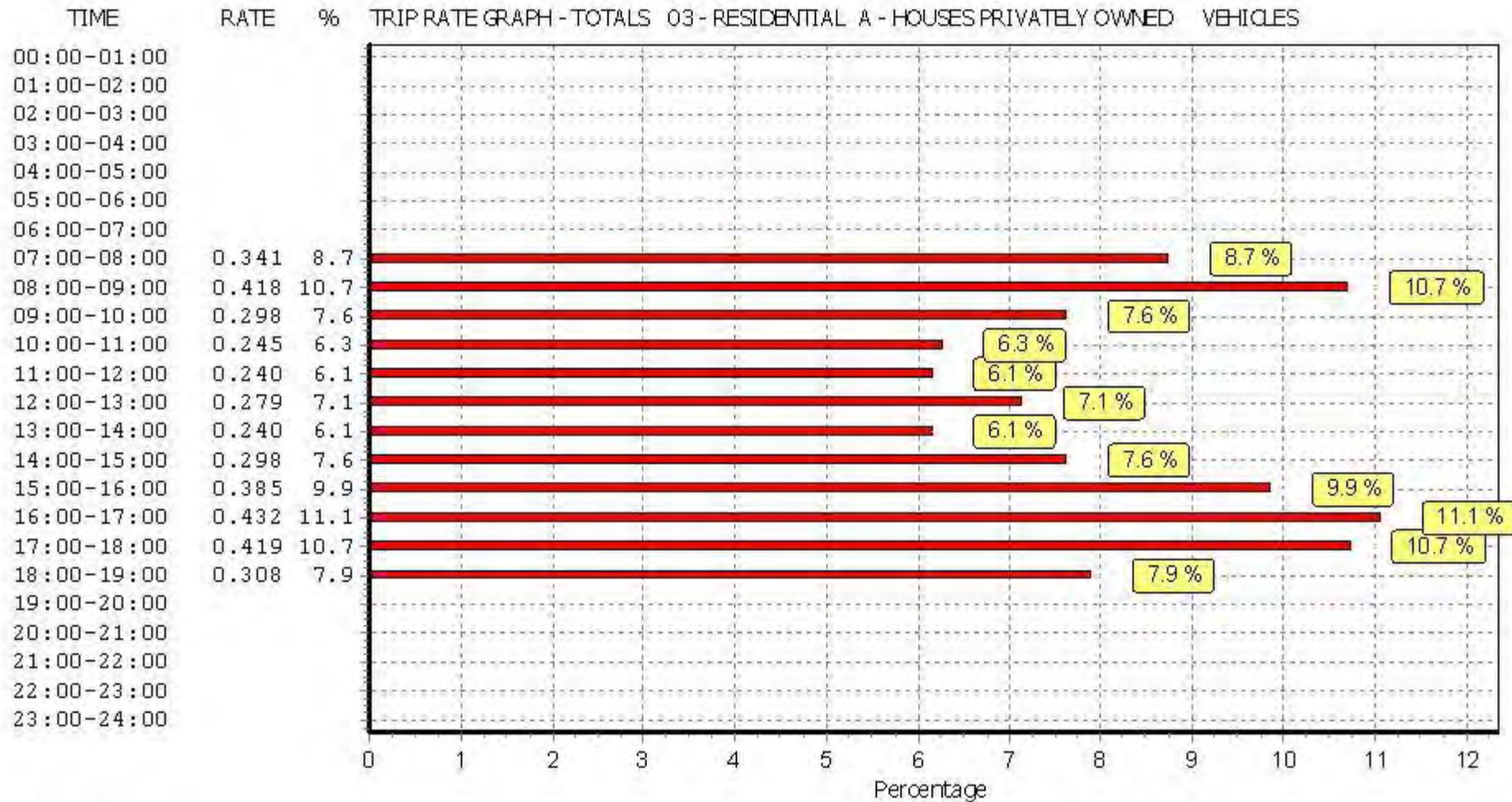
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TRIP RATE for Land Use 03 - RESIDENTIAL/A - HOUSES PRIVATELY OWNED
TAXIS

Calculation factor: 1 DWELLS

BOLD print indicates peak (busiest) period

Time Range	ARRIVALS			DEPARTURES			TOTALS		
	No. Days	Ave. DWELLS	Trip Rate	No. Days	Ave. DWELLS	Trip Rate	No. Days	Ave. DWELLS	Trip Rate
00:00 - 01:00									
01:00 - 02:00									
02:00 - 03:00									
03:00 - 04:00									
04:00 - 05:00									
05:00 - 06:00									
06:00 - 07:00									
07:00 - 08:00	10	21	0.000	10	21	0.000	10	21	0.000
08:00 - 09:00	10	21	0.019	10	21	0.019	10	21	0.038
09:00 - 10:00	10	21	0.000	10	21	0.000	10	21	0.000
10:00 - 11:00	10	21	0.010	10	21	0.010	10	21	0.020
11:00 - 12:00	10	21	0.005	10	21	0.005	10	21	0.010
12:00 - 13:00	10	21	0.000	10	21	0.000	10	21	0.000
13:00 - 14:00	10	21	0.000	10	21	0.000	10	21	0.000
14:00 - 15:00	10	21	0.000	10	21	0.000	10	21	0.000
15:00 - 16:00	10	21	0.005	10	21	0.005	10	21	0.010
16:00 - 17:00	10	21	0.014	10	21	0.005	10	21	0.019
17:00 - 18:00	10	21	0.005	10	21	0.000	10	21	0.005
18:00 - 19:00	10	21	0.000	10	21	0.005	10	21	0.005
19:00 - 20:00									
20:00 - 21:00									
21:00 - 22:00									
22:00 - 23:00									
23:00 - 24:00									
Total Rates:			0.058			0.049			0.107

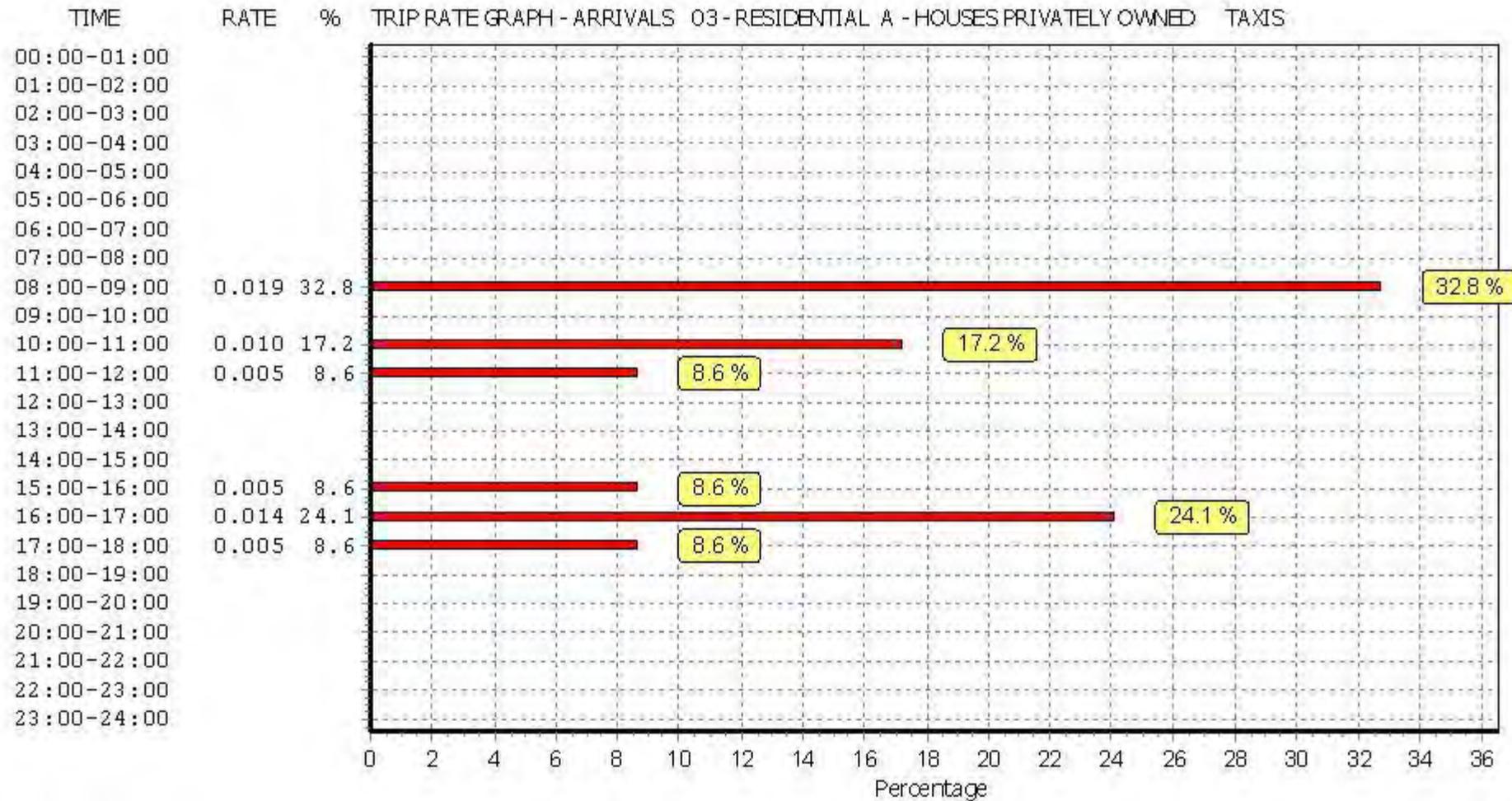
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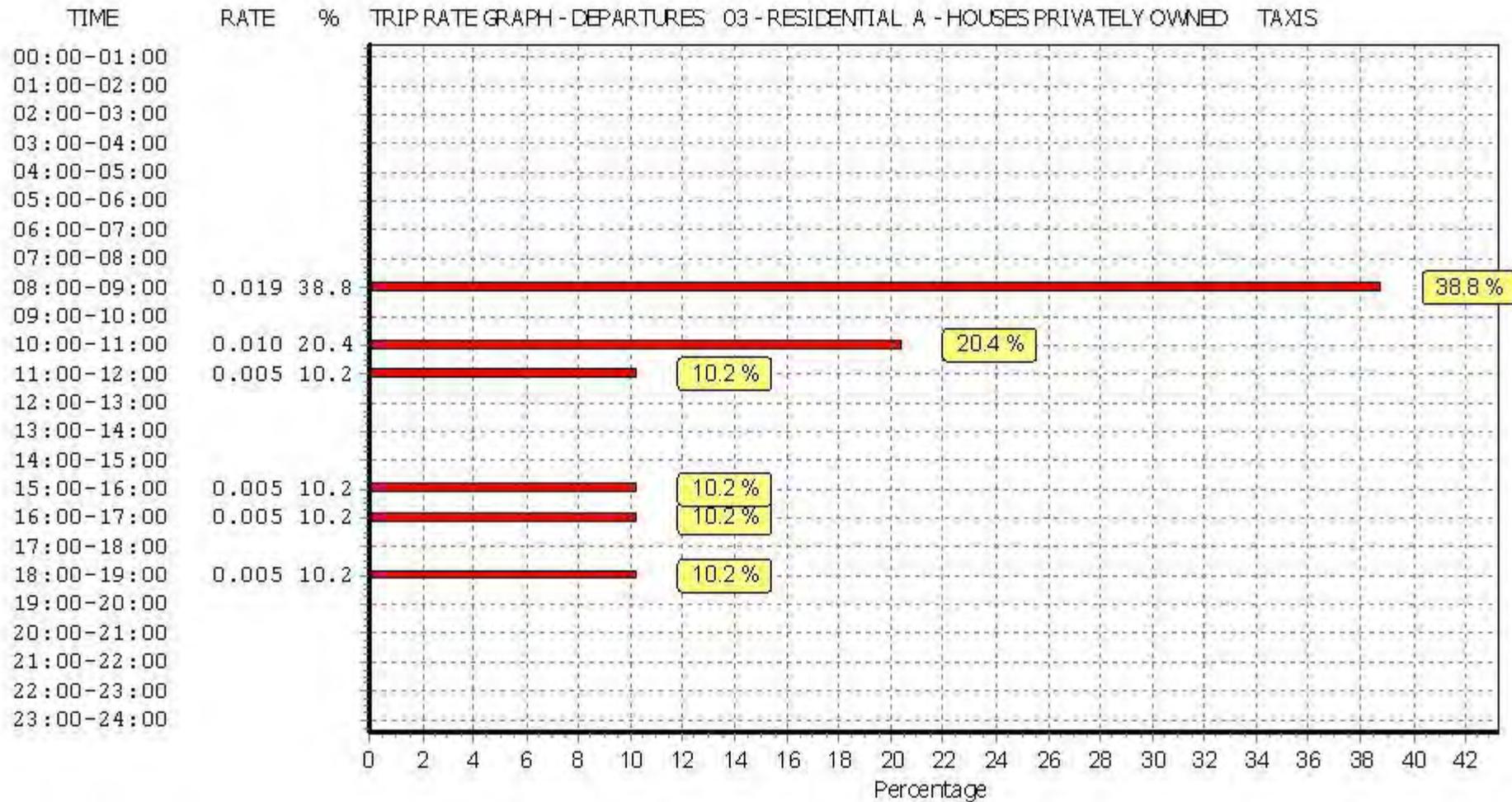
Parameter summary

Trip rate parameter range selected: 6 - 37 (units:)
 Survey date range: 01/01/08 - 12/11/15
 Number of weekdays (Monday-Friday): 10
 Number of Saturdays: 0
 Number of Sundays: 0
 Surveys automatically removed from selection: 0
 Surveys manually removed from selection: 5

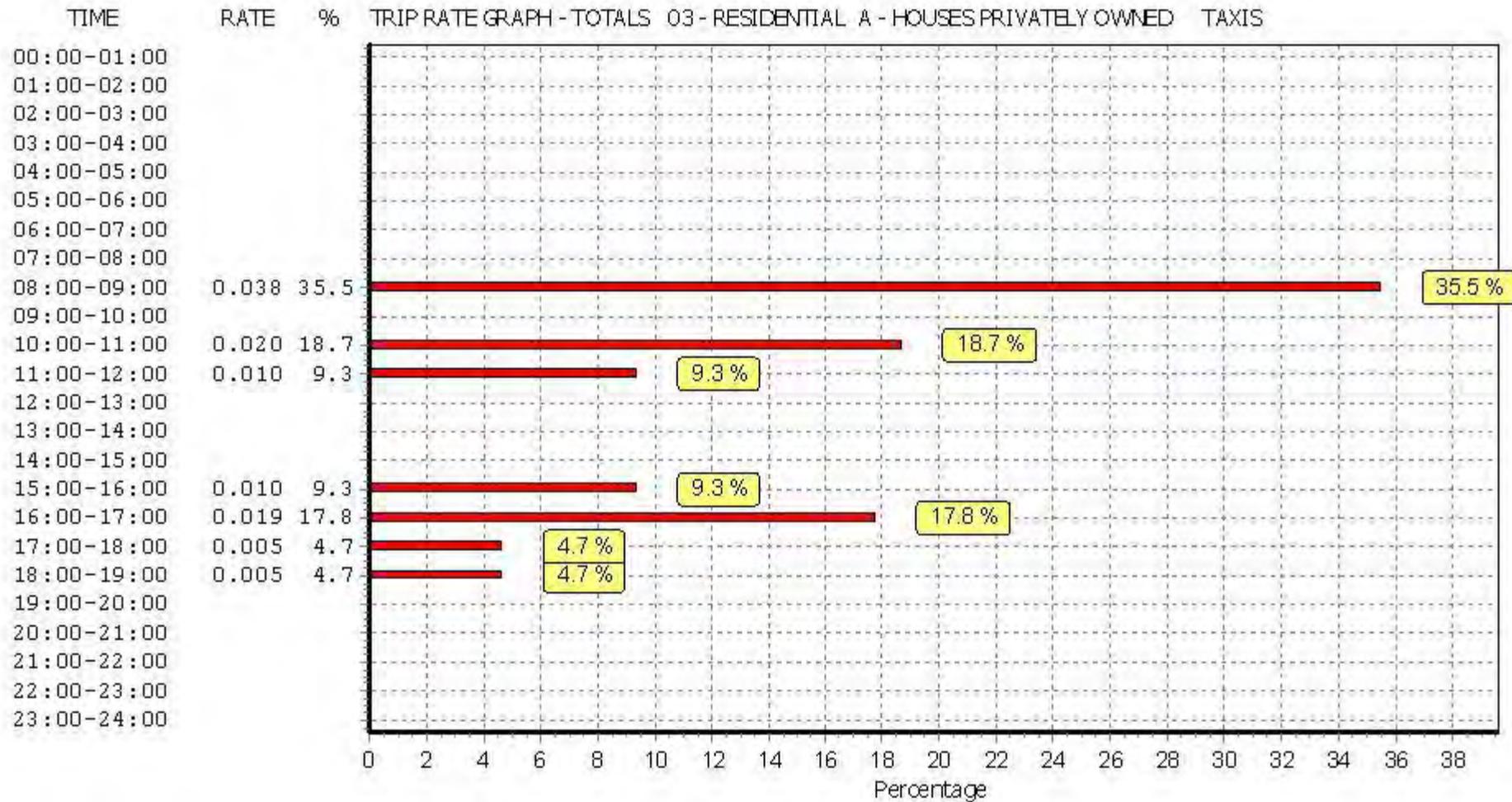
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TRIP RATE for Land Use 03 - RESIDENTIAL/A - HOUSES PRIVATELY OWNED
OGVS

Calculation factor: 1 DWELLS

BOLD print indicates peak (busiest) period

Time Range	ARRIVALS			DEPARTURES			TOTALS		
	No. Days	Ave. DWELLS	Trip Rate	No. Days	Ave. DWELLS	Trip Rate	No. Days	Ave. DWELLS	Trip Rate
00:00 - 01:00									
01:00 - 02:00									
02:00 - 03:00									
03:00 - 04:00									
04:00 - 05:00									
05:00 - 06:00									
06:00 - 07:00									
07:00 - 08:00	10	21	0.000	10	21	0.000	10	21	0.000
08:00 - 09:00	10	21	0.005	10	21	0.005	10	21	0.010
09:00 - 10:00	10	21	0.005	10	21	0.005	10	21	0.010
10:00 - 11:00	10	21	0.014	10	21	0.005	10	21	0.019
11:00 - 12:00	10	21	0.005	10	21	0.014	10	21	0.019
12:00 - 13:00	10	21	0.010	10	21	0.005	10	21	0.015
13:00 - 14:00	10	21	0.000	10	21	0.000	10	21	0.000
14:00 - 15:00	10	21	0.005	10	21	0.005	10	21	0.010
15:00 - 16:00	10	21	0.000	10	21	0.000	10	21	0.000
16:00 - 17:00	10	21	0.005	10	21	0.005	10	21	0.010
17:00 - 18:00	10	21	0.005	10	21	0.005	10	21	0.010
18:00 - 19:00	10	21	0.000	10	21	0.000	10	21	0.000
19:00 - 20:00									
20:00 - 21:00									
21:00 - 22:00									
22:00 - 23:00									
23:00 - 24:00									
Total Rates:			0.054			0.049			0.103

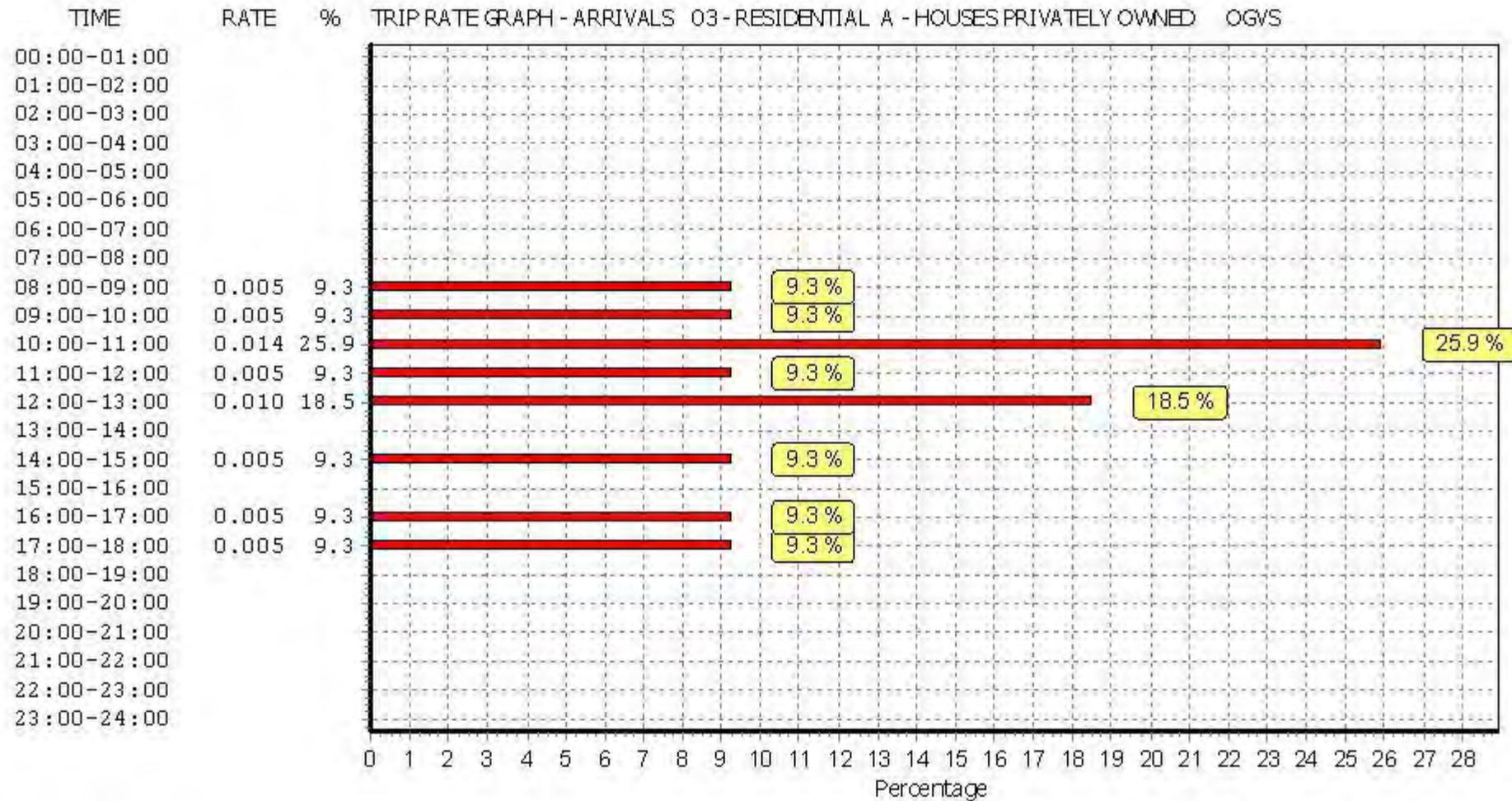
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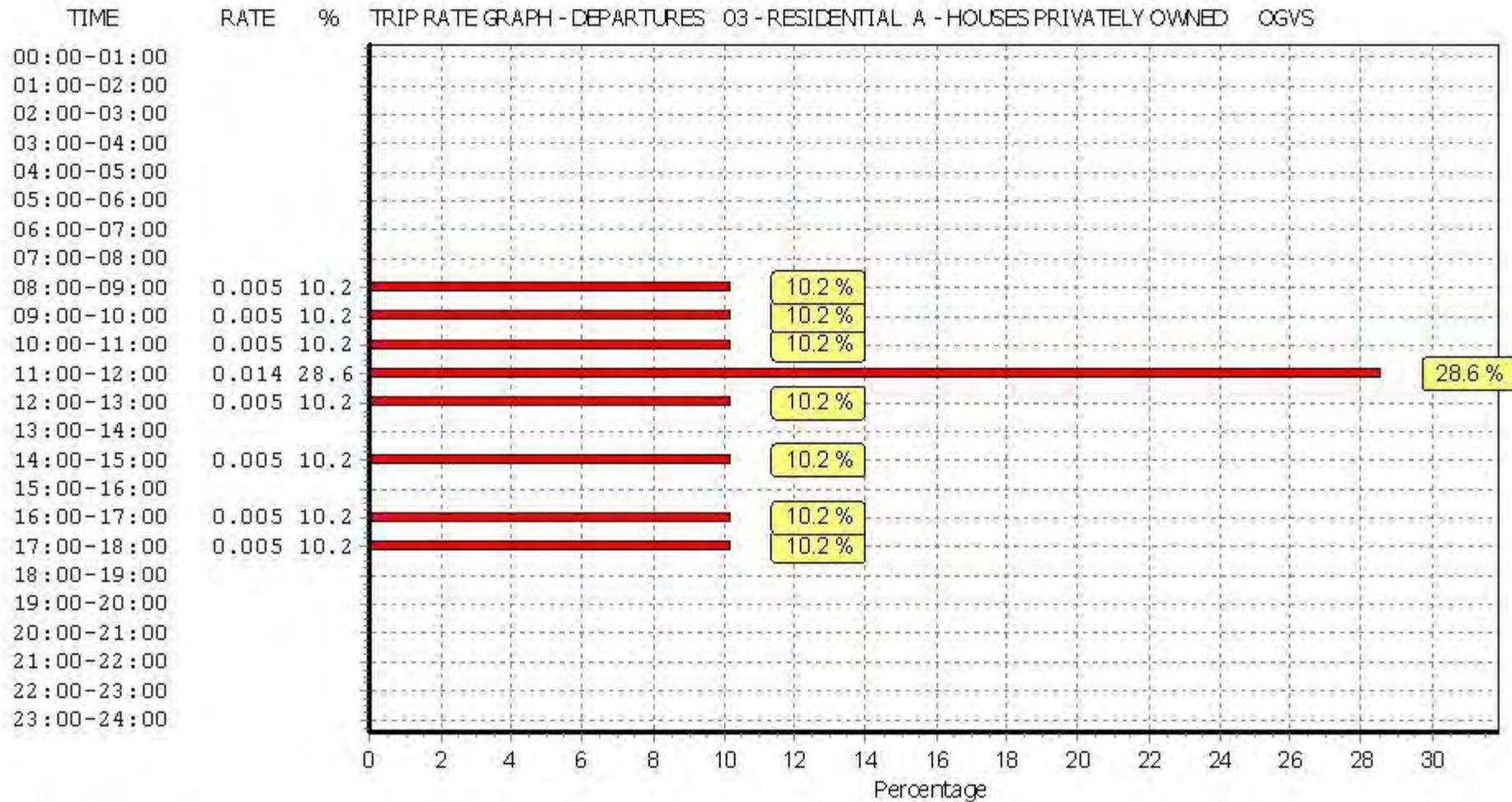
Parameter summary

Trip rate parameter range selected: 6 - 37 (units:)
 Survey date range: 01/01/08 - 12/11/15
 Number of weekdays (Monday-Friday): 10
 Number of Saturdays: 0
 Number of Sundays: 0
 Surveys automatically removed from selection: 0
 Surveys manually removed from selection: 5

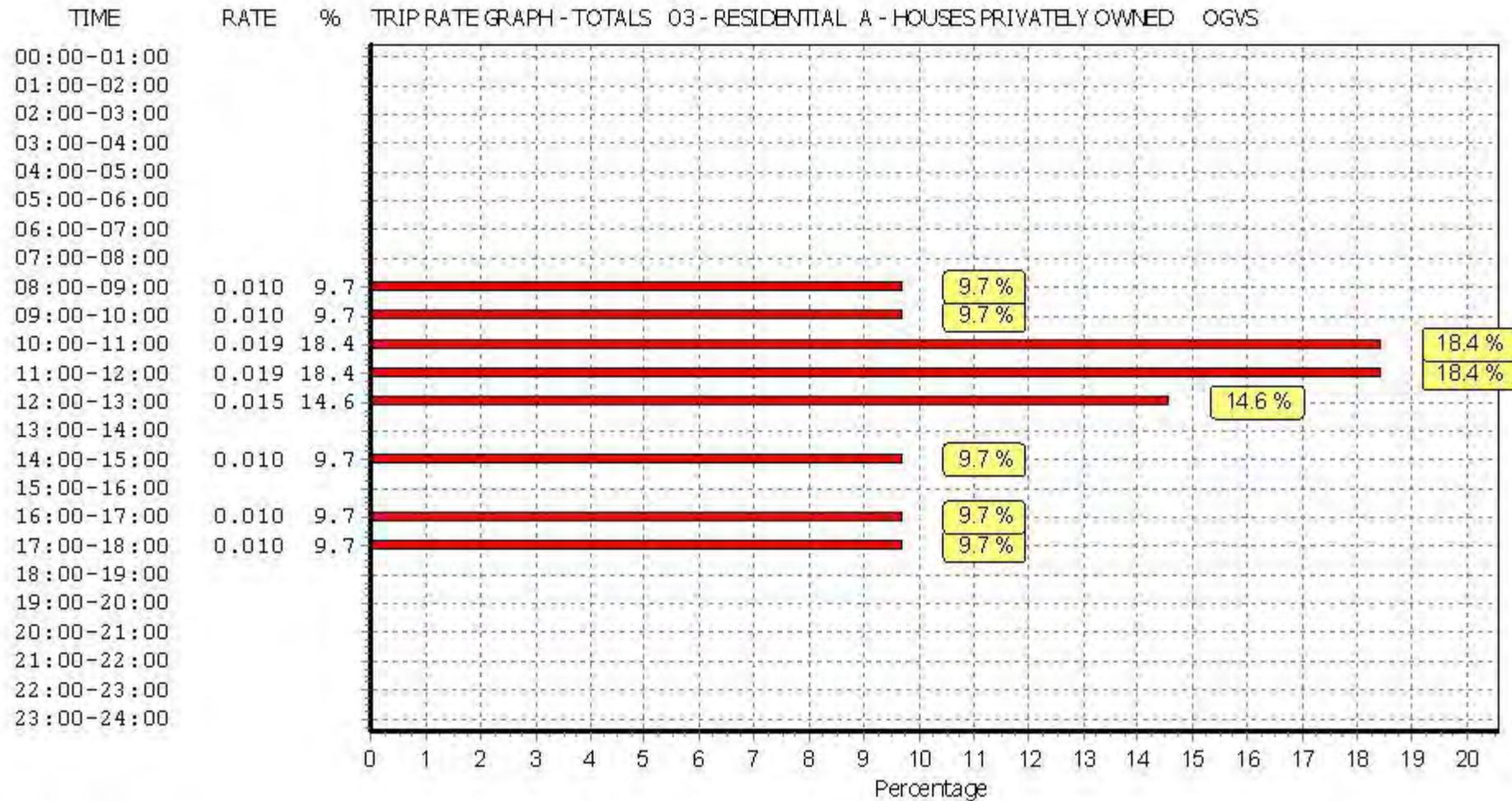
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TRIP RATE for Land Use 03 - RESIDENTIAL/A - HOUSES PRIVATELY OWNED

PSVS

Calculation factor: 1 DWELLS

BOLD print indicates peak (busiest) period

Time Range	ARRIVALS			DEPARTURES			TOTALS		
	No. Days	Ave. DWELLS	Trip Rate	No. Days	Ave. DWELLS	Trip Rate	No. Days	Ave. DWELLS	Trip Rate
00:00 - 01:00									
01:00 - 02:00									
02:00 - 03:00									
03:00 - 04:00									
04:00 - 05:00									
05:00 - 06:00									
06:00 - 07:00									
07:00 - 08:00	10	21	0.000	10	21	0.000	10	21	0.000
08:00 - 09:00	10	21	0.000	10	21	0.000	10	21	0.000
09:00 - 10:00	10	21	0.000	10	21	0.000	10	21	0.000
10:00 - 11:00	10	21	0.000	10	21	0.000	10	21	0.000
11:00 - 12:00	10	21	0.000	10	21	0.000	10	21	0.000
12:00 - 13:00	10	21	0.000	10	21	0.000	10	21	0.000
13:00 - 14:00	10	21	0.000	10	21	0.000	10	21	0.000
14:00 - 15:00	10	21	0.000	10	21	0.000	10	21	0.000
15:00 - 16:00	10	21	0.000	10	21	0.000	10	21	0.000
16:00 - 17:00	10	21	0.000	10	21	0.000	10	21	0.000
17:00 - 18:00	10	21	0.000	10	21	0.000	10	21	0.000
18:00 - 19:00	10	21	0.000	10	21	0.000	10	21	0.000
19:00 - 20:00									
20:00 - 21:00									
21:00 - 22:00									
22:00 - 23:00									
23:00 - 24:00									
Total Rates:			0.000			0.000			0.000

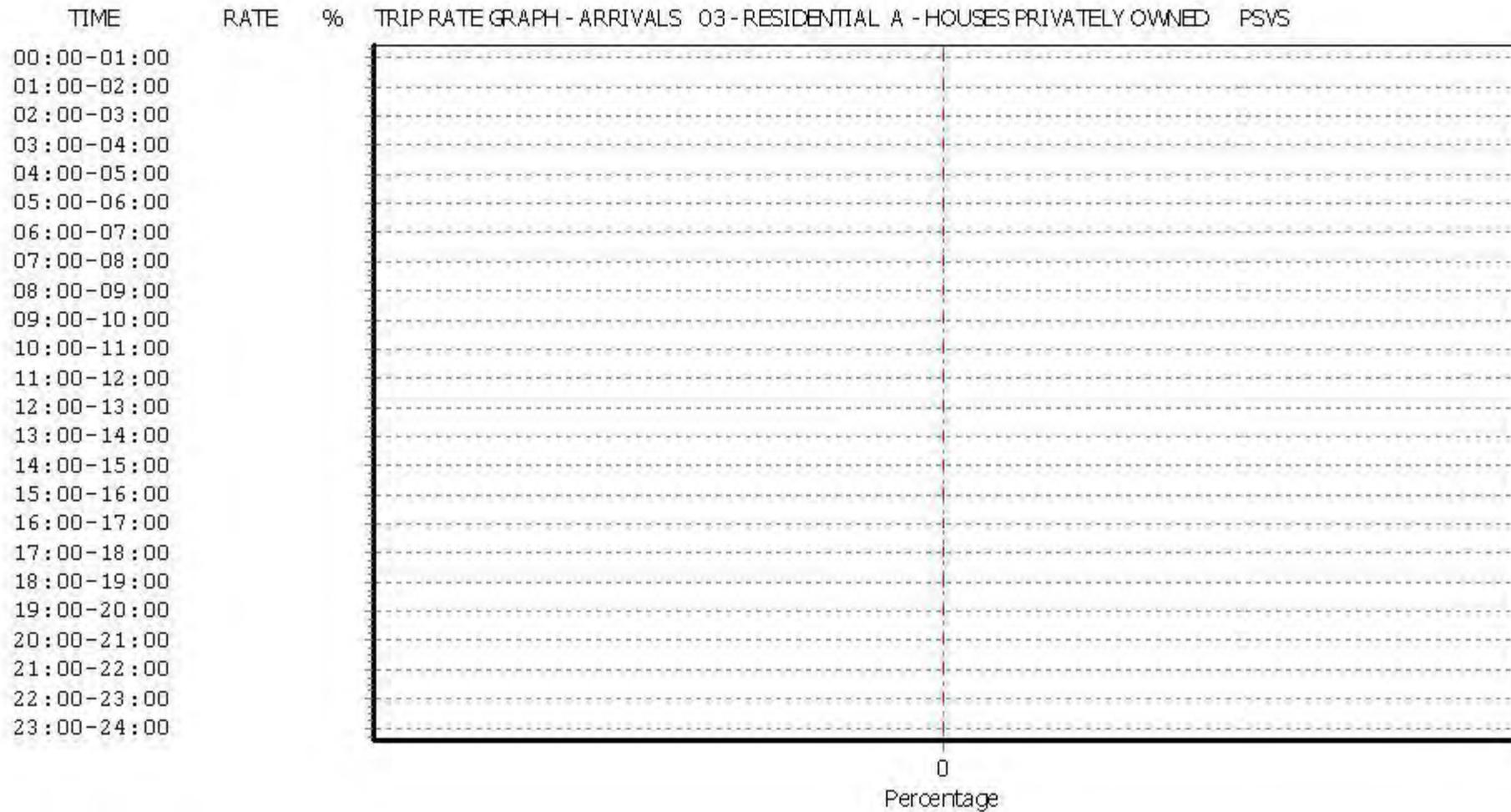
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Parameter summary

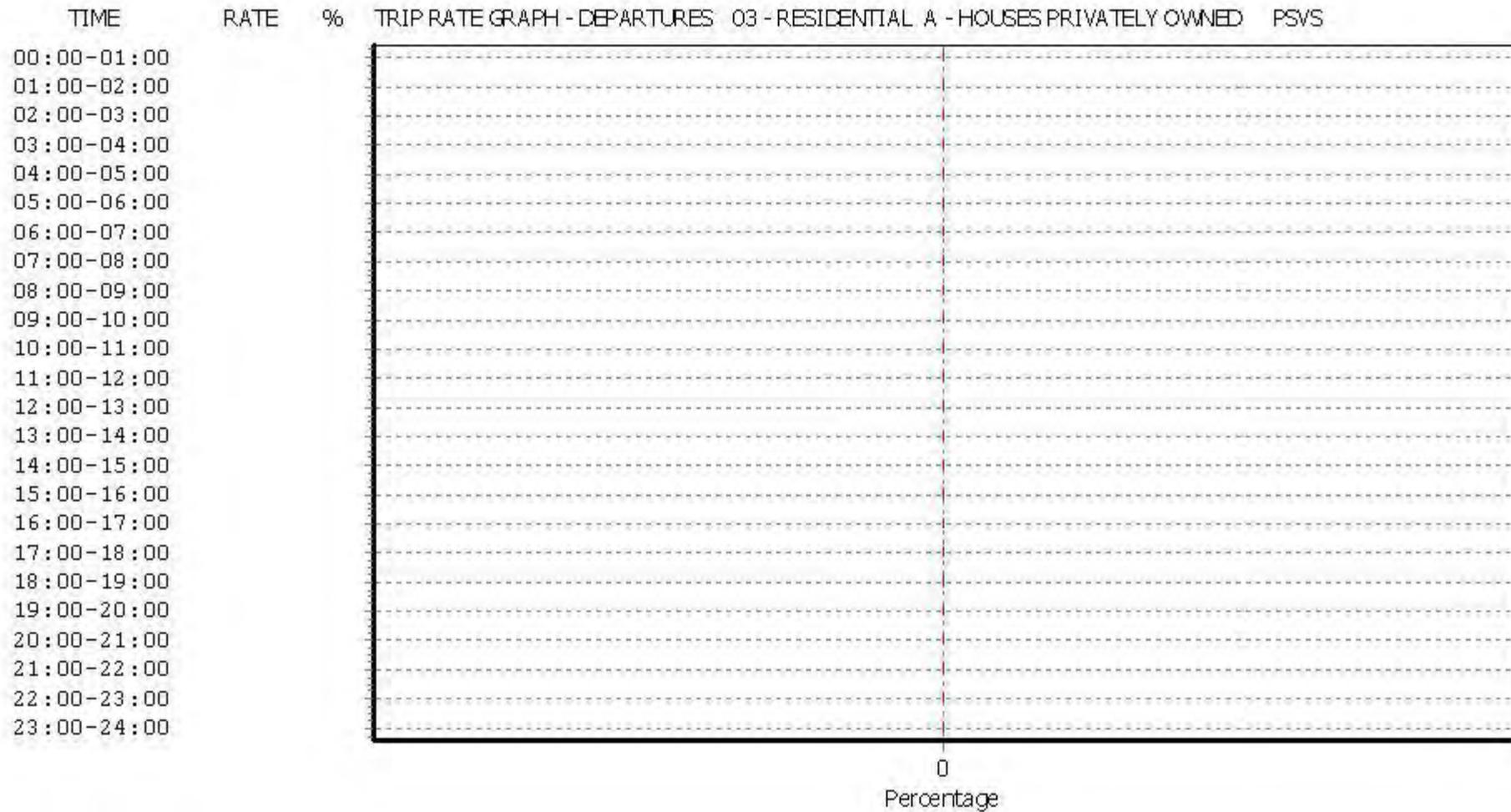
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 Survey date range: 01/01/08 - 12/11/15
 Number of weekdays (Monday-Friday): 10
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 Number of Sundays: 0
 Surveys automatically removed from selection: 0
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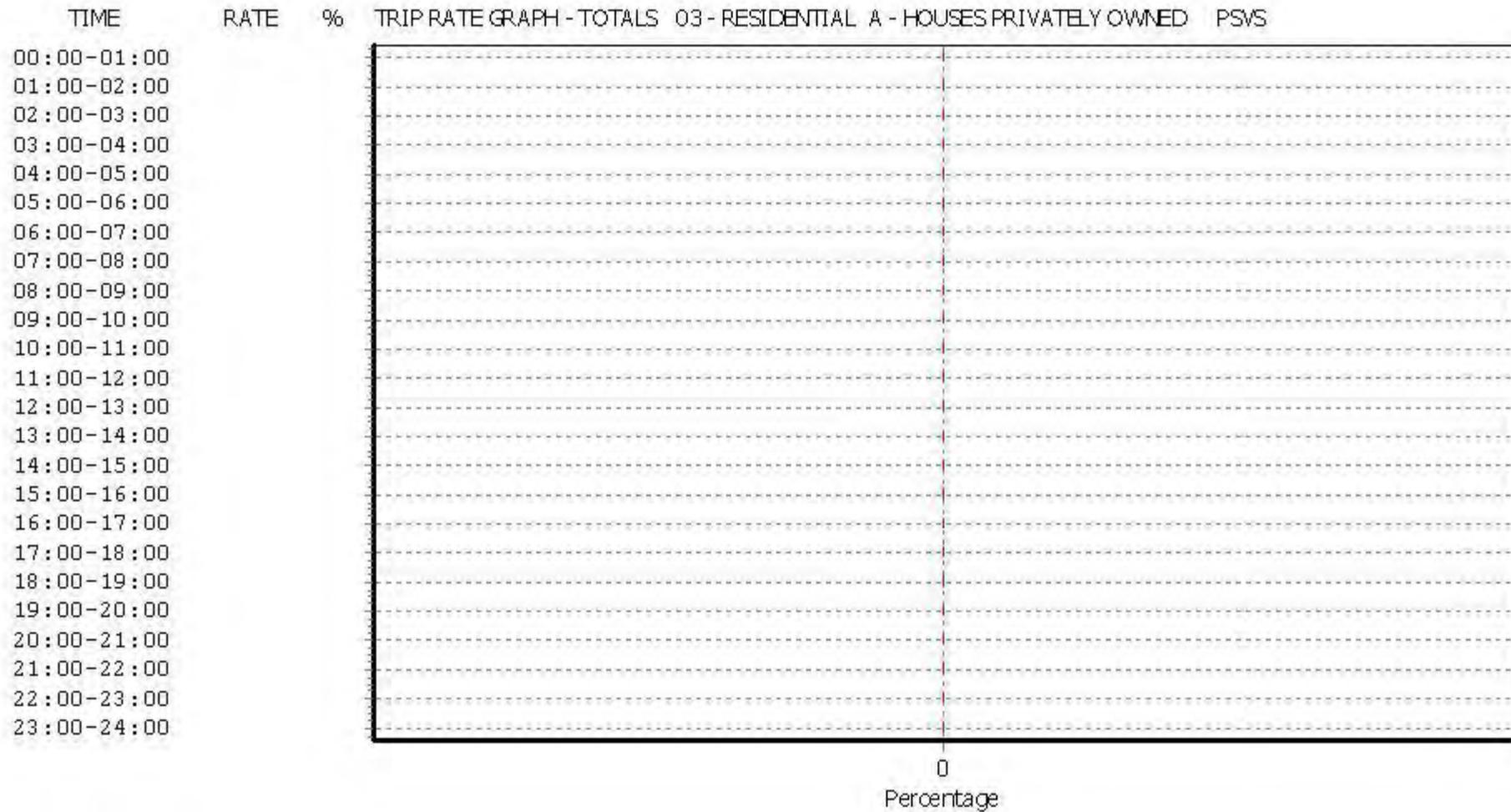
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Licence No: 349901



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Licence No: 349901



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TRIP RATE for Land Use 03 - RESIDENTIAL/A - HOUSES PRIVATELY OWNED
CYCLISTS

Calculation factor: 1 DWELLS

BOLD print indicates peak (busiest) period

Time Range	ARRIVALS			DEPARTURES			TOTALS		
	No. Days	Ave. DWELLS	Trip Rate	No. Days	Ave. DWELLS	Trip Rate	No. Days	Ave. DWELLS	Trip Rate
00:00 - 01:00									
01:00 - 02:00									
02:00 - 03:00									
03:00 - 04:00									
04:00 - 05:00									
05:00 - 06:00									
06:00 - 07:00									
07:00 - 08:00	10	21	0.005	10	21	0.024	10	21	0.029
08:00 - 09:00	10	21	0.000	10	21	0.019	10	21	0.019
09:00 - 10:00	10	21	0.000	10	21	0.010	10	21	0.010
10:00 - 11:00	10	21	0.005	10	21	0.014	10	21	0.019
11:00 - 12:00	10	21	0.005	10	21	0.000	10	21	0.005
12:00 - 13:00	10	21	0.005	10	21	0.005	10	21	0.010
13:00 - 14:00	10	21	0.005	10	21	0.005	10	21	0.010
14:00 - 15:00	10	21	0.005	10	21	0.005	10	21	0.010
15:00 - 16:00	10	21	0.010	10	21	0.000	10	21	0.010
16:00 - 17:00	10	21	0.010	10	21	0.000	10	21	0.010
17:00 - 18:00	10	21	0.034	10	21	0.010	10	21	0.044
18:00 - 19:00	10	21	0.010	10	21	0.000	10	21	0.010
19:00 - 20:00									
20:00 - 21:00									
21:00 - 22:00									
22:00 - 23:00									
23:00 - 24:00									
Total Rates:			0.094			0.092			0.186

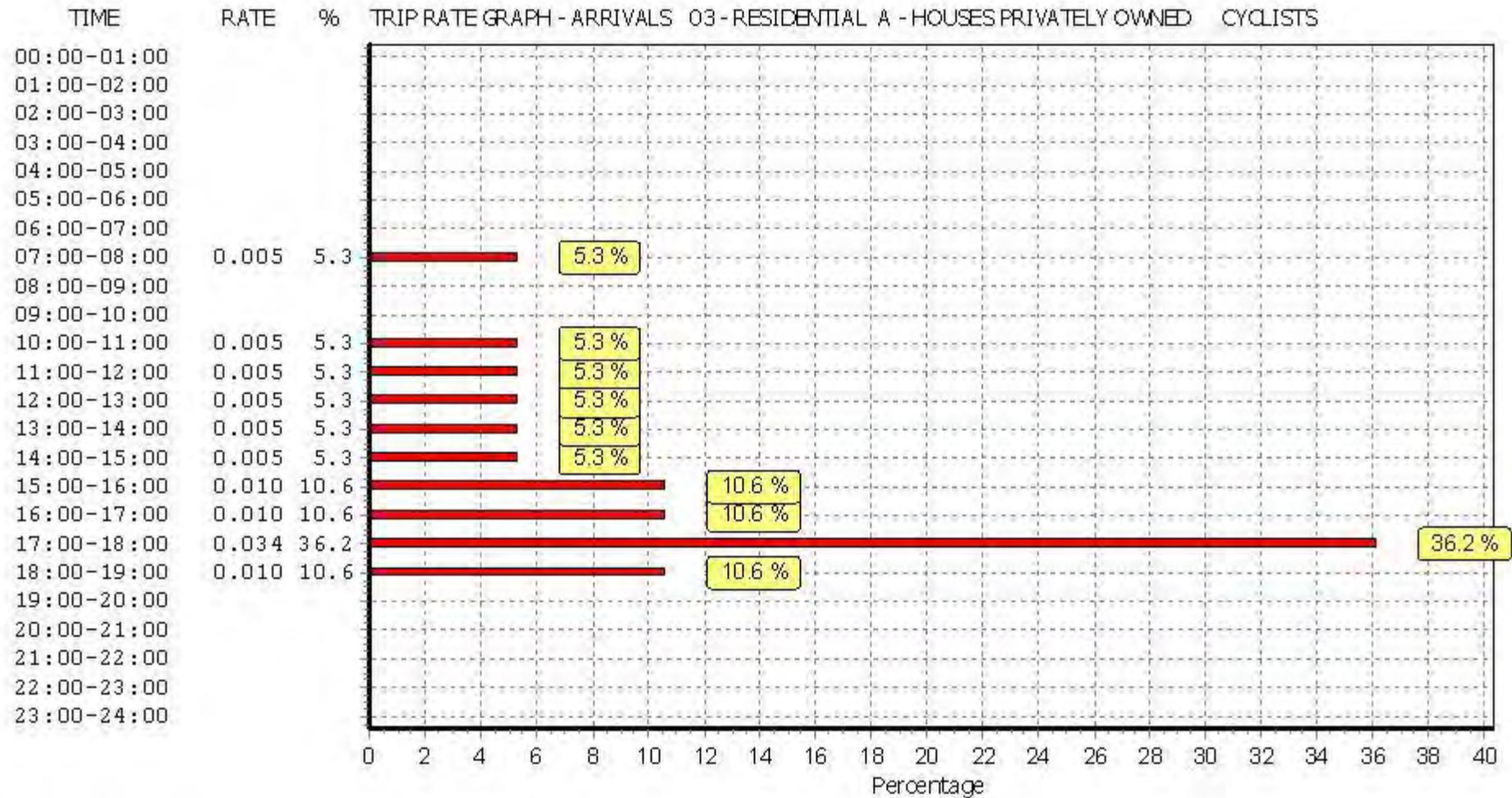
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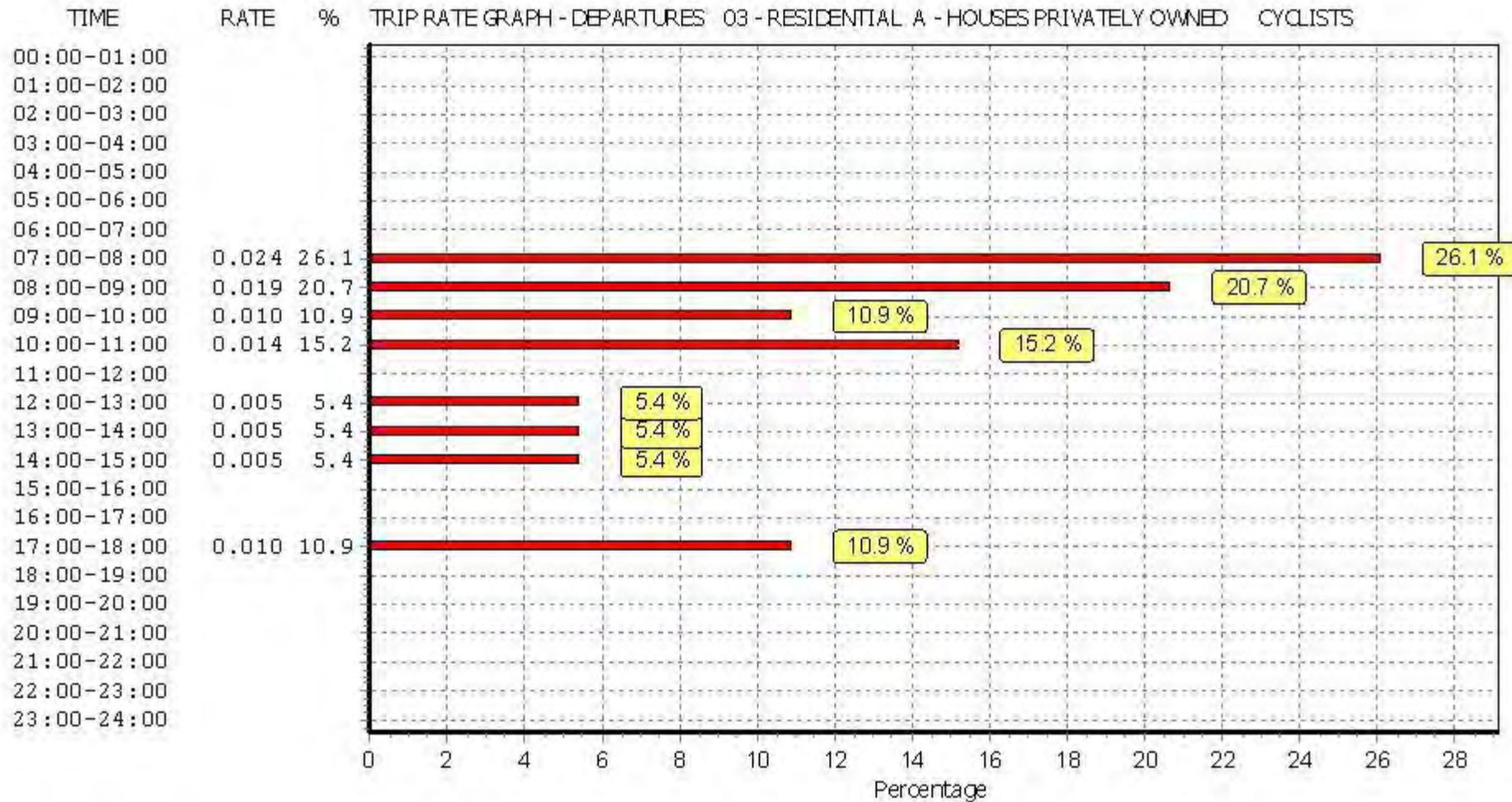
Parameter summary

Trip rate parameter range selected: 6 - 37 (units:)
 Survey date range: 01/01/08 - 12/11/15
 Number of weekdays (Monday-Friday): 10
 Number of Saturdays: 0
 Number of Sundays: 0
 Surveys automatically removed from selection: 0
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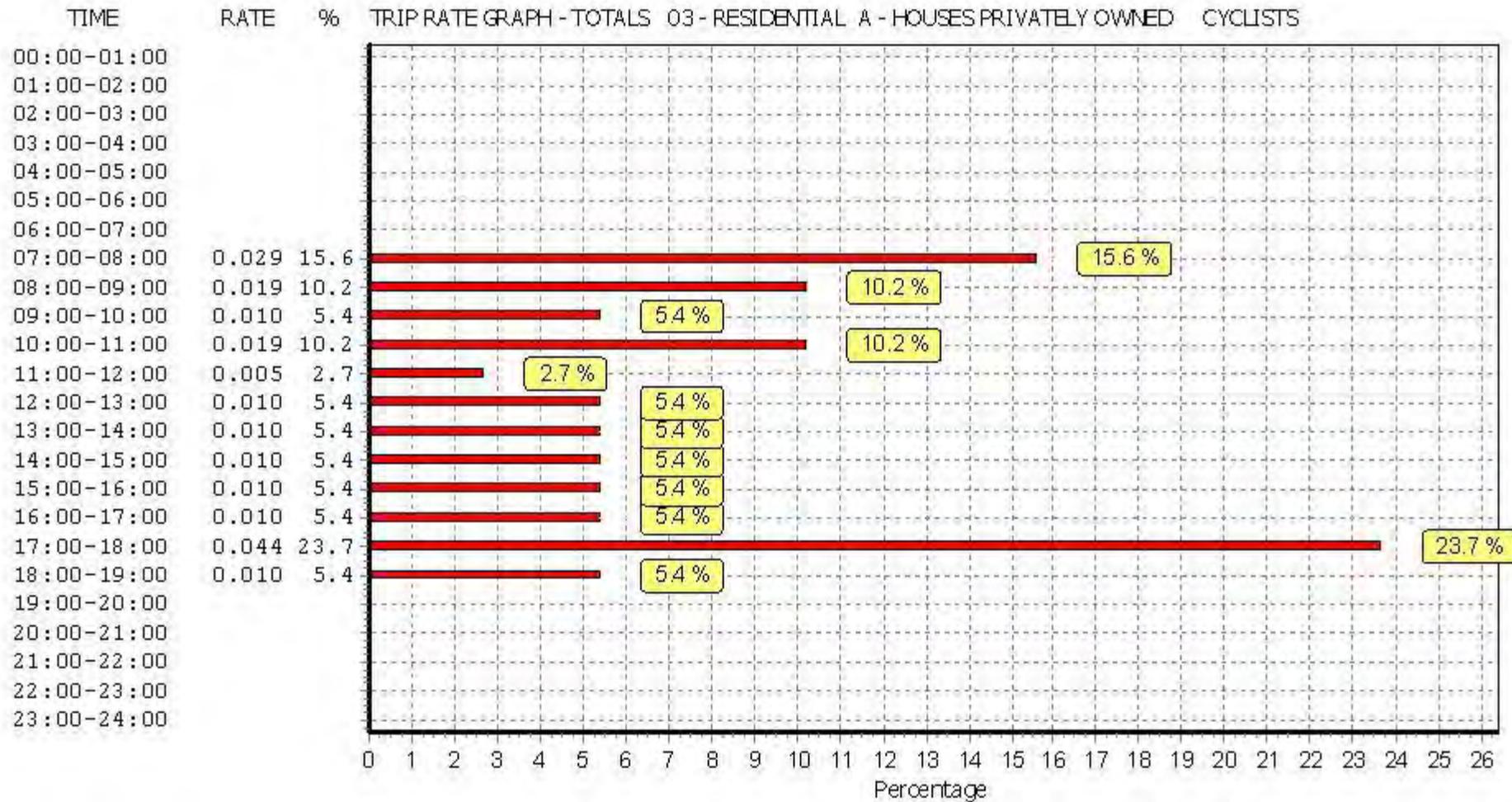
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TRIP RATE CALCULATION SELECTION PARAMETERS:

Land Use : 07 - LEISURE
Category : Q - COMMUNITY CENTRE
VEHICLES

Selected regions and areas:

02	SOUTH EAST	
	EX ESSEX	1 days
03	SOUTH WEST	
	BA BATH & NORTH EAST SOMERSET	1 days
	WL WILTSHIRE	1 days
04	EAST ANGLIA	
	CA CAMBRIDGESHIRE	1 days
06	WEST MIDLANDS	
	SH SHROPSHIRE	1 days

This section displays the number of survey days per TRICS® sub-region in the selected set

Filtering Stage 2 selection:

This data displays the chosen trip rate parameter and its selected range. Only sites that fall within the parameter range are included in the trip rate calculation.

Parameter: Gross floor area
Actual Range: 210 to 1486 (units: sqm)
Range Selected by User: 210 to 1500 (units: sqm)

Public Transport Provision:

Selection by: Include all surveys

Date Range: 01/01/06 to 24/10/13

This data displays the range of survey dates selected. Only surveys that were conducted within this date range are included in the trip rate calculation.

Selected survey days:

Monday	2 days
Tuesday	1 days
Thursday	2 days

This data displays the number of selected surveys by day of the week.

Selected survey types:

Manual count	5 days
Directional ATC Count	0 days

This data displays the number of manual classified surveys and the number of unclassified ATC surveys, the total adding up to the overall number of surveys in the selected set. Manual surveys are undertaken using staff, whilst ATC surveys are undertaken using machines.

Selected Locations:

Edge of Town Centre	1
Suburban Area (PPS6 Out of Centre)	1
Edge of Town	1
Neighbourhood Centre (PPS6 Local Centre)	2

This data displays the number of surveys per main location category within the selected set. The main location categories consist of Free Standing, Edge of Town, Suburban Area, Neighbourhood Centre, Edge of Town Centre, Town Centre and Not Known.

Selected Location Sub Categories:

Residential Zone	4
Village	1

This data displays the number of surveys per location sub-category within the selected set. The location sub-categories consist of Commercial Zone, Industrial Zone, Development Zone, Residential Zone, Retail Zone, Built-Up Zone, Village, Out of Town, High Street and No Sub Category.

Filtering Stage 3 selection:

Use Class:

D2 5 days

This data displays the number of surveys per Use Class classification within the selected set. The Use Classes Order 2005 has been used for this purpose, which can be found within the Library module of TRICS®.

Population within 1 mile:

5,001 to 10,000 3 days

20,001 to 25,000 1 days

25,001 to 50,000 1 days

This data displays the number of selected surveys within stated 1-mile radii of population.

Population within 5 miles:

5,001 to 25,000 1 days

75,001 to 100,000 1 days

100,001 to 125,000 2 days

250,001 to 500,000 1 days

This data displays the number of selected surveys within stated 5-mile radii of population.

Car ownership within 5 miles:

0.6 to 1.0 1 days

1.1 to 1.5 3 days

1.6 to 2.0 1 days

This data displays the number of selected surveys within stated ranges of average cars owned per residential dwelling, within a radius of 5-miles of selected survey sites.

Travel Plan:

No 5 days

This data displays the number of surveys within the selected set that were undertaken at sites with Travel Plans in place, and the number of surveys that were undertaken at sites without Travel Plans.

LIST OF SITES relevant to selection parameters

1	BA-07-Q-02 OFF THE A36	COMMUNITY CENTRE	BATH & NORTH EAST SOMERSET
	BATH Edge of Town Centre Residential Zone Total Gross floor area: 415 sqm Survey date: MONDAY 02/10/06 Survey Type: MANUAL		
2	CA-07-Q-01 HIGH STREET	COMMUNITY CENTRE	CAMBRIDGESHIRE
	COTTENHAM Neighbourhood Centre (PPS6 Local Centre) Village Total Gross floor area: 500 sqm Survey date: MONDAY 15/10/12 Survey Type: MANUAL		
3	EX-07-Q-01 BORDERS LANE	COMMUNITY CENTRE	ESSEX
	LOUGHTON Neighbourhood Centre (PPS6 Local Centre) Residential Zone Total Gross floor area: 352 sqm Survey date: THURSDAY 22/11/07 Survey Type: MANUAL		
4	SH-07-Q-01 SOUTHGATE SUTTON HILL TELFORD	COMMUNITY CENTRE	SHROPSHIRE
	Edge of Town Residential Zone Total Gross floor area: 1486 sqm Survey date: THURSDAY 24/10/13 Survey Type: MANUAL		
5	WL-07-Q-01 OLD COURT	COM.CENTRE	WILTSHIRE
	WOOTTON BASSETT Suburban Area (PPS6 Out of Centre) Residential Zone Total Gross floor area: 210 sqm Survey date: TUESDAY 03/10/06 Survey Type: MANUAL		

This section provides a list of all survey sites and days in the selected set. For each individual survey site, it displays a unique site reference code and site address, the selected trip rate calculation parameter and its value, the day of the week and date of each survey, and whether the survey was a manual classified count or an ATC count.

TRIP RATE for Land Use 07 - LEISURE/Q - COMMUNITY CENTRE
VEHICLES

Calculation factor: 100 sqm

BOLD print indicates peak (busiest) period

Time Range	ARRIVALS			DEPARTURES			TOTALS		
	No. Days	Ave. GFA	Trip Rate	No. Days	Ave. GFA	Trip Rate	No. Days	Ave. GFA	Trip Rate
00:00 - 01:00									
01:00 - 02:00									
02:00 - 03:00									
03:00 - 04:00									
04:00 - 05:00									
05:00 - 06:00									
06:00 - 07:00									
07:00 - 08:00									
08:00 - 09:00	5	593	0.202	5	593	0.000	5	593	0.202
09:00 - 10:00	5	593	0.945	5	593	0.371	5	593	1.316
10:00 - 11:00	5	593	0.439	5	593	0.439	5	593	0.878
11:00 - 12:00	5	593	0.574	5	593	0.810	5	593	1.384
12:00 - 13:00	5	593	0.709	5	593	1.080	5	593	1.789
13:00 - 14:00	5	593	0.540	5	593	0.607	5	593	1.147
14:00 - 15:00	5	593	0.371	5	593	0.337	5	593	0.708
15:00 - 16:00	5	593	0.979	5	593	0.709	5	593	1.688
16:00 - 17:00	5	593	0.169	5	593	0.439	5	593	0.608
17:00 - 18:00	5	593	0.506	5	593	0.574	5	593	1.080
18:00 - 19:00	5	593	1.755	5	593	0.776	5	593	2.531
19:00 - 20:00	5	593	0.742	5	593	0.607	5	593	1.349
20:00 - 21:00	5	593	0.101	5	593	0.506	5	593	0.607
21:00 - 22:00	5	593	0.236	5	593	0.945	5	593	1.181
22:00 - 23:00									
23:00 - 24:00									
Total Rates:			8.268			8.200			16.468

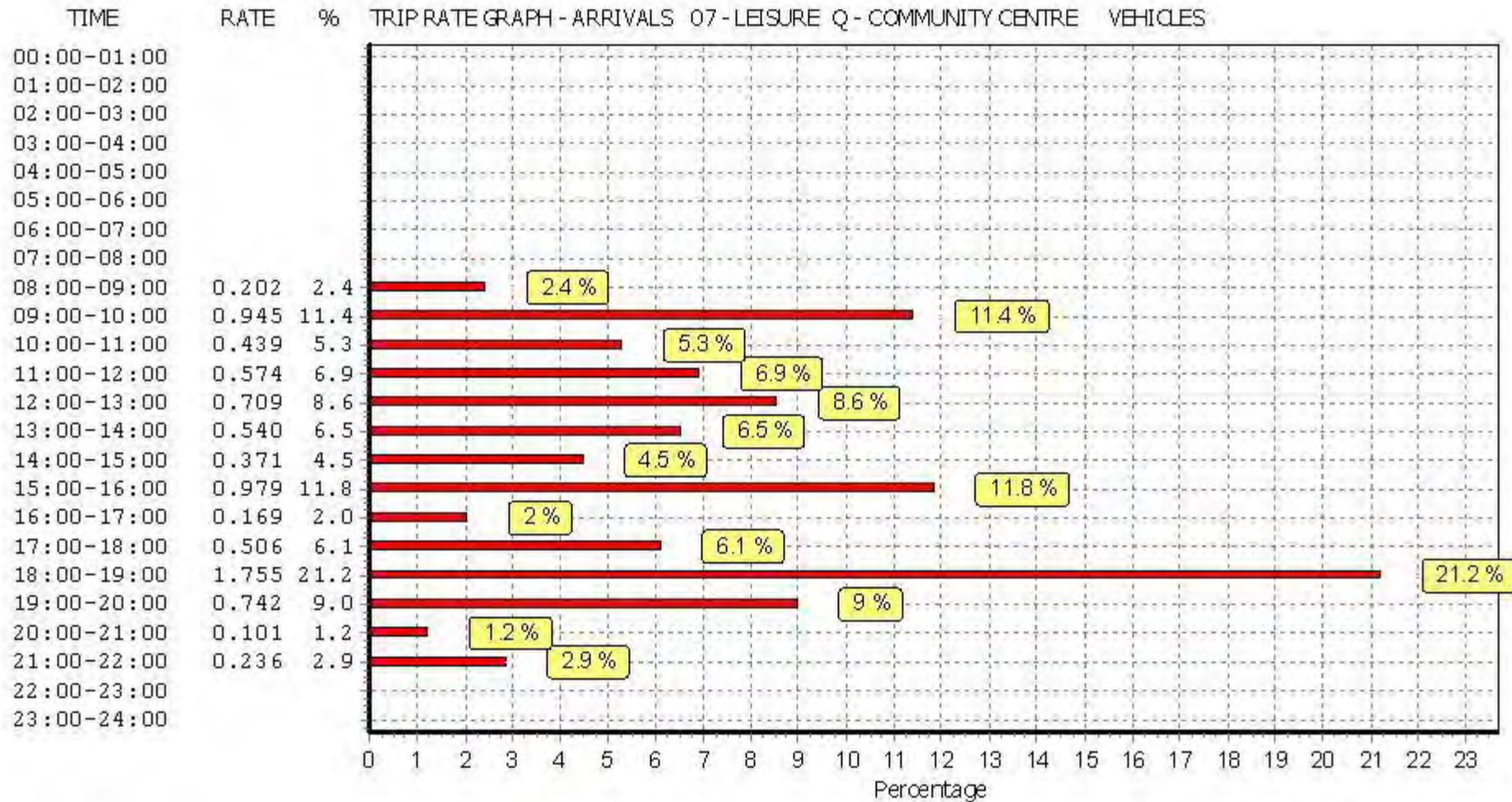
This section displays the trip rate results based on the selected set of surveys and the selected count type (shown just above the table). It is split by three main columns, representing arrivals trips, departures trips, and total trips (arrivals plus departures). Within each of these main columns are three sub-columns. These display the number of survey days where count data is included (per time period), the average value of the selected trip rate calculation parameter (per time period), and the trip rate result (per time period). Total trip rates (the sum of the column) are also displayed at the foot of the table.

To obtain a trip rate, the average (mean) trip rate parameter value (TRP) is first calculated for all selected survey days that have count data available for the stated time period. The average (mean) number of arrivals, departures or totals (whichever applies) is also calculated (COUNT) for all selected survey days that have count data available for the stated time period. Then, the average count is divided by the average trip rate parameter value, and multiplied by the stated calculation factor (shown just above the table and abbreviated here as FACT). So, the method is: $COUNT/TRP*FACT$. Trip rates are then rounded to 3 decimal places.

Parameter summary

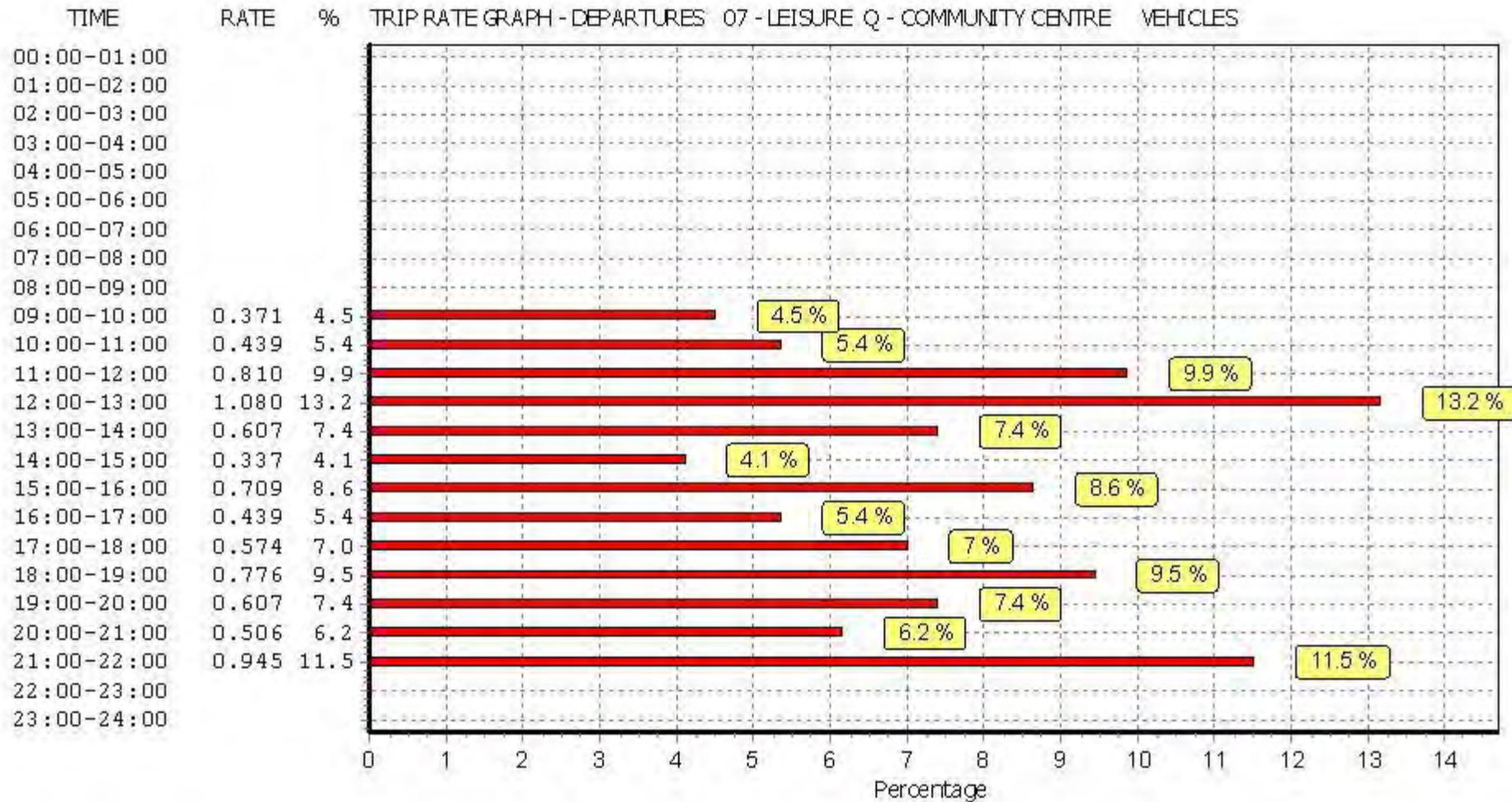
Trip rate parameter range selected: 210 - 1486 (units: sqm)
 Survey date range: 01/01/06 - 24/10/13
 Number of weekdays (Monday-Friday): 5
 Number of Saturdays: 0
 Number of Sundays: 0
 Surveys automatically removed from selection: 0
 Surveys manually removed from selection: 0

This section displays a quick summary of some of the data filtering selections made by the TRICS® user. The trip rate calculation parameter range of all selected surveys is displayed first, followed by the range of minimum and maximum survey dates selected by the user. Then, the total number of selected weekdays and weekend days in the selected set of surveys are shown. Finally, the number of survey days that have been manually removed from the selected set outside of the standard filtering procedure are displayed.

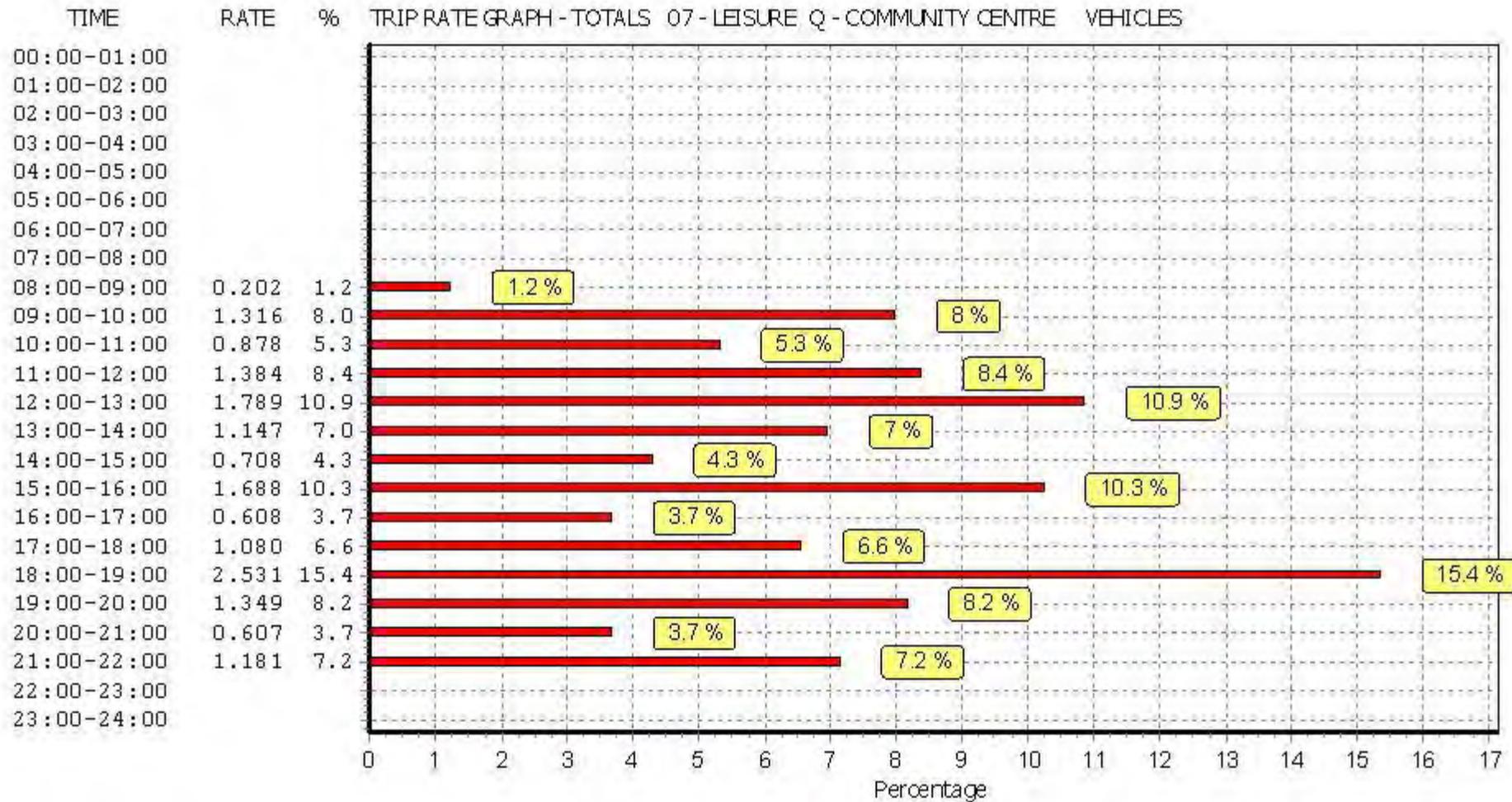


This graph is a visual representation of the trip rate calculation results screen. The same time periods and trip rates are displayed, but in addition there is an additional column showing the percentage of the total trip rate by individual time period, allowing peak periods to be easily identified through observation. Note that the type of count and the selected direction is shown at the top of the graph.

Licence No: 349901



This graph is a visual representation of the trip rate calculation results screen. The same time periods and trip rates are displayed, but in addition there is an additional column showing the percentage of the total trip rate by individual time period, allowing peak periods to be easily identified through observation. Note that the type of count and the selected direction is shown at the top of the graph.



This graph is a visual representation of the trip rate calculation results screen. The same time periods and trip rates are displayed, but in addition there is an additional column showing the percentage of the total trip rate by individual time period, allowing peak periods to be easily identified through observation. Note that the type of count and the selected direction is shown at the top of the graph.

TRIP RATE for Land Use 07 - LEISURE/Q - COMMUNITY CENTRE
TAXIS

Calculation factor: 100 sqm

BOLD print indicates peak (busiest) period

Time Range	ARRIVALS			DEPARTURES			TOTALS		
	No. Days	Ave. GFA	Trip Rate	No. Days	Ave. GFA	Trip Rate	No. Days	Ave. GFA	Trip Rate
00:00 - 01:00									
01:00 - 02:00									
02:00 - 03:00									
03:00 - 04:00									
04:00 - 05:00									
05:00 - 06:00									
06:00 - 07:00									
07:00 - 08:00									
08:00 - 09:00	5	593	0.000	5	593	0.000	5	593	0.000
09:00 - 10:00	5	593	0.000	5	593	0.000	5	593	0.000
10:00 - 11:00	5	593	0.000	5	593	0.000	5	593	0.000
11:00 - 12:00	5	593	0.000	5	593	0.000	5	593	0.000
12:00 - 13:00	5	593	0.000	5	593	0.000	5	593	0.000
13:00 - 14:00	5	593	0.034	5	593	0.000	5	593	0.034
14:00 - 15:00	5	593	0.000	5	593	0.034	5	593	0.034
15:00 - 16:00	5	593	0.000	5	593	0.000	5	593	0.000
16:00 - 17:00	5	593	0.000	5	593	0.000	5	593	0.000
17:00 - 18:00	5	593	0.000	5	593	0.000	5	593	0.000
18:00 - 19:00	5	593	0.135	5	593	0.135	5	593	0.270
19:00 - 20:00	5	593	0.034	5	593	0.034	5	593	0.068
20:00 - 21:00	5	593	0.101	5	593	0.000	5	593	0.101
21:00 - 22:00	5	593	0.067	5	593	0.169	5	593	0.236
22:00 - 23:00									
23:00 - 24:00									
Total Rates:			0.371			0.372			0.743

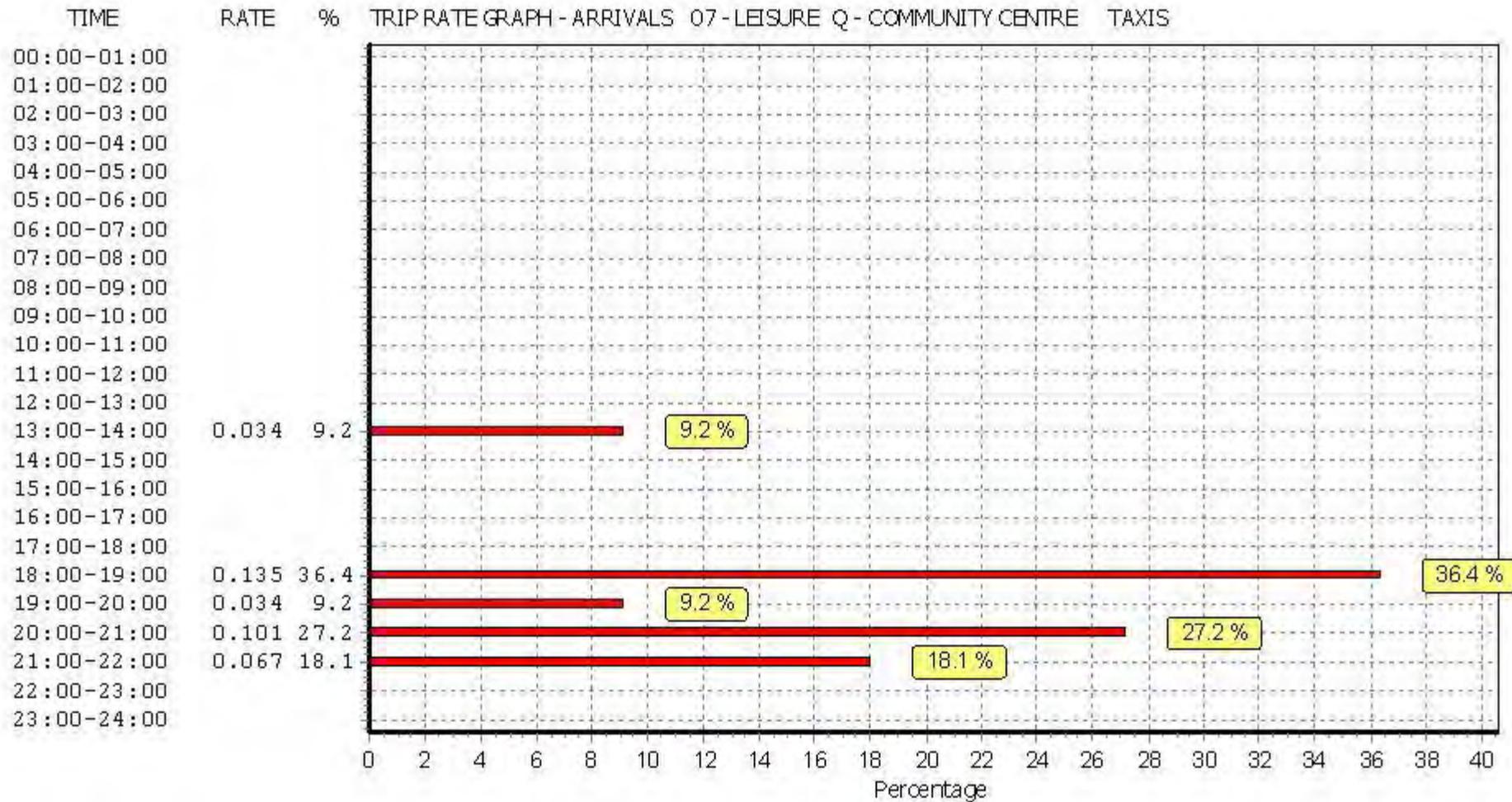
This section displays the trip rate results based on the selected set of surveys and the selected count type (shown just above the table). It is split by three main columns, representing arrivals trips, departures trips, and total trips (arrivals plus departures). Within each of these main columns are three sub-columns. These display the number of survey days where count data is included (per time period), the average value of the selected trip rate calculation parameter (per time period), and the trip rate result (per time period). Total trip rates (the sum of the column) are also displayed at the foot of the table.

To obtain a trip rate, the average (mean) trip rate parameter value (TRP) is first calculated for all selected survey days that have count data available for the stated time period. The average (mean) number of arrivals, departures or totals (whichever applies) is also calculated (COUNT) for all selected survey days that have count data available for the stated time period. Then, the average count is divided by the average trip rate parameter value, and multiplied by the stated calculation factor (shown just above the table and abbreviated here as FACT). So, the method is: $COUNT/TRP*FACT$. Trip rates are then rounded to 3 decimal places.

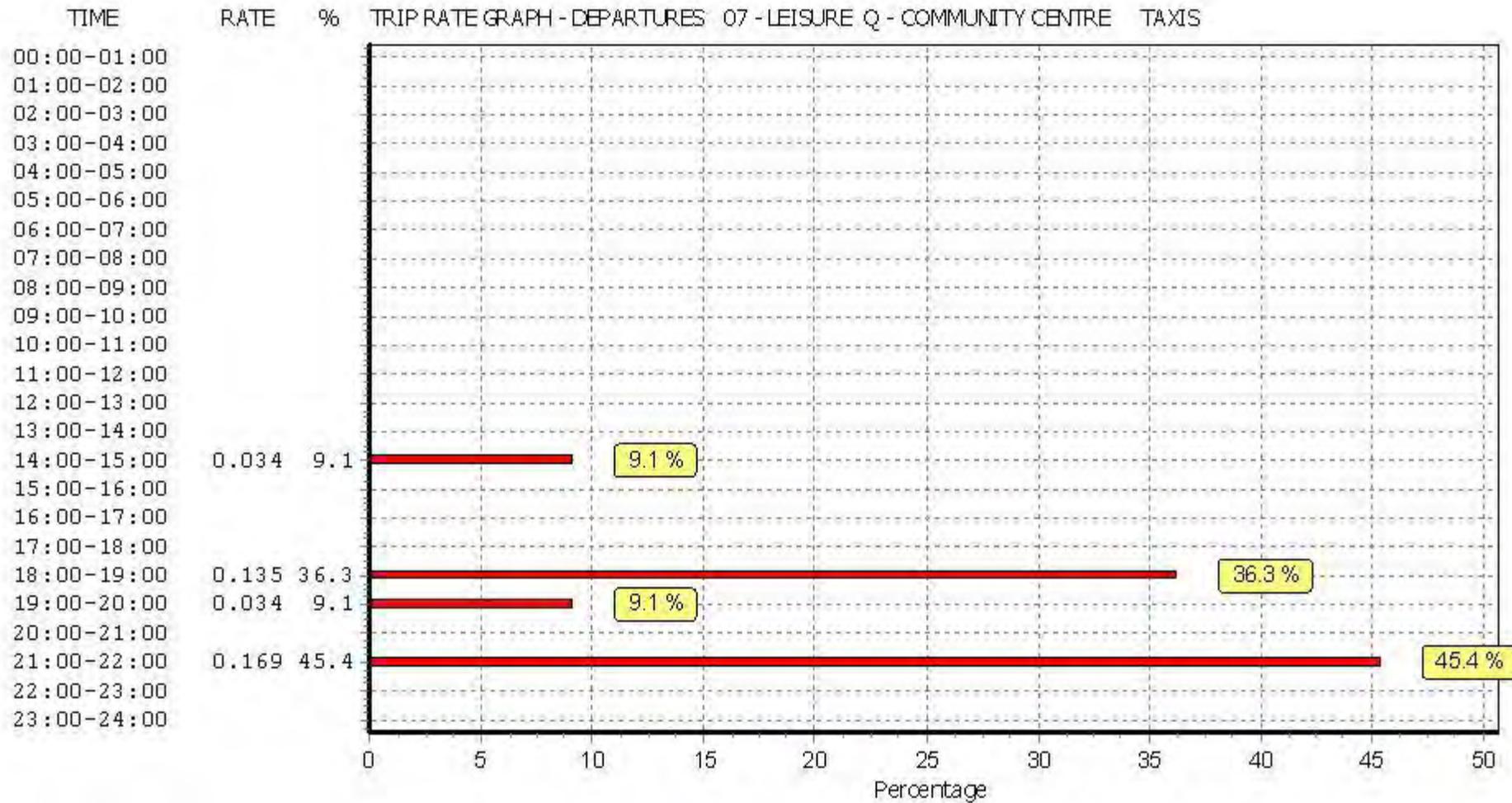
Parameter summary

Trip rate parameter range selected: 210 - 1486 (units: sqm)
 Survey date range: 01/01/06 - 24/10/13
 Number of weekdays (Monday-Friday): 5
 Number of Saturdays: 0
 Number of Sundays: 0
 Surveys automatically removed from selection: 0
 Surveys manually removed from selection: 0

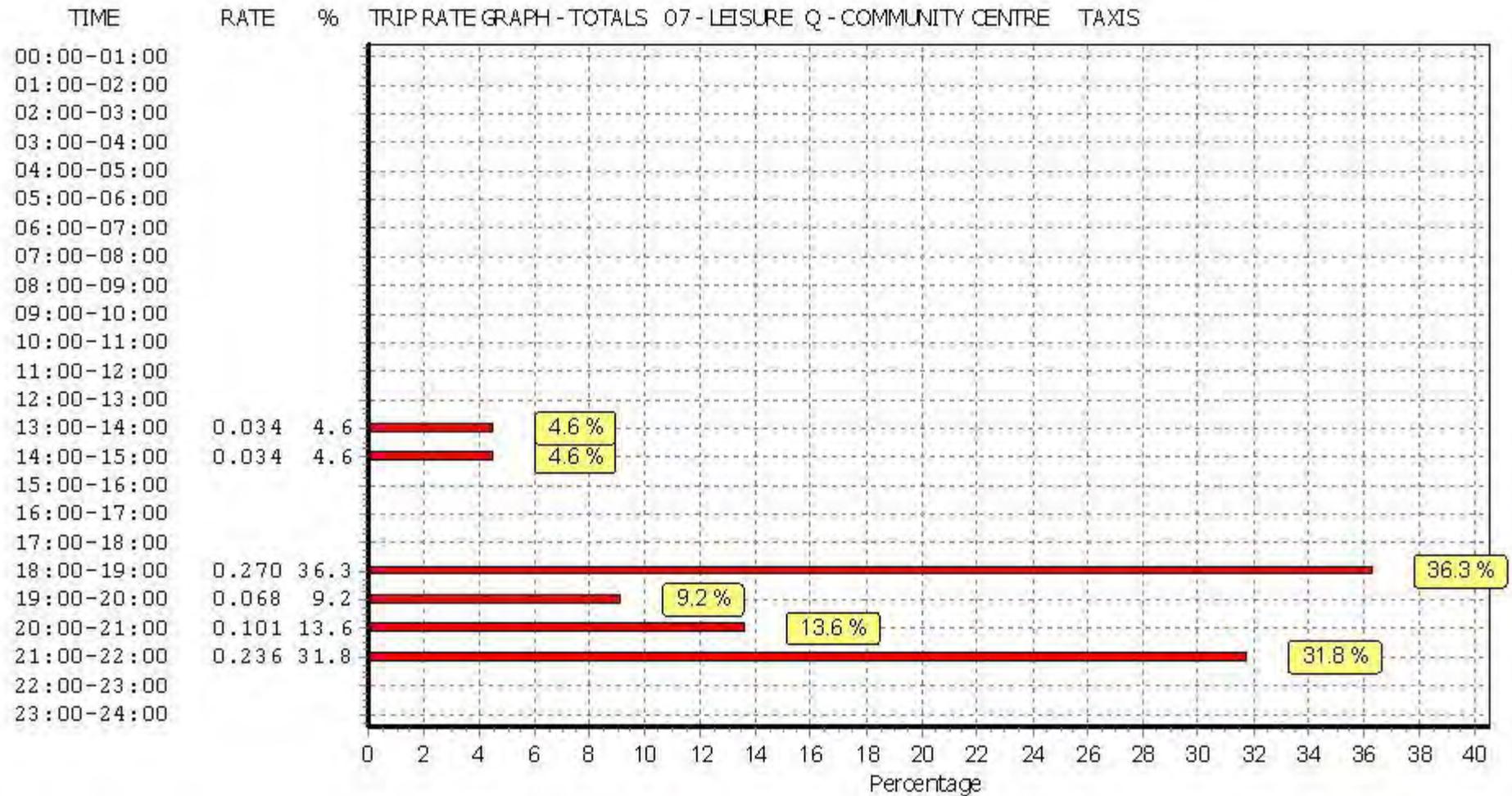
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This graph is a visual representation of the trip rate calculation results screen. The same time periods and trip rates are displayed, but in addition there is an additional column showing the percentage of the total trip rate by individual time period, allowing peak periods to be easily identified through observation. Note that the type of count and the selected direction is shown at the top of the graph.



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TRIP RATE for Land Use 07 - LEISURE/Q - COMMUNITY CENTRE
OGVS

Calculation factor: 100 sqm

BOLD print indicates peak (busiest) period

Time Range	ARRIVALS			DEPARTURES			TOTALS		
	No. Days	Ave. GFA	Trip Rate	No. Days	Ave. GFA	Trip Rate	No. Days	Ave. GFA	Trip Rate
00:00 - 01:00									
01:00 - 02:00									
02:00 - 03:00									
03:00 - 04:00									
04:00 - 05:00									
05:00 - 06:00									
06:00 - 07:00									
07:00 - 08:00									
08:00 - 09:00	5	593	0.000	5	593	0.000	5	593	0.000
09:00 - 10:00	5	593	0.000	5	593	0.000	5	593	0.000
10:00 - 11:00	5	593	0.034	5	593	0.034	5	593	0.068
11:00 - 12:00	5	593	0.000	5	593	0.000	5	593	0.000
12:00 - 13:00	5	593	0.000	5	593	0.000	5	593	0.000
13:00 - 14:00	5	593	0.000	5	593	0.000	5	593	0.000
14:00 - 15:00	5	593	0.000	5	593	0.000	5	593	0.000
15:00 - 16:00	5	593	0.000	5	593	0.000	5	593	0.000
16:00 - 17:00	5	593	0.000	5	593	0.000	5	593	0.000
17:00 - 18:00	5	593	0.000	5	593	0.000	5	593	0.000
18:00 - 19:00	5	593	0.000	5	593	0.000	5	593	0.000
19:00 - 20:00	5	593	0.000	5	593	0.000	5	593	0.000
20:00 - 21:00	5	593	0.000	5	593	0.000	5	593	0.000
21:00 - 22:00	5	593	0.000	5	593	0.000	5	593	0.000
22:00 - 23:00									
23:00 - 24:00									
Total Rates:			0.034			0.034			0.068

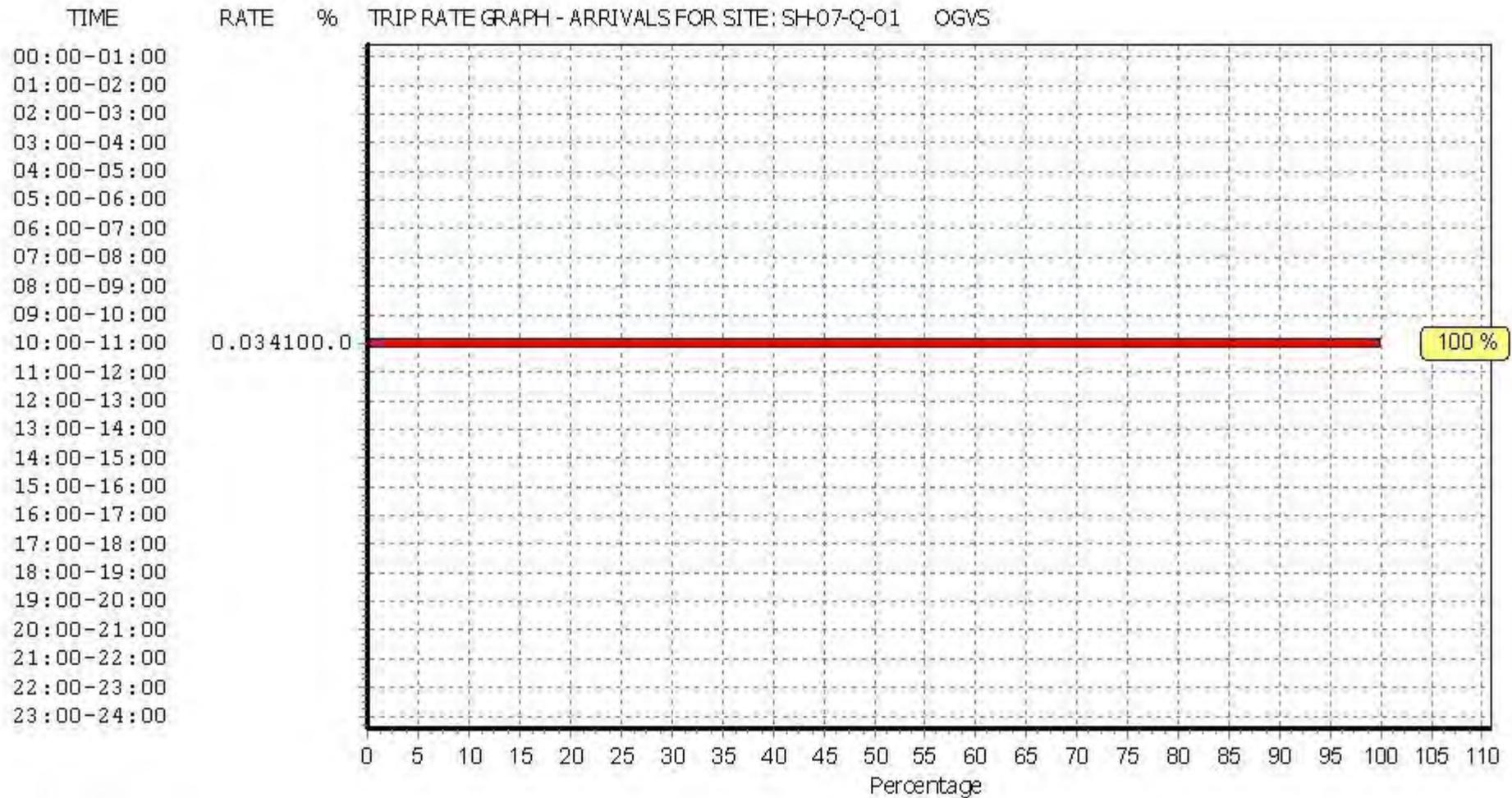
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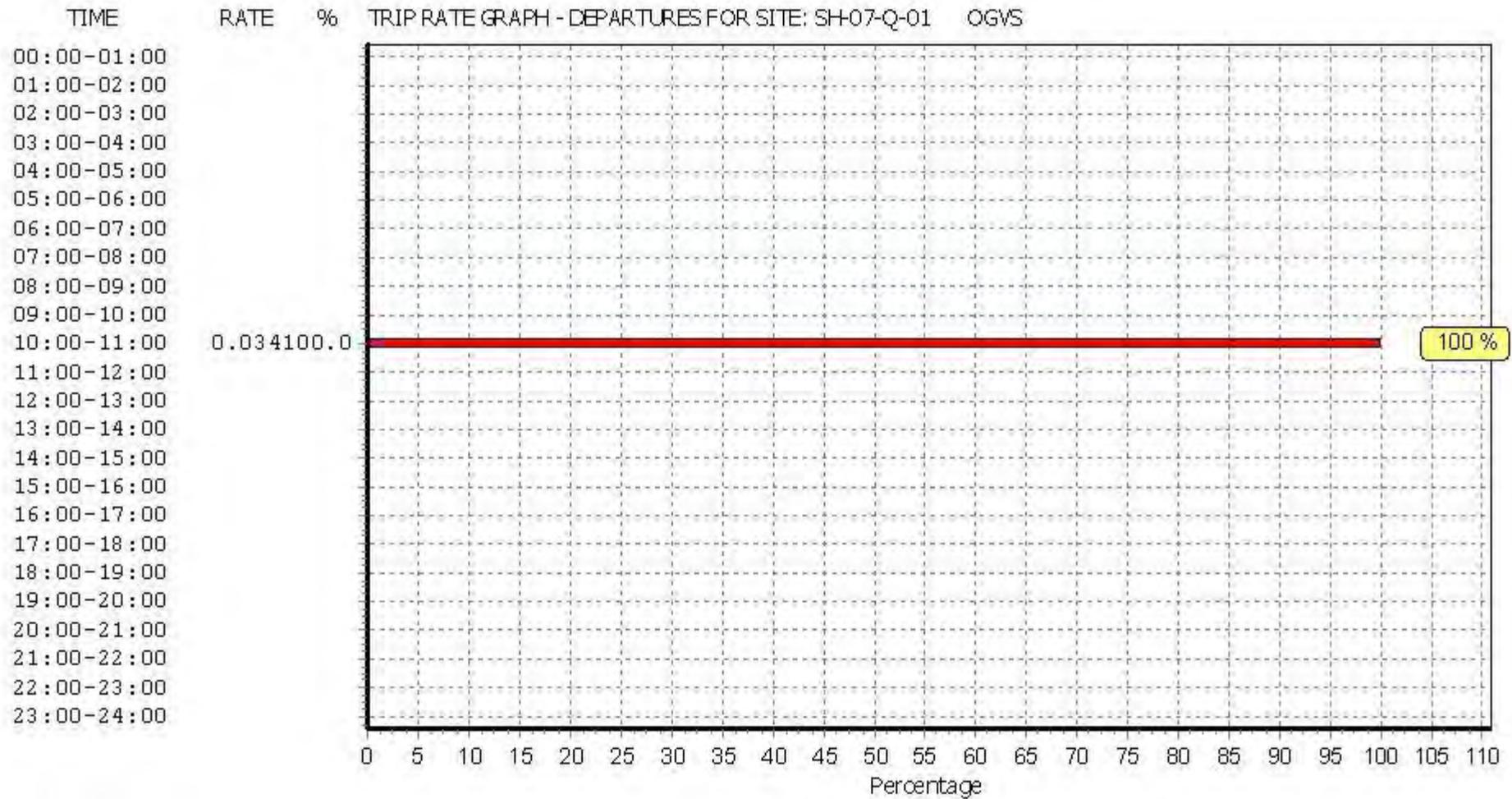
Parameter summary

Trip rate parameter range selected: 210 - 1486 (units: sqm)
 Survey date range: 01/01/06 - 24/10/13
 Number of weekdays (Monday-Friday): 5
 Number of Saturdays: 0
 Number of Sundays: 0
 Surveys automatically removed from selection: 0
 Surveys manually removed from selection: 0

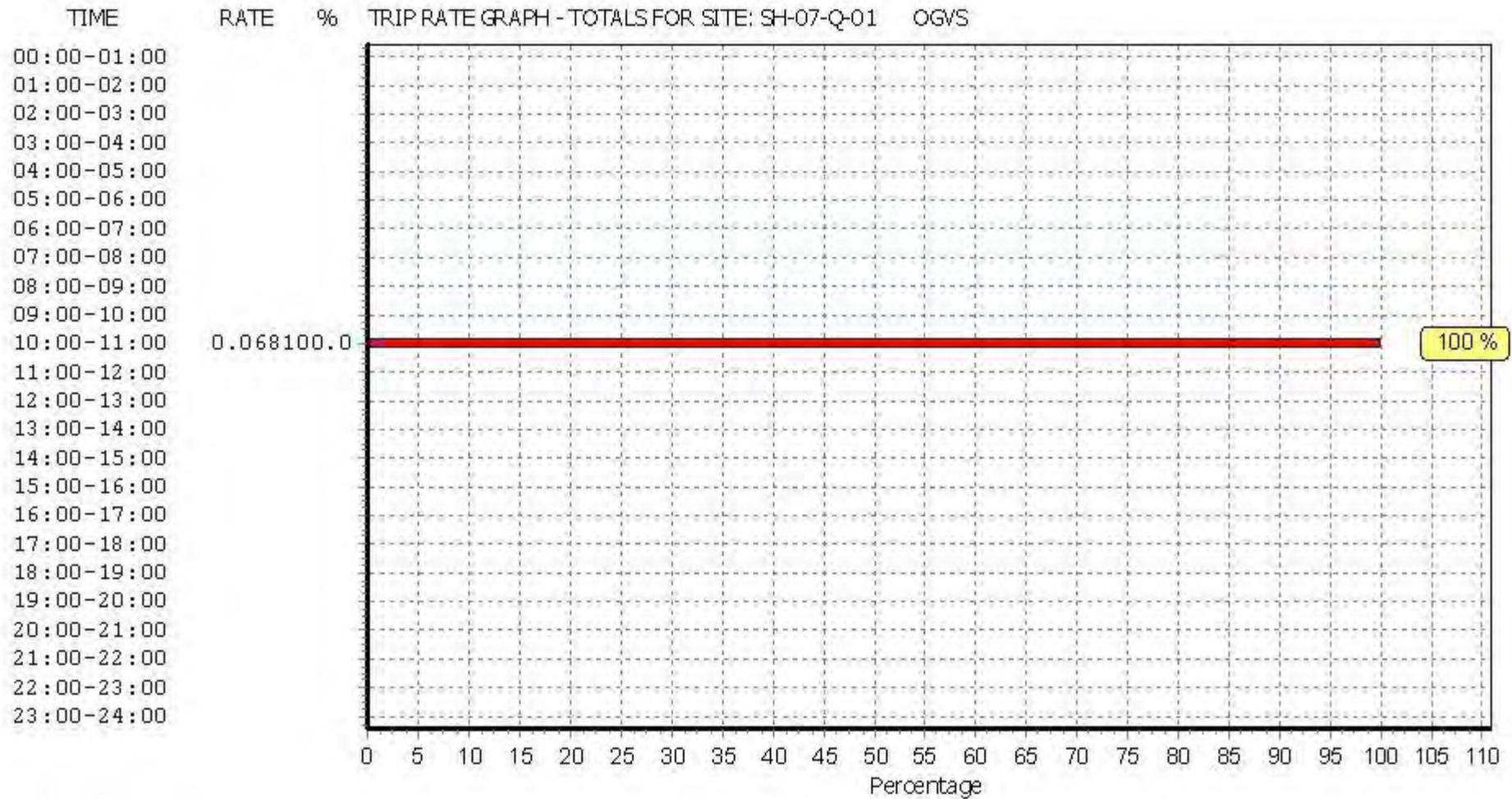
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TRIP RATE for Land Use 07 - LEISURE/Q - COMMUNITY CENTRE
PSVS

Calculation factor: 100 sqm

BOLD print indicates peak (busiest) period

Time Range	ARRIVALS			DEPARTURES			TOTALS		
	No. Days	Ave. GFA	Trip Rate	No. Days	Ave. GFA	Trip Rate	No. Days	Ave. GFA	Trip Rate
00:00 - 01:00									
01:00 - 02:00									
02:00 - 03:00									
03:00 - 04:00									
04:00 - 05:00									
05:00 - 06:00									
06:00 - 07:00									
07:00 - 08:00									
08:00 - 09:00	5	593	0.000	5	593	0.000	5	593	0.000
09:00 - 10:00	5	593	0.000	5	593	0.000	5	593	0.000
10:00 - 11:00	5	593	0.000	5	593	0.000	5	593	0.000
11:00 - 12:00	5	593	0.000	5	593	0.000	5	593	0.000
12:00 - 13:00	5	593	0.000	5	593	0.000	5	593	0.000
13:00 - 14:00	5	593	0.000	5	593	0.000	5	593	0.000
14:00 - 15:00	5	593	0.000	5	593	0.000	5	593	0.000
15:00 - 16:00	5	593	0.000	5	593	0.000	5	593	0.000
16:00 - 17:00	5	593	0.000	5	593	0.000	5	593	0.000
17:00 - 18:00	5	593	0.000	5	593	0.000	5	593	0.000
18:00 - 19:00	5	593	0.000	5	593	0.000	5	593	0.000
19:00 - 20:00	5	593	0.000	5	593	0.000	5	593	0.000
20:00 - 21:00	5	593	0.000	5	593	0.000	5	593	0.000
21:00 - 22:00	5	593	0.000	5	593	0.000	5	593	0.000
22:00 - 23:00									
23:00 - 24:00									
Total Rates:			0.000			0.000			0.000

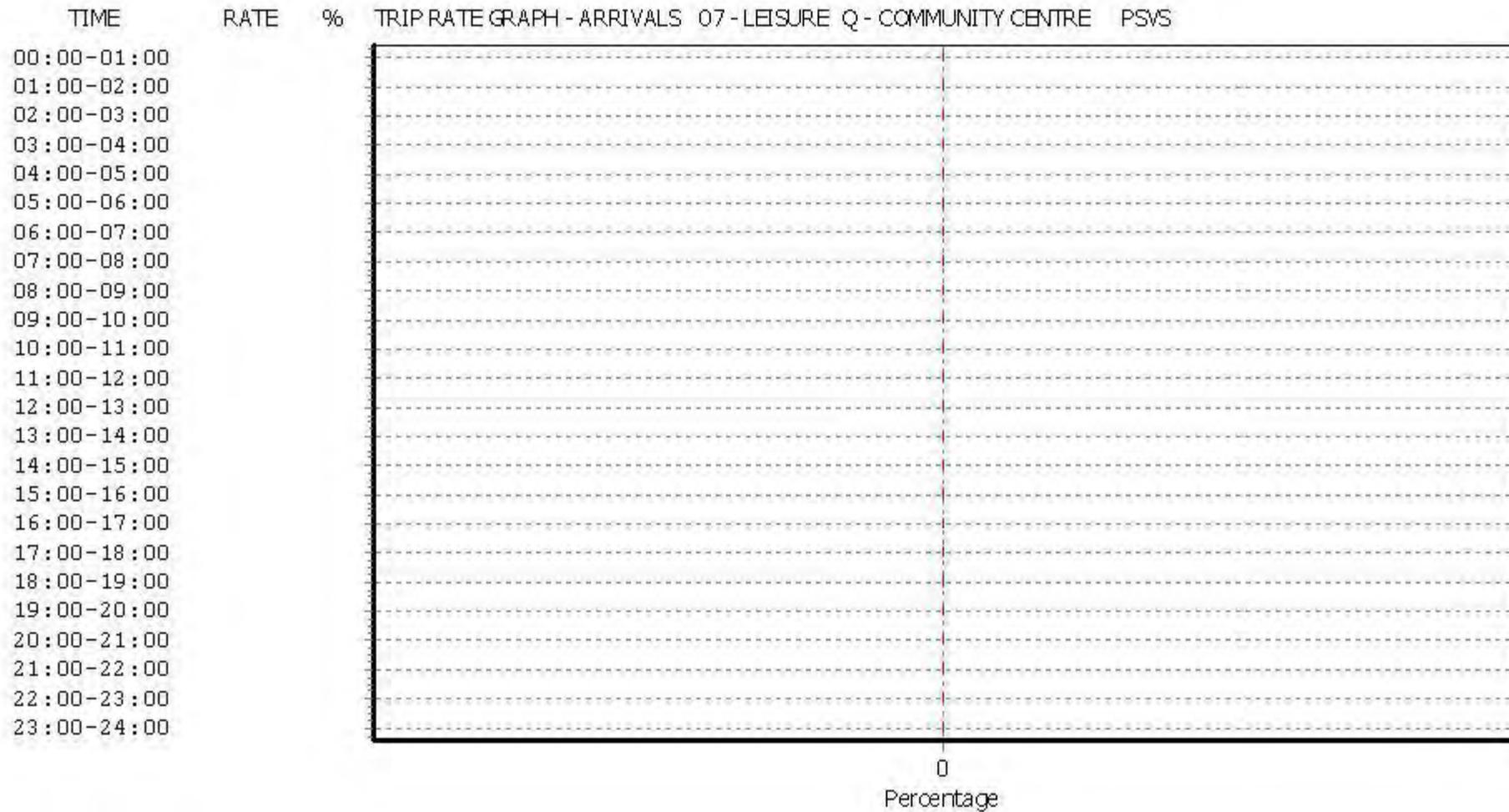
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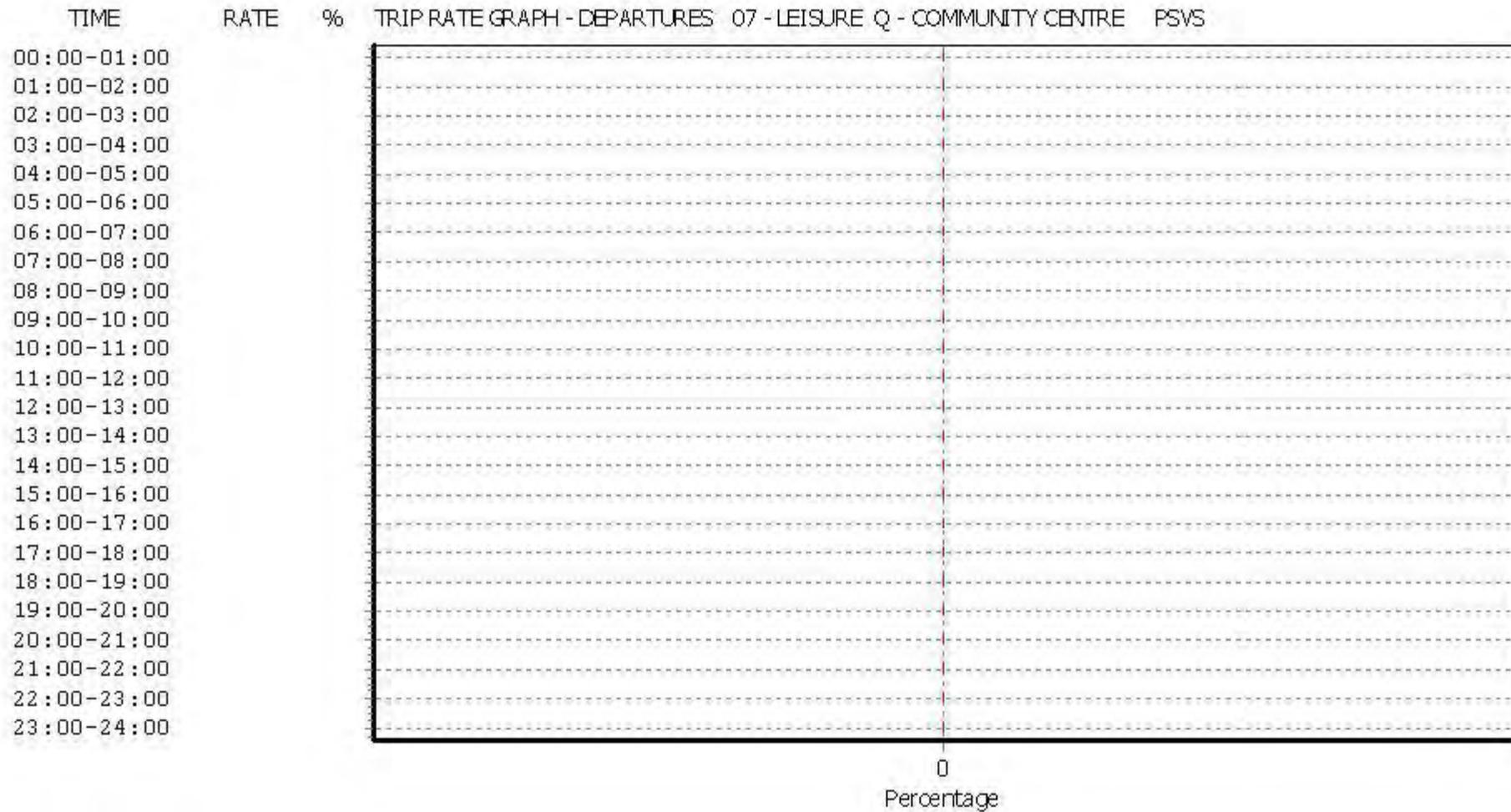
Parameter summary

Trip rate parameter range selected: 210 - 1486 (units: sqm)
 Survey date range: 01/01/06 - 24/10/13
 Number of weekdays (Monday-Friday): 5
 Number of Saturdays: 0
 Number of Sundays: 0
 Surveys automatically removed from selection: 0
 Surveys manually removed from selection: 0

This section displays a quick summary of some of the data filtering selections made by the TRICS® user. The trip rate calculation parameter range of all selected surveys is displayed first, followed by the range of minimum and maximum survey dates selected by the user. Then, the total number of selected weekdays and weekend days in the selected set of surveys are shown. Finally, the number of survey days that have been manually removed from the selected set outside of the standard filtering procedure are displayed.

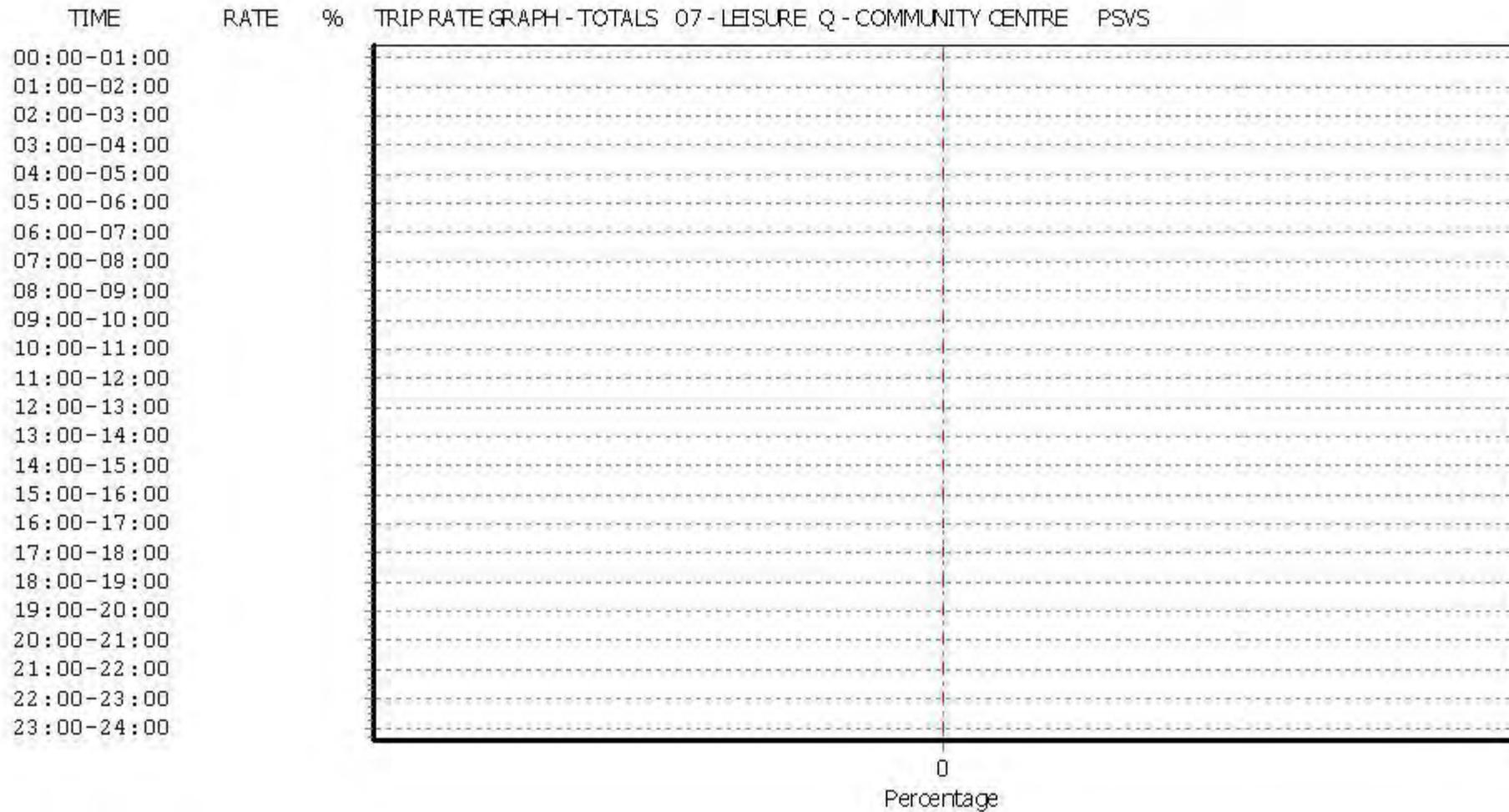


This graph is a visual representation of the trip rate calculation results screen. The same time periods and trip rates are displayed, but in addition there is an additional column showing the percentage of the total trip rate by individual time period, allowing peak periods to be easily identified through observation. Note that the type of count and the selected direction is shown at the top of the graph.



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Licence No: 349901



This graph is a visual representation of the trip rate calculation results screen. The same time periods and trip rates are displayed, but in addition there is an additional column showing the percentage of the total trip rate by individual time period, allowing peak periods to be easily identified through observation. Note that the type of count and the selected direction is shown at the top of the graph.

TRIP RATE for Land Use 07 - LEISURE/Q - COMMUNITY CENTRE
CYCLISTS

Calculation factor: 100 sqm

BOLD print indicates peak (busiest) period

Time Range	ARRIVALS			DEPARTURES			TOTALS		
	No. Days	Ave. GFA	Trip Rate	No. Days	Ave. GFA	Trip Rate	No. Days	Ave. GFA	Trip Rate
00:00 - 01:00									
01:00 - 02:00									
02:00 - 03:00									
03:00 - 04:00									
04:00 - 05:00									
05:00 - 06:00									
06:00 - 07:00									
07:00 - 08:00									
08:00 - 09:00	5	593	0.000	5	593	0.000	5	593	0.000
09:00 - 10:00	5	593	0.000	5	593	0.000	5	593	0.000
10:00 - 11:00	5	593	0.000	5	593	0.000	5	593	0.000
11:00 - 12:00	5	593	0.034	5	593	0.034	5	593	0.068
12:00 - 13:00	5	593	0.000	5	593	0.000	5	593	0.000
13:00 - 14:00	5	593	0.000	5	593	0.000	5	593	0.000
14:00 - 15:00	5	593	0.000	5	593	0.000	5	593	0.000
15:00 - 16:00	5	593	0.034	5	593	0.034	5	593	0.068
16:00 - 17:00	5	593	0.000	5	593	0.000	5	593	0.000
17:00 - 18:00	5	593	0.000	5	593	0.000	5	593	0.000
18:00 - 19:00	5	593	0.000	5	593	0.000	5	593	0.000
19:00 - 20:00	5	593	0.067	5	593	0.000	5	593	0.067
20:00 - 21:00	5	593	0.000	5	593	0.067	5	593	0.067
21:00 - 22:00	5	593	0.000	5	593	0.000	5	593	0.000
22:00 - 23:00									
23:00 - 24:00									
Total Rates:			0.135			0.135			0.270

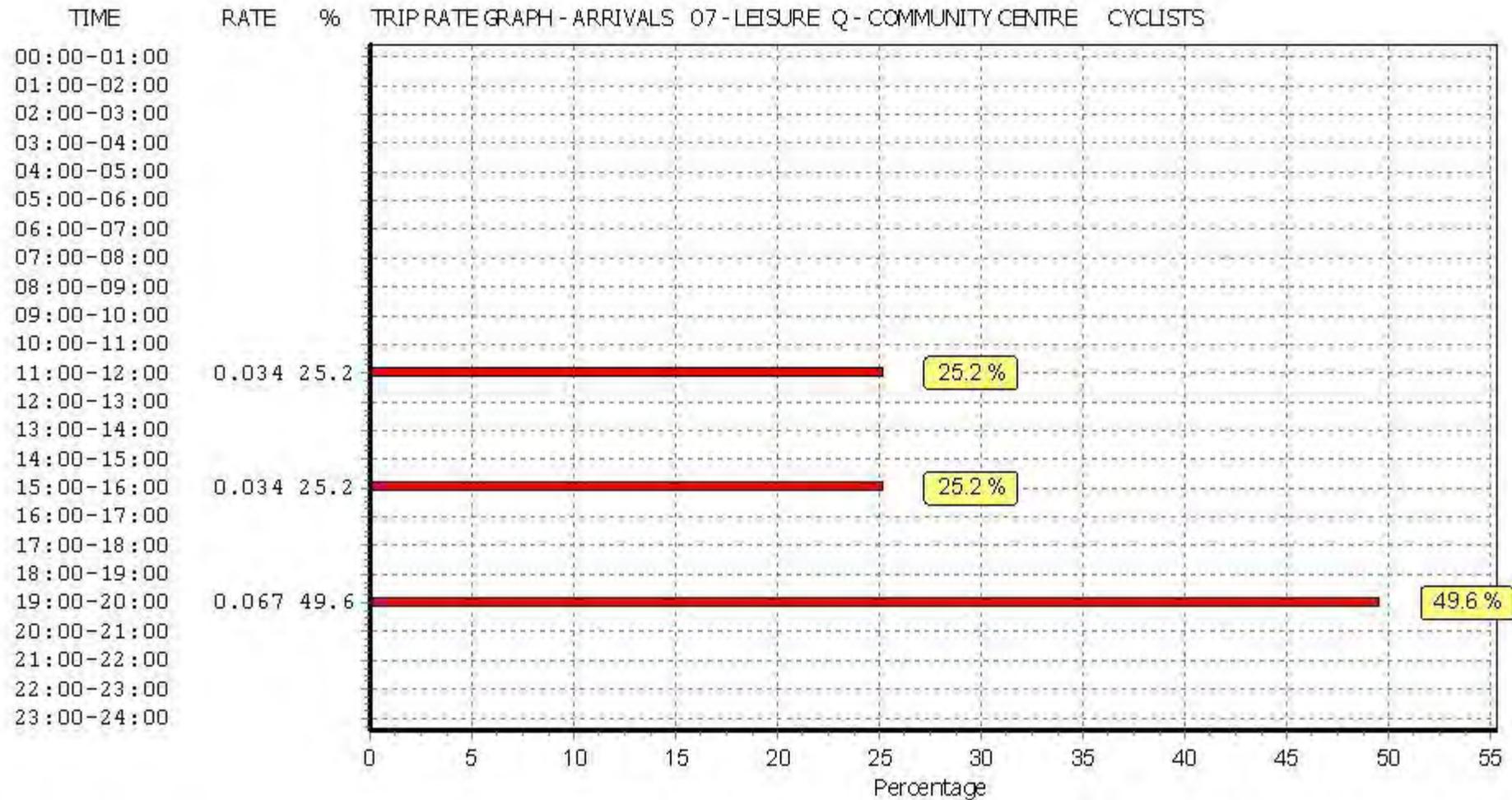
This section displays the trip rate results based on the selected set of surveys and the selected count type (shown just above the table). It is split by three main columns, representing arrivals trips, departures trips, and total trips (arrivals plus departures). Within each of these main columns are three sub-columns. These display the number of survey days where count data is included (per time period), the average value of the selected trip rate calculation parameter (per time period), and the trip rate result (per time period). Total trip rates (the sum of the column) are also displayed at the foot of the table.

To obtain a trip rate, the average (mean) trip rate parameter value (TRP) is first calculated for all selected survey days that have count data available for the stated time period. The average (mean) number of arrivals, departures or totals (whichever applies) is also calculated (COUNT) for all selected survey days that have count data available for the stated time period. Then, the average count is divided by the average trip rate parameter value, and multiplied by the stated calculation factor (shown just above the table and abbreviated here as FACT). So, the method is: $COUNT/TRP*FACT$. Trip rates are then rounded to 3 decimal places.

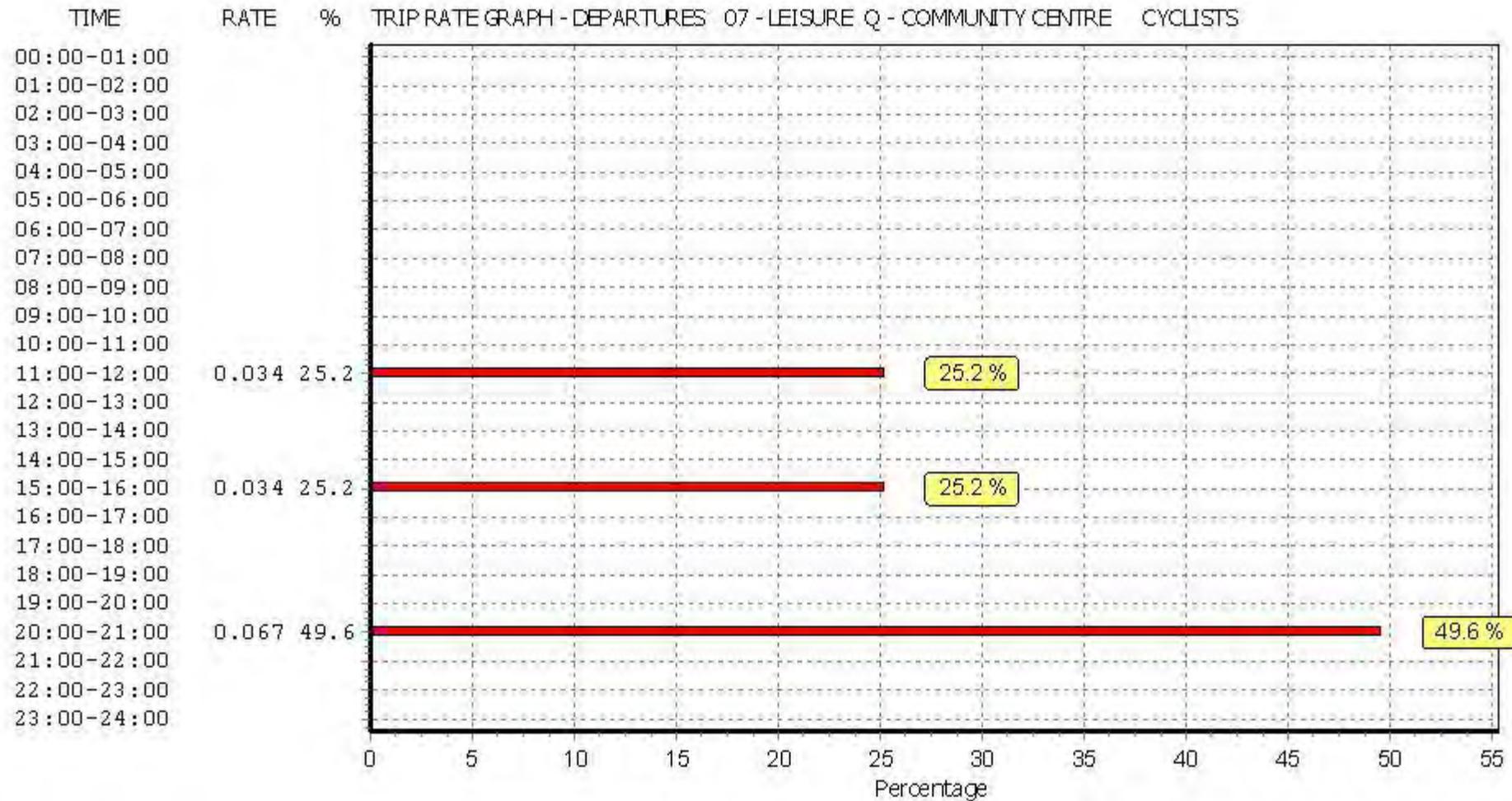
Parameter summary

Trip rate parameter range selected: 210 - 1486 (units: sqm)
 Survey date range: 01/01/06 - 24/10/13
 Number of weekdays (Monday-Friday): 5
 Number of Saturdays: 0
 Number of Sundays: 0
 Surveys automatically removed from selection: 0
 Surveys manually removed from selection: 0

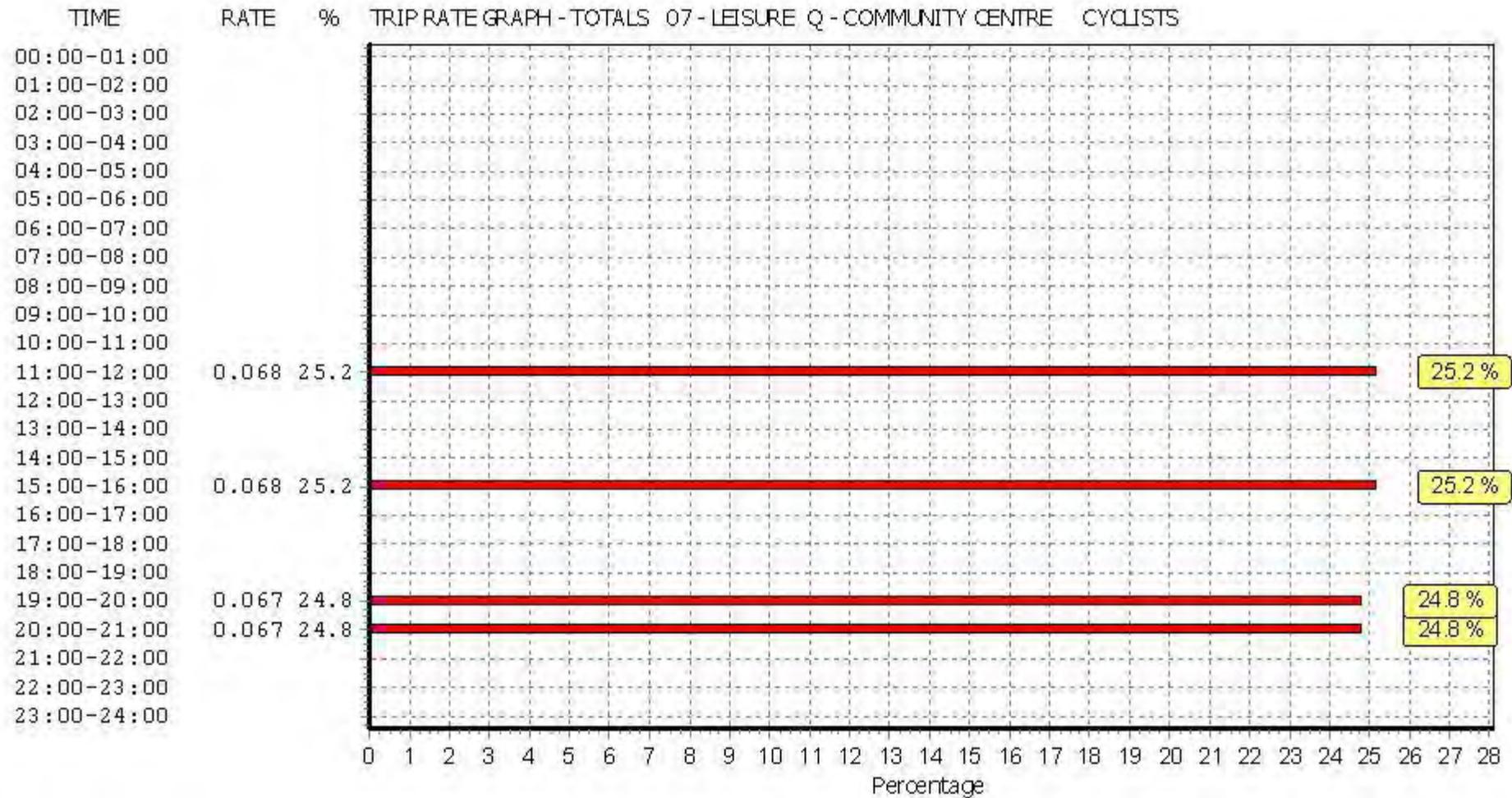
This section displays a quick summary of some of the data filtering selections made by the TRICS® user. The trip rate calculation parameter range of all selected surveys is displayed first, followed by the range of minimum and maximum survey dates selected by the user. Then, the total number of selected weekdays and weekend days in the selected set of surveys are shown. Finally, the number of survey days that have been manually removed from the selected set outside of the standard filtering procedure are displayed.



This graph is a visual representation of the trip rate calculation results screen. The same time periods and trip rates are displayed, but in addition there is an additional column showing the percentage of the total trip rate by individual time period, allowing peak periods to be easily identified through observation. Note that the type of count and the selected direction is shown at the top of the graph.



This graph is a visual representation of the trip rate calculation results screen. The same time periods and trip rates are displayed, but in addition there is an additional column showing the percentage of the total trip rate by individual time period, allowing peak periods to be easily identified through observation. Note that the type of count and the selected direction is shown at the top of the graph.



This graph is a visual representation of the trip rate calculation results screen. The same time periods and trip rates are displayed, but in addition there is an additional column showing the percentage of the total trip rate by individual time period, allowing peak periods to be easily identified through observation. Note that the type of count and the selected direction is shown at the top of the graph.

Appendix D

Stage 1 Road Safety Audit & Designer's Response

**Land at Jeffrey's Farm
Sugar Lane
Horsted Keynes
West Sussex**

Residential Development – Proposed Access & Informal Crossing

STAGE 1 ROAD SAFETY AUDIT

Report No. EC/2016/09/GTA4

September 2016



Prepared by:

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Date: 28 September 2016

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Position: Principal Engineer
Date: 29 September 2016

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DISTRIBUTION

Issue No.	Issued To	Date Issued
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CONTENTS

	Page
1. INTRODUCTION	2
1.1 General	2
1.2 Purpose of Scheme	3
2. PROBLEMS IDENTIFIED IN PREVIOUS ROAD SAFETY AUDITS	4
3. PROBLEMS IDENTIFIED AT THIS STAGE 1 ROAD SAFETY AUDIT	5 - 9
3.1 General	5
3.2 Local Alignment	6
3.3 Junctions	7
3.4 Non-Motorised User Provision	8
3.5 Road Signs, Carriageway Markings & Street Lighting	9
4. AUDIT TEAM STATEMENT	10

APPENDICES

A. List of documents and plans considered during this Stage 1 Road Safety Audit	11
B. Location of problems identified at this Stage 1 Road Safety Audit	12

1. INTRODUCTION

1.1 General

1.1.1 Elix Consultancy Limited has been commissioned by GTA Civils to undertake a Stage 1 Road Safety Audit on the proposed residential development to be located on land at Jeffrey's Farm, Horsted Keynes, West Sussex. Horsted Keynes is located about 5 miles north east of Haywards Heath, in the Weald. The proposal consists of a residential development of approximately 42 units with a new vehicular access onto Sugar Lane. The proposed access includes a footway into the site and as such also proposes a new footway to be installed opposite the vehicular access into the road known as Jefferies. An informal crossing would then be provided for pedestrians gaining access to the new development. The footway would assist in providing a link between the new development and the existing local roads and village. This report describes a Stage 1 Road Safety Audit of the proposed access arrangements and highway changes as part of the development.

1.1.2 The scope of the audit relates to the proposed access onto Sugar Lane and associated minor changes in conjunction with the vehicular and pedestrian access to the site.

1.1.3 Sugar Lane adjoins Keyford Lane to one end and Lewes Road to the other which serves as a local access road to a number of residential properties. It is a single carriageway rural road subject to a 30mph speed limit with no footways provided either side. The road also currently has no street lighting with large grass verges and/or banks between any adjoining roads and/or fronting properties.

1.1.4 The Road Safety Audit Team Membership was the following:

Paul Nevard
MSc, BA (Hons) CMILT, MCIHT, MSoRSA

Director - Elix Consultancy Ltd
Principal Traffic Engineer
Road Safety Audit Team Leader

Vinny Rey
BA (Hons) MCIHT, MSoRSA

Elix Consultancy Ltd
Principal Traffic Engineer
Road Safety Audit Team Member

1.1.5 This audit took place at the Elix Consultancy office on Friday 23rd September 2016 and the site was examined by Paul Nevard and Vinny Rey together in daylight hours between 12.00 and 12.45 hours, Monday 26th September 2016. The weather during the daytime site visit was overcast with earlier rain showers resulting in a wet road surface. Traffic flows were light and vehicle speeds were observed as being low.

1.1.6 The Road Safety Audit also comprised of an examination of the site supplied to the Road Safety Audit Team, referenced in Appendix A of this report. The location of problems raised can be found within the report, photographed for reference or referenced in Appendix B of this report.

1.1.7 The terms of reference of the Road Safety Audit are as described in the Design Manual for Roads and Bridges (DMRB) Standard HD19/15. The Road Safety Audit Team has examined and reported only on the road safety implications of the scheme as presented and has not examined or verified the compliance of the designs to any other criteria. This Road Safety Audit has not considered structural safety or checked for compliance to standards. This safety audit does not perform any "Technical Check" function on these proposals. It is assumed that the Project Sponsor is satisfied that such a "Technical Check" has been successfully completed prior to requesting this safety audit.

1.1.8 This Road Safety Audit has been undertaken based on the Road Safety Audit Team's previous experience and knowledge in undertaking Accident Investigation, Road Safety Engineering and Road Safety Audits. No member of the Road Safety Audit Team has had any previous input to the design of the scheme. The audit has been carried out with the sole purpose of identifying any features of the design that could be removed or modified in order to improve the safety of the scheme. The problems identified have been noted in this report together with suggestions for safety improvements, which we recommend should be studied for implementation.

1.1.9 All 'Problems' are considered of potential significance to road safety and to warrant further consideration by the scheme's promoters and designers.

1.2 Purpose of Scheme

1.2.1 The purpose of the scheme is to provide a new vehicular access onto the public highway with a proposed informal crossing and footway amendments to Sugar Lane and Jefferies.

2. PROBLEMS IDENTIFIED IN PREVIOUS ROAD SAFETY AUDITS

No previous audits have been supplied to the Audit Team and the Audit Team believe that none have been produced.

3. PROBLEMS IDENTIFIED AT THIS STAGE 1 ROAD SAFETY AUDIT

3.1 General

No Problems identified in this category at this Stage.

3.2

Local Alignment

No Problems identified in this category at this Stage.

3.3

Junctions

No Problems identified in this category at this Stage.

3.4 Non-Motorised User Provision

3.4.1 PROBLEM

Location: Proposed informal crossing – Sugar Lane.

Summary: Proposed informal crossing could compromise pedestrian safety with limited sightlines resulting in pedestrian collisions.

Detail: It is proposed to introduce an informal crossing from the new footway into the residential development across Sugar Lane to adjoin a new footway to be constructed that links to Jefferies. However, when crossing the carriageway from the pedestrian crossing, visibility to the north is limited and restricted by not only vegetation and foliage but also by the gradient and slight bend to Sugar Lane. As a result of the limited visibility, this could result in drivers travelling along Sugar Lane failing to give way to pedestrians crossing the road resulting in pedestrian and vehicle conflict.

RECOMMENDATION

Relocate proposed informal crossing. This may also result in required amendments to the footway link into the proposed residential development.



3.5 Road Signs, Carriageway Markings & Street Lighting

No Problems identified in this category at this Stage.

[End of list of Problems identified and Recommendations offered in this Stage 1 Audit](#)

4. AUDIT TEAM STATEMENT

We certify that this audit has been carried out in accordance with HD 19/15.

AUDIT TEAM LEADER

Paul Nevard

Signed: 

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Date: 29/09/2016

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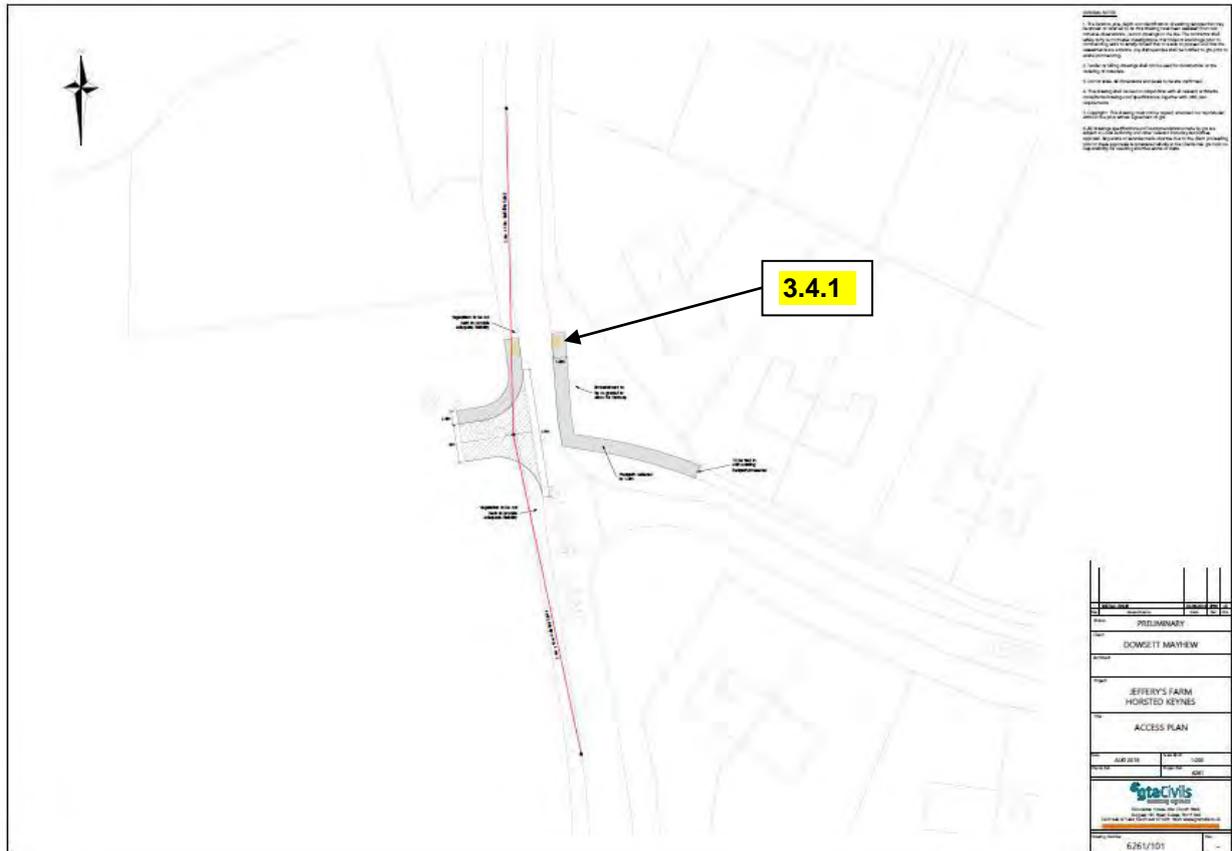
APPENDIX A

List of documents and plans considered during this Stage 1 Road Safety Audit:

- C1601(08)01A Proposed Site Layout UPDATED.PDF
- 6261_101_Access Plan.pdf
- Site Location - Land at Jeffrey's Farm.pdf

APPENDIX B

Location of problems identified at this Stage 1 Road Safety Audit



Designers Response to RSA1

Land at Jeffrey's Farm, Horsted Keynes, West Sussex



Index

1	Introduction	2
2	Designer's Response to the RSA1	3
3	Conclusion	4

Issue	Issue date	Compiled	Authorised
DRAFT	30 th September 2016	RS	LNS

Compiled by: Rachel Stevenson
Authorised by: Lawrence Stringer CEng, MCIHT, MRTPI

1 Introduction

- 1.1 Elix Consultancy Limited has been commissioned by GTA Civils Ltd to undertake a Stage 1 Road Safety Audit on the proposed residential development to be located on land at Jeffrey's Farm, Horsted Keynes, West Sussex. Horsted Keynes is located about 5 miles north east of Haywards Heath, in the Weald. The proposal consists of a residential development of approximately 42 units with a new vehicular access onto Sugar Lane. The proposed access includes a footway into the site and as such also proposes a new footway to be installed opposite the vehicular access into the road known as Jefferies. An informal crossing would then be provided for pedestrians gaining access to the new development. The footway would assist in providing a link between the new development and the existing local roads and village.

- 1.2 Sugar Lane adjoins Keyford Lane to one end and Lewes Road to the other which serves as a local access road to a number of residential properties. It is a single carriageway rural road subject to a 30mph speed limit with no footways provided either side. The road also currently has no street lighting with large grass verges and/or banks between any adjoining roads and/or fronting properties.

2 Designers response to the RSA1

2.1 A number of points were raised through the RSA1 process. These are listed in the table 1 below, together with the recommendation and Designer’s Response.

Table 1 – RSA1 Problems, Recommendations & Designer’s Response

Problem	Location	Description	Recommendation	Designers Response	Comments
3.4.1	Proposed informal crossing – Sugar Lane.	Proposed informal crossing could compromise pedestrian safety with limited sightlines resulting in pedestrian collisions.	Relocate proposed informal crossing. This may also result in required amendments to the footway link into the proposed residential development.	Agreed. The informal pedestrian crossing point across Sugar Lane has been moved to south of the junction with Jefferies to ensure adequate visibility is provided.	

3 Conclusion

- 3.1 There was one problem raised through the RSA1 process which is of a fairly minor nature and relatively straightforward to address. Therefore, the RSA1 has not raised any fundamental problems cannot be resolved.

- End of Report -



Drainage - Flood Risk - Highways - Transport

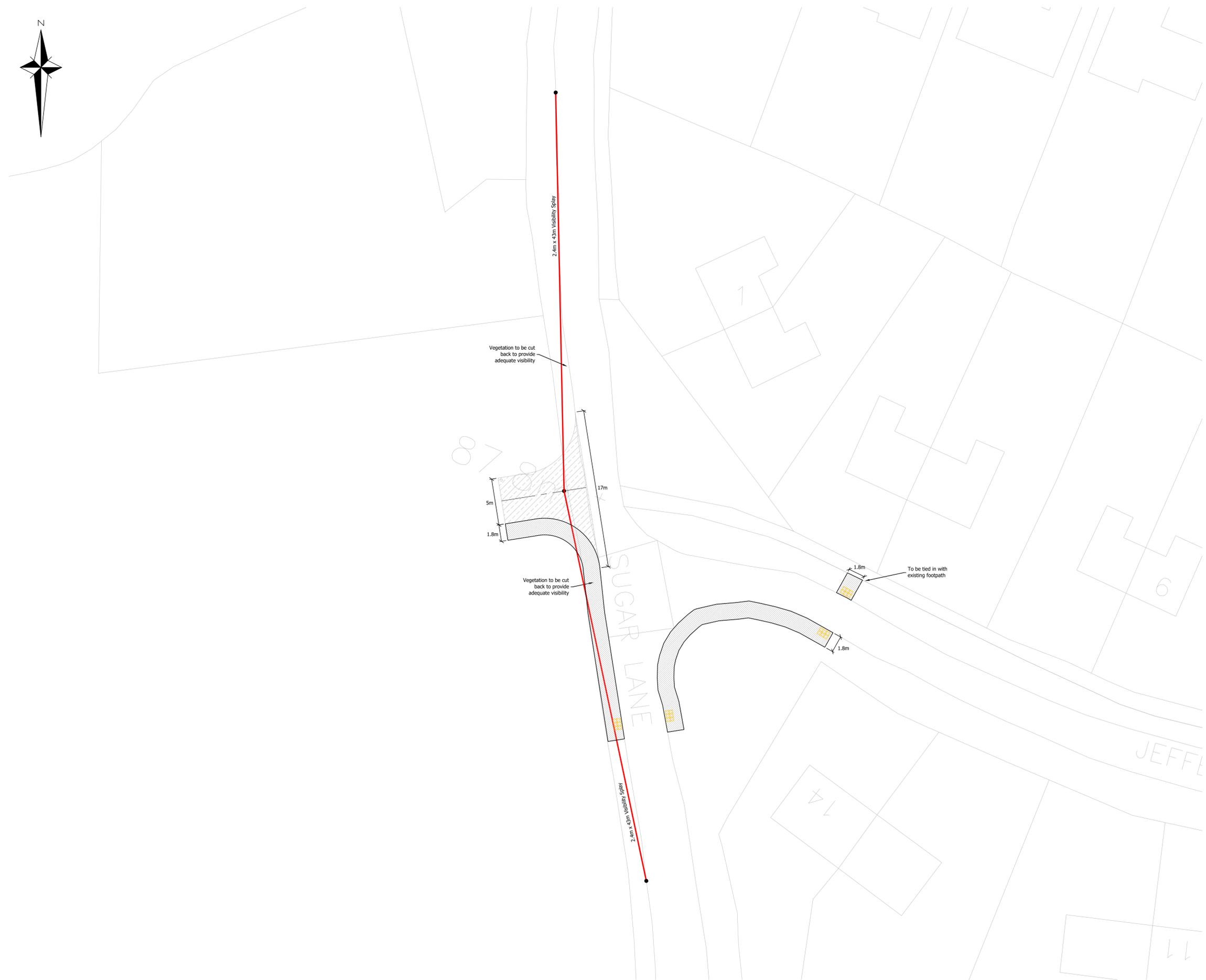
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GTA Civils Limited, Registered in England No. 4192991. VAT Registration No. 777 5043 04



Appendix E

Access & Footway Improvement Plan



GENERAL NOTES

1. The location, size, depth and identification of existing services that may be shown or referred to on this drawing have been assessed from non intrusive observations, record drawings or the like. The contractor shall safely carry out intrusive investigations, trial holes or soundings prior to commencing work to satisfy himself that it is safe to proceed and that the assessments are accurate. any discrepancies shall be notified to gta prior to works commencing.
2. Tender or billing drawings shall not be used for construction or the ordering of materials.
3. Do not scale. All dimensions and levels to be site confirmed.
4. This drawing shall be read in conjunction with all relevant architects, consultants drawings and specifications, together with H&S plan requirements
5. Copyright : This drawing must not be copied, amended nor reproduced without the prior written agreement of gta.
6. All drawings specifications and recommendations made by gta are subject to Local Authority and other relevant Statutory Authorities approval. Any works or services made abortive due to the client proceeding prior to these approvals is considered wholly at the Clients risk. gta hold no responsibility for resulting abortive works or costs.

Rev	Amendments	Date	Dsn	Chk
-	Footpath location amended	03.10.2016	JMW	LS
-	INITIAL ISSUE	02.08.2016	JMW	LS

Status	PRELIMINARY			
Client	DOWSETT MAYHEW			
Architect				
Project	JEFFERY'S FARM HORSTED KEYNES			
Title	ACCESS PLAN			
Date	AUG 2016	Scale @ A1	1:200	
Clients Ref	Project Ref. 6261			


 Consulting Engineers
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 Tel: 01444 871444 Fax: 01444 871401 Web: www.gtacivils.co.uk

Drawing Number	6261/101	Rev.	A
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Drainage - Flood Risk - Highways - Transport

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Landscape and Visual Impact Appraisal

Proposed Residential Development
Jeffrey's Farm, Lewes Road, Horsted Keynes, West Sussex



Date: 16th September 2016

Revision: 02

PLANNING ISSUE

Author: Andrew Ramsay BA (Hons) MALA CMLI

Ref: RCo180 / LVIA / Rev02 / PLANNING / 16-09-16



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Contents	Page
1.0 INTRODUCTION	01
2.0 DEVELOPMENT PROPOSALS	02
3.0 METHODOLOGY	03
4.0 PLANNING POLICY CONTEXT	12
5.0 EXISTING BASELINE CONDITIONS	18
6.0 MITIGATION AND POTENTIAL EFFECTS	28
7.0 LANDSCAPE AND VISUAL EFFECTS	30
8.0 SUMMARY AND CONCLUSIONS	40
9.0 REFERENCES	47

Appendix A: Proposed Development Site - Landscape Features

Appendix B: Viewpoint Photographs

FIGURES

Figure 01: PROW and Viewpoint Locations

Figure 02. Landscape and Planning Policy Designations

Figure 03: Proposed Development and Mitigating Planting Scheme

RCo180 / 02A & 2B Tree Protection Drawings

Existing Tree Schedule

1.0 INTRODUCTION

1.1 The Brief and Background

- 1.1.1 Ramsay & Co has been commissioned by Ms. Helena Griffiths to undertake a Landscape and Visual Impact Appraisal (LVIA) for a proposed residential development to a location immediately west of Jeffrey's Farm, Lewes Road, Horsted Keynes and to fields west of Sugar Lane, Horsted Keynes (north of Jeffrey's Farm).
- 1.1.2 Jeffrey's Farm comprises a mix of low grade agricultural buildings, barns, storage containers and a farm house which lie to the west of Horsted Keynes - to the north is Keysford Lane and Sugar Lane lies to the east.
- 1.1.3 The requirement for a Landscape and Visual Impact Appraisal has been identified by the planning consultant: Dowsett Mayhew Planning Partnership. This report will assess and identify the potential landscape and visual effects of the proposed residential scheme on the landscape character and visual amenity of the development site and surrounding area. This report has been prepared by Andrew Ramsay (BA Hons) MALA who is a Landscape Architect and a Chartered Member of the Landscape Institute (CMLI).
- 1.1.4 All the relevant photographs and figures are included with this report.
- 1.1.5 This report considers the potential effects of the proposed development on:
- *Landscape character;*
 - *Visual amenity and the people who view the landscape.*

1.2 The Purpose of the Report

- 1.2.1 Within the *Guidelines for landscape and Visual Impact Assessment (Third Edition)* it makes clear there is a difference between *Landscape and Visual Impact Assessments* which are conducted as part of the Environmental Impact Assessment procedure and a standalone 'Appraisal'. GVLIA 3 states: *as a standalone appraisal the process is informal and there is more flexibility, but the essence of the approach – specifying the nature of the proposed change or development; describing the existing landscape and the views and visual amenity in the area that may be affected; predicting the effects, although not their likely significance; and considering how those effects might be mitigated – still applies.*
- 1.2.2 The main objectives of this report are to:
- *evaluate and describe the baseline conditions of the proposed development site;*

- *identify the relevant landscape character of the proposed development site and surrounding area as well as any notable landscape features within the site;*
- *identify the key views and visual receptors in relation to the proposed development site;*
- *assess the sensitivity of the existing landscape character and visual receptors;*
- *assess the size and scale of the landscape and visual effects - magnitude of change;*
- *describe any proposed mitigation measures;*
- *predict and evaluate the overall degree of landscape and visual effects.*

1.2.3 The assessment and scope of work has been identified in accordance with the relevant guidance (Refer to Section 3.0 - Methodology) and includes:

- *A description of the proposed development scheme;*
- *A desktop study and review of the relevant national and local planning policies together with statutory and non-statutory landscape designations;*
- *An identification and assessment of the study area and Zone of Theoretical Visibility (ZTV);*
- *An identification and assessment of the relevant existing landscape character assessments, landscape components and landscape receptors;*
- *An identification and assessment of the key visual receptors and viewpoints in relation to the proposed development site;*
- *A description and assessment of the likely landscape and visual effects and whether they are adverse, beneficial or neutral.*

2.0 DEVELOPMENT PROPOSALS

2.1 Proposed Residential Scheme: Jeffrey's Farm

2.1.1 The proposed residential scheme would comprise a mix of 42 residential units (including 4 x 1 bed bungalows; 4 x 2 bed bungalows; 12 x 2 bed terrace houses; 12 x 3 bedroom semi-detached properties; 5 x 3 bedroom detached properties and 5 x 4/5 bedroom detached houses) which would be arranged off a single access road. Several dwellings would be located to the west of the Jeffrey's Farm area (replacing low grade agricultural buildings and shipping containers) with the remainder of the development located to a field to the north of the farm area. For further details refer to Crowther Architects architectural drawings.

2.1.2 The proposed access road would run west off Sugar Lane (opposite and slightly north of Jefferies) and head north before curving around to the west of the existing farm area. The field to the north-east of the farm area is proposed to be a designated open space and a new community building for village use is proposed

to the north-east corner. The majority of the residential development would be located to a field which lies south of Keysford Lane and west of Sugar Lane.

- 2.1.3 A recreational pedestrian path would allow access to the northern end of Sugar Lane (which does not have a dedicated pedestrian pavement) as well as running through the woodland which lies to the west of the highway. A pedestrian path would also provide a link from the proposed dwellings to the west of the farm area to Sugar Lane via the southern edge of the proposed community space (to the north-east of the farm area).
- 2.1.4 Jeffrey's Farm House and associated garden area does not form part of the proposed development site area and the current farm access off Sugar Lane would be retained. Several agricultural buildings are being retained for agricultural use by the owner (to the east of the farm area).
- 2.1.5 The existing field edge vegetation and mature trees are proposed to be retained and protected wherever possible and an extensive native tree and shrub planting scheme is proposed which would enhance and reinforce the existing planting as well as softening near distance views within the proposed development site area.
- 2.1.6 The development proposals are illustrated on: *RCo180 / Figure 03 / Proposed Development and Mitigating Planting Scheme*.

3.0 METHODOLOGY

3.1 Principles and Overview

- 3.1.1 This report has been prepared in accordance with the following guidance:
- *Guidelines for Landscape and Visual Impact Assessment (GLVIA) Third Edition* published by the Landscape Institute and Institute of Environmental Management and Assessment in 2013;
 - *An Approach to Landscape Character Assessment* published by Natural England 2014;
 - *Photography and Photomontage in landscape and visual impact assessment*; Advice Note 01/11, Published by the Landscape Institute.
- 3.1.2 This Landscape and Visual Impact Appraisal will follow the guidelines for assessment as contained within GLVIA Third Edition.
- 3.1.3 The following Landscape Character Assessments and digital resources were referred to - underlined text include a digital link to the original document:
- [Natural England - National Character Areas Profile: 122 - High Weald \(2013\)](#);
 - [The High Weald Area of Outstanding Natural Beauty Management Plan \(2014-2019\)](#);

- Regional Landscape Character - Landscape Character Assessment of West Sussex (2003): HW1 - High Weald;
- District Landscape Character - A Landscape Character Assessment For Mid Sussex (2005): High Weald;
- *MAGIC Interactive Map, Defra and Natural England.*

3.1.4 The following planning documents were referred to:

- The National Planning Policy Framework;
- Mid Sussex District Council: Mid Sussex Local Plan 2004;

3.1.5 Within the *Guidelines for Landscape and Visual Impact Assessment (Third Edition)* it states: *Landscape and Visual Impact Assessment is a tool used to identify and assess the significance of, and the effects of change resulting from development on both the landscape as an environmental resource in its own right and on people's views and visual amenity.* This report will assess and describe these two elements separately.

3.1.6 *Guidelines for Landscape and Visual Impact Assessment (Third edition)* defines the four essential components which should be included within a Landscape and Visual Impact Appraisal (LVIA):

- *Project Description;*
- *Baseline Studies;*
- *Mitigation;*
- *Identification and Description of Effects.*

3.1.7 GLVIA3 recognises that professional judgement is a very important part of LVIA and within the guidelines it states that: *whilst there is some scope for quantitative measurements of some relatively objective matters..... much of the assessment must rely on qualitative judgements.*

3.2 Baseline Studies

3.2.1 The initial step in LVIA is to establish the baseline landscape and visual conditions. The landscape baseline aims to provide an understanding of the landscape context of the area that may be affected; its constituent elements, character, condition and value. The visual baseline aims to define the area where the development may be visible, the nature of the views and the types of people who may experience the views. The anticipated landscape and visual effects can then be assessed against the existing baseline conditions.

3.2.2 The overall degree of landscape and visual effects can be predicted by making judgements regarding two main components:

- *The value and susceptibility of the visual and landscape receptors to change (sensitivity);*
- *Nature of the effect likely to occur (magnitude of effect).*

- 3.2.3 Assessment of the above criteria is combined to allow the overall degree of landscape and visual effects to be assessed and predicted.

3.3 Assessment of Landscape Effects

- 3.3.1 GVLIA 3 recommends that: *An assessment of landscape effects deals with the effects of change and development on landscape as a resource.* The baseline landscape is described by referring to existing landscape character assessments and by a description of the proposed development site and the surrounding area: *Landscape is an area as perceived by people, whose character is the result of action and interaction of natural and / or human factors.*
- 3.3.2 Landscape character assessments identify and describe the physical influences (geology, soils etc.), human influences (land use, management, etc.) and aesthetic and perceptual qualities providing an overall character of the landscape. They also classify the overall character, including any distinctive landscape types and the particular combinations of aesthetic and perceptual qualities that make them distinctive.
- 3.3.3 Development can give rise to a variety of landscape effects and can include:
- *Change or loss of features and elements which contribute to the character and distinctiveness of the landscape;*
 - *Addition of new features / elements which influence or change the existing landscape character;*
 - *A combination of the above.*

3.4 Sensitivity and Susceptibility to Change of Landscape Receptors

- 3.4.1 Predicting the overall degree of landscape effects is based on an assessment of the sensitivity of the landscape receptor combined with the magnitude of the effect.
- 3.4.2 Sensitivity of a landscape receptor is based on its susceptibility to the type of change or development proposed combined with the value attached to the landscape. Within GVLIA3 it states that sensitivity is; *specific to the particular project or development that is being proposed and to the location in question.* Sensitivity is judged on a scale of *High, Medium or Low.*

Table 01: Criteria for Assessing Landscape Character / Receptor Sensitivity	
High Sensitivity	<p>Landscapes which are:</p> <ul style="list-style-type: none"> • <i>of national importance and which are particularly distinctive with elements that are likely to be substantially changed by the development proposals;</i> • <i>assessed to be in good condition, intact and particularly vulnerable to disturbance;</i> • <i>valued and have little potential for replacement.</i>
Low Sensitivity	<p>Landscapes which:</p> <ul style="list-style-type: none"> • <i>either by designation or assessment have no value / importance attached to the landscape area and/or features;</i> • <i>have few features or qualities susceptible to change;</i> • <i>have features which could be improved and enhanced;</i> • <i>have good potential for replacement or substitution.</i>

3.4.3 Susceptibility to change is expressed on a scale of *High, Medium* or *Low* and is an assessment of the ability of the landscape receptor to accommodate the proposed development or change without undue consequences for the maintenance of the existing baseline conditions. Within GVLIA3 the guidelines state: *It is possible for an internationally, nationally, or locally important landscape to have relatively low susceptibility to change resulting from the particular type of development in question, by virtue of both the characteristics of the landscape and the nature of the proposal.*

Table 02: Criteria for Assessing Landscape Character / Receptor Susceptibility	
High Susceptibility	<ul style="list-style-type: none"> • <i>The landscape effects, as a consequence of the development would change the quality or condition of the overall character of a landscape type / area;</i> • <i>As a consequence of the development, the landscape effects would alter or remove landscape elements or components, change aesthetic or perceptual qualities important to that landscape character or introduce new elements which would be inappropriate to the existing landscape character;</i> • <i>The development would be contrary to current landscape planning policies and strategies relating to the landscape.</i>
Low Susceptibility	<ul style="list-style-type: none"> • <i>The changes as a consequence of the development proposals would not affect the existing character / quality / condition of the existing landscape character;</i> • <i>the aims of existing planning policies / strategies would not be compromised by the proposed development;</i> • <i>The development proposals would not remove or alter landscape components / receptors which are important to the existing landscape character or introduce new elements incongruous to the existing landscape character.</i>

3.4.4 The value of the landscape is expressed on a scale of *High, Medium* or *Low* and is defined by assessing the information which contributes to understanding landscape:

- *Information about areas recognised by statute such as National Parks, Areas of Outstanding Natural Beauty etc;*
- *Information about Heritage Coasts, where relevant;*
- *Local planning documents for local landscape designations;*
- *Information on individual or groups of features such as conservation areas, listed buildings, special historic or cultural sites;*
- *Art and literature identifying value attached to particular areas or views;*
- *Material on landscape of local or community interest.*

3.4.5 The following factors can also contribute to understanding the value of landscape:

- *Landscape quality (condition);*
- *Scenic quality;*
- *Rarity;*
- *Representativeness;*
- *Conservation interest;*
- *Recreation value;*
- *Perceptual aspects;*
- *Cultural Associations.*

Table 03: Criteria for Assessing Landscape Value

High Value	<p>Landscapes which:</p> <ul style="list-style-type: none"> • <i>have existing, recognised national or local designations;</i> • <i>are judged to have scenic / wildness / tranquil qualities;</i> • <i>have cultural heritage features or cultural / artistic associations;</i> • <i>are not designated but which are assessed as being intact and in good condition;</i> • <i>are particularly representative of a typical landscape character;</i> • <i>have specific landscape components which are identified as being important to the landscape character.</i>
Low Value	<p>Landscapes where:</p> <ul style="list-style-type: none"> • <i>the character is assessed to be in poor condition;</i> • <i>key characteristics such as scenic quality / cultural heritage features / wildness or tranquillity / rarity are absent;</i> • <i>cultural / artistic associations are not in evidence.</i>

3.5 Magnitude of Landscape Effects

3.5.1 GVLIA3 states: *Each effect on landscape receptors is assessed in terms of size or scale, geographical extent of the area influenced and its duration and reversibility.*

- 3.5.2 For the purposes of this report the magnitude of landscape effects in relation to the size or scale of the change is expressed as *major, moderate, minor, or none*. The size or scale of change in the landscape is judged in terms of:
- *The extent of existing landscape components that will be lost;*
 - *The degree to which perceptual or aesthetic aspects of the landscape are changed - either by the removal or the addition of components;*
 - *Whether the effect changes the key characteristics of the landscape character.*
- 3.5.3 The geographical extent over which the landscape would be changed is categorised as:
- *At the site level – within the development site itself;*
 - *At the level of the immediate setting of the site;*
 - *At the scale of the landscape type or character area within which the proposal lies;*
 - *On a larger scale – influencing several landscape types or character areas.*
- 3.5.4 The duration and reversibility of the proposed development are separate but linked. The duration of the proposed development would be considered in relation to the expected life span of the scheme and is expressed as:
- *Short term: zero – five years;*
 - *Medium term: five – ten years;*
 - *Long term: ten – thirty years;*
 - *Permanent: greater than thirty years.*
- 3.5.5 The reversibility of the scheme would consider the practicality of the change being reversed within thirty years.

3.6 Assessment of Visual Effects

- 3.6.1 The assessment of visual effects describes the changes in the character of the available views as a result of the development proposals and the change in visual amenity available to visual receptors. Predicting the overall degree of visual effects is based on an assessment of the sensitivity of the visual receptor combined with the magnitude of effect.
- 3.6.2 Viewpoint locations are selected as objectively as possible with the aim of providing a range of representational views which will demonstrate long-distance, medium distance and near distance views (where possible and appropriate) of the proposed development site.

3.7 Sensitivity and Susceptibility to Change of Visual Receptors

- 3.7.1 The sensitivity of visual receptors is dependent on location, importance of view and expectation or activity of viewer. The overall sensitivity of a visual receptor is

assessed by combining the susceptibility to change with the value of the view.
Overall sensitivity is expressed on a scale of *High, Medium* or *Low*.

Table 04: Criteria for Assessing Visual Sensitivity	
High Sensitivity	<ul style="list-style-type: none"> • <i>Visual receptors in residential properties with open views of the proposed development site;</i> • <i>High quality views experienced by many visual receptors;</i> • <i>A view which is valued nationally for its visual / scenic quality.</i>
Low Sensitivity	<ul style="list-style-type: none"> • <i>A view of low importance or value with little scenic quality;</i> • <i>A view from a landscape which has little value and existing, detracting features;</i> • <i>Glimpsed or intermittent views from highways;</i> • <i>A view available to few visual receptors.</i>

3.7.2 For the purposes of this report the susceptibility to change is expressed as *High, Medium* or *Low*. The visual receptors most susceptible to change and therefore with a susceptibility to change likely to be *High* could be:

- *Residents at home;*
- *Views experienced by many viewers;*
- *Recreational walkers whose attention or interest is likely to be focused on landscape and the available views;*
- *Visitors to heritage assets where views form an important part of the experience.*

3.7.3 The susceptibility to change of visual receptors travelling on road, rail or other transport routes would tend to fall into the *Low / Medium* category however if the route were to feature recognised scenic views then *High* may be more appropriate.

3.7.4 Visual receptors likely to be less concerned with change and therefore with a susceptibility to change assessed to be *Low* could include:

- *People engaged in sport or external activities where views are less likely to be appreciated;*
- *Intermittent or glimpsed views from transport routes;*
- *Workers where attention is likely to be focused on an activity not connected with the surroundings.*

3.7.5 Judgements on the value of the selected viewpoints are expressed as *High, Medium* or *Low* and assessing the value attached to a view takes account of:

- *The nature of the view eg a panoramic view of open countryside from an elevated location as opposed to a constrained urban viewpoint;*
- *Recognition of the value of views eg. scenic viewpoints within Areas Of outstanding Natural Beauty;*
- *Viewpoints where the views have been noted on maps, guidebooks, websites etc.*

3.8 Magnitude of Visual Effects

- 3.8.1 Each of the visual effects identified is assessed with regard to size or scale, geographical extent and where appropriate duration / reversibility:
- 3.8.2 The magnitude of visual effects in relation to the size or scale of the change is expressed as *major, moderate, minor, or none*. The size or scale of change in the view is judged in terms of:
- *The degree of the loss or addition of features in the view;*
 - *The extent of the changes in the view, including the proportion of the view occupied by the proposed development;*
 - *The degree of contrast or integration of the changes with the existing or remaining landscape elements and characteristics;*
 - *The nature of the view of the proposed development, whether full, partial or glimpsed, or the relative amount of time over which it will be experienced.*
- 3.8.3 The geographical extent of the visual effects is concerned with an assessment of:
- *the angle of the view;*
 - *the distance involved;*
 - *the extent of the area over which the change would be visible.*
- 3.8.4 The duration and reversibility of the proposed development are separate but linked. The duration of the development would be considered in relation to the expected life span of the development scheme and is expressed as:
- *Short term: zero – five years;*
 - *Medium term: five – ten years;*
 - *Long term: ten – thirty years;*
 - *Permanent: greater than thirty years.*
- 3.8.5 The reversibility of the scheme would consider the practicality of the change being reversed within thirty years.

3.9 Overall Degree of Landscape and Visual Effects

- 3.9.1 The overall degree of landscape and visual effects are assessed by combining the separate judgements of sensitivity and the magnitude of effects on landscape and visual receptors. Table 05 defines and describes the range of landscape and visual effects which can be expressed as adverse, beneficial or neutral.

Table 05: Overall Degree of Landscape and Visual Effects: Definitions and Descriptions	
NEUTRAL	
No Change	<ul style="list-style-type: none"> • <i>No part of the development would be discernible;</i> • <i>There would be no effect within the context of the existing landscape;</i> • <i>The development proposals would be appropriate to the existing landscape scale, character, pattern and quality of the existing landscape resource.</i>
Negligible	<ul style="list-style-type: none"> • <i>Only a very small part of the development would be discernible; There would be little effect within the context of existing landscape character.</i>
ADVERSE	
Low / Slight	<ul style="list-style-type: none"> • <i>The proposals would constitute only a minor component within the existing landscape character;</i> • <i>Awareness of the proposals would not have a marked effect upon the existing landscape quality, pattern and landform.</i>
Moderate	<p><i>The Proposals would:</i></p> <ul style="list-style-type: none"> • <i>form a visible and recognisable new element within the existing landscape;</i> • <i>negatively affect the existing landscape character.</i>
Substantial	<p><i>The proposals would:</i></p> <ul style="list-style-type: none"> • <i>form a significant part of the existing landscape;</i> • <i>be unable to be fully mitigated;</i> • <i>substantially and negatively affect an existing high quality landscape.</i>
Severe	<p><i>The proposals would:</i></p> <ul style="list-style-type: none"> • <i>become a dominant feature within a high quality landscape;</i> • <i>be entirely inappropriate to the existing landscape pattern, scale and landform;</i> • <i>permanently degrade or damage the existing landscape.</i>
BENEFICIAL	
Low / Slight	<p><i>The proposals would:</i></p> <ul style="list-style-type: none"> • <i>improve the landscape quality and character;</i> • <i>be appropriate to the landscape scale, quality and pattern;</i> • <i>provide some restoration of lost or degraded landscape features.</i>
Moderate	<p><i>The proposals would:</i></p> <ul style="list-style-type: none"> • <i>Integrate very well within the existing landscape character;</i> • <i>Improve the overall landscape quality through restoration of missing or degraded landscape features due to other uses or neglect.</i>

3.10 Field Survey Methodology and Viewpoint Images

3.10.1 The on-site survey visit was carried out by Andrew Ramsay BA (Hons) MALA CMLI on the 23rd of June 2016 and was conducted from Public Rights of Way and Public Highways surrounding the proposed development site area – weather conditions were generally overcast with occasional brighter spells. It should be noted the site survey was conducted during Summer when the vegetation was in leaf - views would be more open during late Autumn, Winter and early Spring when deciduous vegetation would be out of leaf.

3.10.2 The photographs were all taken with a Canon Power Shot G11 digital camera with a 6.1 - 30.5 mm (35mm equivalent: 28-140mm) lens. The photographs were taken on a standard setting approximately 1.5 - 1.7m above ground level.

Zone of Theoretical Visibility

3.10.3 The ZTV is the area from within which the proposed development is anticipated to be visible. It is mapped by means of desktop research which is then refined and clarified with on-site investigations – refer to: *Section 7.4 Visual Effects* and *RCo180 / Figure 01 / PROW and Viewpoint Locations*.

4.0 PLANNING POLICY CONTEXT

4.1 National Planning Policy Context

4.1.1 Ramsay & Co have undertaken a desk top study assessment of the relevant planning policy designations and existing statutory landscape designations surrounding the proposed development site area. This desktop study has been undertaken at a national and local planning level.

4.1.2 The National Planning Policy Framework (NPPF) was published by the Government on 27th March 2012 and came into immediate effect. The NPPF has introduced a presumption in favour of sustainable developments. The framework has reaffirmed that planning applications should be determined in accordance with the current Development Plan for the District unless material considerations indicate otherwise. Paragraph 14 of the National Planning Policy Framework states the following: *At the heart of the planning system is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan making and decision taking. Local planning authorities should plan positively for new development and approve all individual proposals wherever possible. Local planning authorities should:*

- *prepare Local Plans on the basis that objectively assessed development needs should be met, and with sufficient flexibility to respond to rapid shifts in demand or other economic changes;*
- *approve development proposals that accord with statutory plans without delay.*

- 4.1.3 The NPPF promotes sustainable development through the enhancement and protection of biodiversity and the conservation of landscape character within Areas of Outstanding Natural Beauty. The framework also seeks to protect and maintain Protected Species, valuable ecological habitats and the protection of Heritage Assets. Local Planning Authorities are required to implement the policies of the framework within the LPA Development Plans and development control decision making process.

4.2 District Planning Policy

- 4.2.1 Ramsay & Co have undertaken a desk top study assessment of the relevant Mid Sussex District Council (MSDC) Local Planning Policies and Statutory Landscape Designations surrounding the proposed development site area. The relevant MSDC and statutory planning policy designations are illustrated in: *RCo180 / Figure 02 / Landscape and Planning Policy Designations*.

- 4.2.2 Local planning policies are contained within the Mid Sussex Local Plan which was adopted on May 27th 2004 and is part of the development plan for Mid Sussex: *The Plan sets out policies and specific proposals for the development and use of land to guide planning decisions. In September 2007 the Government Office for the South East (GOSE) confirmed that the majority of policies within the adopted Mid Sussex Local Plan have been saved. These policies have been saved indefinitely. In practice this means that the majority of policies are saved until replaced by policies within a future Development Plan Document, in which case the Development Plan Document will clearly set out which Local Plan policies it replaces.*

- 4.2.3 The new District Plan is due to be adopted in Winter 2016 and will be: *the main planning document used by the Council when considering planning applications. It will cover the period to 2031 and includes the strategy, proposed level of development and a number of planning policies.*

Mid Sussex Local Plan: Policy C1

- 4.2.4 The proposed development site lies outwith of any designated built up area and is therefore designated in the Mid Sussex Local Plan as being covered by *Policy C1: Outside built-up area boundaries, as detailed on the Proposals and Inset Maps, the remainder of the plan area is classified as a Countryside Area of Development Restraint where the countryside will be protected for its own sake. Proposals for development in the countryside, particularly that which would extend the built-up area boundaries beyond those shown will be firmly resisted and restricted to:*
- (a) proposals reasonably necessary for the purposes of agriculture or forestry;*
 - (b) proposals for new uses in rural buildings of a scale consistent with the building's location;*
 - (c) in appropriate cases, proposals for the extraction of minerals or the disposal of waste;*
 - (d) in appropriate cases, proposals for quiet informal recreation and/or tourism related developments;*

- (e) proposals for facilities which are essential to meet the needs of local communities, and which cannot be accommodated satisfactorily within the built-up areas;*
- (f) proposals for which a specific policy reference is made elsewhere in this Plan; and*
- (g) proposals which significantly contribute to a sense of local identity and regional diversity.*

Mid Sussex Local Plan: Policy C4

- 4.2.5 The proposed development site lies within the High Weald Area of Outstanding Natural Beauty. Within the Local Plan it states: *Within the Sussex Downs and High Weald Areas of Outstanding Natural Beauty, as shown on the Proposals Map and its Insets, the aim to conserve and enhance natural beauty is regarded as the overall priority. Proposals for development will be subject to the most rigorous examination and only those which comply with this aim will be permitted. Development will not be permitted in the Sussex Downs and High Weald Areas of Outstanding Natural Beauty, unless:*

- (a) it is reasonably necessary for the purposes of agriculture or some other use which has to be located in the countryside;*
- (b) it is essential for local social and / or economic needs; or*
- (c) it can be demonstrated that the development would be in the national interest and that no suitable sites are available elsewhere.*

In considering development proposals within or immediately adjacent to the AONB, including those regarded as exceptions, particular attention will be paid to the siting, scale, design, external materials and screening of new buildings that are proposed in order to ensure that they enhance, and do not detract from, the visual quality and essential characteristics of the area.

Mid Sussex Local Plan: Policy C5

- 4.2.6 There are a number of areas surrounding the proposed development site which have statutory designations. An area of woodland to the north-west of Jeffrey's Farm, *Parson's Wood* is designated as Ancient Replanted Woodland. To the south of the proposed development site area, *Coneyborough Wood* is also designated as Ancient Woodland. The nearest Site of Special Scientific Interest is located approximately 1.0km to the south and the southern end of an area designated as a Site of Nature Conservation Importance lies approximately 1.4km to the north west of the proposed development site area.

- 4.2.7 Within the Mid Sussex Local Plan it states: *Proposals for development or changes of use of management within Sites of Special Scientific Interest, Sites of Nature Conservation Importance, Local Nature Reserves, Ancient Woodlands or to other sites or areas identified as being of nature conservation or geological importance, including wildlife corridors will be subject to rigorous examination, and only permitted where the proposal, by virtue of design and layout, minimises the impact on features of nature conservation importance. Proposals should take advantage of opportunities for habitat creation wherever possible. The weight to be attached to*

nature conservation interests will reflect the relative significance of designations. Special scrutiny will be applied to those sites which are statutorily designated.

- 4.2.8 Policy C6 also states: *Development resulting in the loss of woodlands, hedgerows and trees which are important in the landscape, or as natural habitats, or historically, will be resisted.*

Mid Sussex Local Plan: Policy B10

- 4.2.9 Immediately to the north of the proposed development site area are *Ludwell Grange* and *Ludwell* - both of which are listed by Historic England. To the east of Jeffrey's Farm and Sugar Lane: *Boxes Farmhouse* is also a listed building. Policy B10 states: *Listed Buildings and their settings will be protected. Other than in exceptional circumstances, the following will apply:.....*
(d) In considering new proposals, special regard will be given to protecting the setting of a listed building and the use of appropriate designs and materials.

Mid Sussex Local Plan: Policy B12 and B15

- 4.2.10 Approximately 280.0m to the east of the proposed development site lies an area within Horsted Keynes which is designated as a Conservation Area. Within the Local Plan Policy B12 states: *The protection of the special character and appearance of each Conservation Area will receive high priority. When determining planning applications for development within or abutting the designated Conservation Areas, special attention will be given to the desirability of preserving or enhancing the character or appearance of the area and to safeguard the setting of any Listed Building.....*
- 4.2.11 Policy B15 goes on to mention: *Development affecting the setting of a Conservation Area should be sympathetic to, and should not adversely affect its character and appearance. In particular, attention will be paid to the protection or enhancement of views into and out of a Conservation Area, including, where appropriate, the retention of open spaces and trees.*

Mid Sussex Local Plan: Policy CS15

- 4.2.12 Jeffrey's Farm lies approximately 370.0m to the south east of an area which is designated as a floodplain. Within the Local Plan Policy RA5 states: *Planning permission will not be granted for development (including redevelopment and intensification of existing development) in areas at risk of flooding or for land raising within river floodplains unless environmentally acceptable flood mitigation measures to protect the floodplain can be provided by the developer to compensate for the impact of the development.....*

Mid Sussex Local Plan: Policy B18

- 4.2.13 The proposed development site lies approximately 1.4km to the south-east of an area which is designated as a Scheduled Ancient Monument. Within the Local Plan it states: *Sites of archaeological interest and their settings will be protected and enhanced where possible. In particular, the fabric and setting of Scheduled Ancient*

Monuments and other nationally important archaeological sites should be preserved intact.

Mid Sussex Local Plan: Policy R14

- 4.2.14 An area which is designated as the *Bluebell Railway Extension* lies approximately 1.37km from the proposed development site area. Within the Local Plan it states: *The line of the Bluebell Railway is shown on the Local Plan Proposals Maps and will be safeguarded from any development which could prevent its completion. Proposals for additional development associated with the Bluebell Railway will only be permitted where the Local Planning Authority is satisfied that such development would have no significant adverse impact on the environment such as through visual intrusion, excessive traffic generation, noise and disturbance or loss of amenity to neighbouring residential properties. Proposals for the opening or re-opening of further stations or stopping places will be subject to particularly close examination.*
- 4.2.15 Policy HK3 goes on to state: *Proposals for additional development associated with the Bluebell Railway at Horsted Keynes will be permitted where the Council is satisfied that such development would have no significant adverse impact on the environment through visual intrusion, excessive traffic generation, noise and disturbance or loss of amenity to neighbouring residential properties.*

4.3 Local Planning Policy

- 4.3.1 Horsted Keynes Parish Council have recently produced a draft Neighbourhood Plan which having undergone a period of public consultation was due to be submitted to Mid Sussex District Council by the 15th of June 2016 for a further period of consultation before being assessed by an independent examiner.

Draft Horsted Keynes Neighbourhood Plan - Policy HK1: Built Up Area Boundary

- 4.3.2 The draft Neighbourhood Plan contains a number of policies which relate to the proposed development site area. Policy HK1 states: *New residential development in Horsted Keynes parish shall be contained within the built-up area boundary of Horsted Keynes village as identified on the Proposal Map. Development proposals will be permitted within the built-up area boundary subject to compliance with other policies in this Neighbourhood Plan. Development proposals outside the built-up area boundary will not be permitted unless:*
- *they represent development proposals on the site allocations, HK18 to HK20; and*
 - *they comply with Policy C1 of the Mid Sussex District Plan 2004; or*
 - *they relate to necessary utilities infrastructure and where no reasonable alternative location is available: or*
 - *they comply with other policies in this Neighbourhood Plan in particular those relating to dwelling extensions and business premises.*

Draft Horsted Keynes Neighbourhood Plan - Policy HK7: Minimise the Environmental Impact of New Developments

- 4.3.3 Policy HK7 states: *New developments shall maximise the retention of well-established features of the landscape including mature trees, hedgerows and ponds. Where the loss of such features cannot reasonably be avoided the development shall include for their full replacement by similar or equivalent features elsewhere on the site.*

Draft Horsted Keynes Neighbourhood Plan - Policy HK8: Protection and Improvement of Natural Habitats

- 4.3.4 The Draft Neighbourhood Plan also makes provision for the protection and improvement of natural habitats: *New developments shall provide for the protection and enhancement of existing habitats of any flora and fauna on the site. Where damage to natural habitat cannot reasonably be avoided, measures shall be taken which will ensure that damage is minimised and the habitat affected can continue to thrive.*
Where the destruction of natural habitat cannot reasonably be avoided, the development shall provide suitable compensation measures that allow for the creation of new habitats off-site.

Draft Horsted Keynes Neighbourhood Plan - Policy HK19: Land At Jeffrey's Farm

- 4.3.5 Policy HK19 refers specifically to Jeffrey's Farm: *Residential development for approximately 6 dwellings on 0.7 hectares of land at Jeffrey's Farm will be permitted subject to the following criteria:*
- *the development is on the land currently occupied by the farm buildings; and*
 - *the development is designed in a courtyard style or equivalent to ensure that there is no potential to extend development further in the future; and*
 - *suitable landscaping is provided to protect the views from the west.*

National Planning Policy Framework: Public Rights Of Way

- 4.3.6 There are no Public Rights of Way (PROW) either within or adjacent to the proposed development site area. The nearest designated Public Right of Way is a Footpath which lies to the south-east of the proposed development site area and runs east off Lewes Road along Hamsland. To the south of Jeffrey's Farm, a PROW: Footpath runs south off Treemans Road to the north of Old Keysford Hall before turning through ninety degrees (to the north of Old Keysford Hall) and heading west.
- 4.3.7 Public Rights of Way are indicated on *RCo180 / Figure 01 / Viewpoint locations and ZTV.*

5.0 EXISTING BASELINE CONDITIONS

5.1 Landscape Context

- 5.1.1 The residential scheme proposes a mix of residential dwellings including apartments, bungalows, semi-detached dwellings and detached houses which would be located to a field south of Keysford Lane to the north-western edge of Horsted Keynes. Several residential units would replace dilapidated agricultural buildings, barns and storage containers to the west of the Jeffrey's Farm area. A proposed access road would run west off Sugar Lane from a location slightly north of Jefferies and head north before curving around to the western edge of the Jeffrey's Farm area.
- 5.1.2 Jeffrey's Farm lies to the west of Horsted Keynes and comprises a number of agricultural buildings (some of which are derelict and dilapidated), storage containers and a farm house which was sold to a third party some years ago. The farm is reached by means of a narrow access track off the northern end of Treemans Road and is lined with mature trees and shrubs – to the south of the track are several residential dwellings. Jeffrey's Farm is currently home to a small herd of beef cows but primarily produces and sells chicken eggs. The field to the west of Sugar Lane and immediately south of Keysford Lane is currently given over to equestrian grazing and there are two, small stable buildings.
- 5.1.3 To the eastern edge of the proposed development site lies Sugar Lane and to the northern edge is Keysford Lane. Residential properties lie to the east of Sugar Lane forming the western, urban edge of Horsted Keynes whilst the landscape to the north of Keysford Lane is rural in character with woodland blocks and agricultural fields. To the west are grassland fields which are delineated with hedgerows and trees – a farm lies to the southern edge of Keysford Lane: *Tyhurst*.
- 5.1.4 To the south of Jeffrey's Farm are agricultural fields and a large woodland block - there are residential dwellings to the eastern and western edges of Treemans Road.

5.2 Proposed Development Site: Baseline Topography

- 5.2.1 The proposed development site area is characterised by a gradual fall to the northern boundary and Keysford Lane. To the east of Jeffrey's Farm, a grassland field extends to Sugar Lane and the levels gradually fall towards the vegetated northern boundary - Sugar Lane (to the south and immediately north of Jefferies) is of a similar level to the grassland field. Further east the topography over the urban environment of Horsted Keynes is fairly even.

- 5.2.2 To the south of the farm area, the topography is generally even with only minor variations in levels although there is a distinct fall to the south west towards the Bluebell Railway line.
- 5.2.3 To the west of the proposed development site area, the topography is more undulating in nature and there is a fall to the Bluebell Railway line before the topography rises again creating a valley.
- 5.2.4 To the north of Jeffrey's Farm, there is a noticeable fall in levels towards the dense tree belt which lies to the northern edge of the proposed development site area (adjacent to Keysford Lane). This fall extends to Sugar Lane with an appreciable climb heading south from the junction with Keysford Lane. Sugar Lane is also at a lower level than the proposed development site area ie. in cutting with a steep bank to part of the highway leading to dense woodland. Further north the topography is more even.

5.3 Existing Vegetation

- 5.3.1 The proposed development site is characterised by mature trees and dense shrubs to the field boundary edges. To the north-eastern boundary (adjacent to Sugar Lane) is a dense belt of shrubs and trees some of which have developed into very large and mature specimens. Further south (to the eastern boundary) are several large and mature tree specimens with dense shrub and ruderal underplanting. To the northern boundary is a dense strip of tree specimens which are a mix of coniferous and deciduous species - an informal hedgerow (comprising mainly Hazel and Holly) lies to the southern boundary of Keysford Lane.
- 5.3.2 To the western boundary is a hedgerow which has not been pruned and has therefore developed into more of a small tree line. The farm area is delineated with dense trees and shrubs which in part lie to the garden edge of the farmhouse. There are also a number of trees within the farm area which are likely to have self-seeded – several lie in very close proximity to existing, agricultural buildings. Two very large and mature Oaks lie in close proximity to an agricultural building to the east of the farm area.
- 5.3.3 The access road to the southern boundary is edged with mature trees to the north and a mix of dense shrubs and mature trees to the southern edge.

5.4 National Landscape Character: Natural England – National Character Areas Profile (122): High Weald

- 5.4.1 The top tier of landscape character assessments is the National Countryside Character assessment comprising of 8 Regional Volumes which are subdivided into 159 distinct, natural areas.

5.4.2 The proposed development site lies within Volume 7: South East and London and is located to the west of National Character Area Profile (122): High Weald which: *encompasses the ridged and faulted sandstone core of the Kent and Sussex Weald. It is an area of ancient countryside and one of the best surviving medieval landscapes in northern Europe. The High Weald Area of Outstanding Natural Beauty (AONB) covers 78 per cent of the NCA. The High Weald consists of a mixture of fields, small woodlands and farmsteads connected by historic routeways, tracks and paths. Wild flower meadows are now rare but prominent medieval patterns of small pasture fields enclosed by thick hedgerows and shaws (narrow woodlands) remain fundamental to the character of the landscape.*

5.4.3 The relevant key characteristics of the NCA - High Weald - National Character Area are summarised below (those particularly relevant to the site and surrounding area are highlighted in **bold**):

- *High density of extraction pits, quarries and ponds, in part a consequence of diverse geology and highly variable soils over short distances;*
- *A dispersed settlement pattern of hamlets **and scattered farmsteads and medieval ridgetop villages** founded on trade and non-agricultural rural industries, with a dominance of timber- framed buildings with steep roofs often hipped or half-hipped, and an extremely high survival rate of farm buildings dating from the 17th century or earlier;*
- *Ancient routeways in the form of ridgetop roads and a dense system of radiating droveways, often narrow, deeply sunken and edged with trees and wild flower-rich verges and boundary banks. Church towers and spires on the ridges are an important local landmark. **There is a dense network of small, narrow and winding lanes, often sunken and enclosed by high hedgerows or woodland strips.** The area includes several large towns such as Tunbridge Wells, Crowborough, Battle and Heathfield and is closely bordered by others such as Crawley, East Grinstead, Hastings and Horsham;*
- ***An intimate, hidden and small-scale landscape** with glimpses of far reaching views, giving a sense of remoteness and tranquillity yet concealing the highest density of timber-framed buildings anywhere in Europe amidst lanes and paths;*
- *Strong feeling of remoteness due to very rural, wooded character. **A great extent of interconnected ancient woods,** steep-sided gill woodlands, wooded heaths and shaws in generally small holdings with extensive archaeology and evidence of long-term management;*
- ***Extensive broadleaved woodland cover with a very high proportion of ancient woodland with high forest, small woods and shaws,** plus steep valleys with gill woodland;*
- ***Small and medium-sized irregularly shaped fields enclosed by a network of hedgerows and wooded shaws, predominantly of medieval origin and managed historically as a mosaic of small agricultural holdings typically used for livestock grazing;***

- *A predominantly **grassland agricultural landscape grazed mainly with sheep and some cattle**;*
- There is a strong influence of the Wealden iron industry which started in Roman times, until coke fuel replaced wood and charcoal. There are features such as a notably high number of small hammer ponds surviving today.
- ***An essentially medieval landscape reflected in the patterns of settlement, fields and woodland.***

5.5 The High Weald Area of Outstanding Natural Beauty Management Plan (2014-2019)

- 5.5.1 The proposed development site is located within the High Weald Area of Outstanding Natural Beauty (AONB) and the High Weald AONB Management Plan is the document in which the local authorities with land in the AONB set out: *their policy for the management of the area and for the carrying out of their functions in relation to it.* The plan states: *The primary purpose of AONB designation is to conserve and enhance natural beauty however In pursuing the primary purpose of designation, account should be taken of the needs of agriculture, forestry, other rural industries and of the economic and social needs of local communities. Particular regard should be paid to promoting sustainable forms of social and economic development that in themselves conserve and enhance the environment.*
- 5.5.2 The management plan goes on to describe the High Weald as: *a historic countryside of rolling hills draped by small irregular fields, abundant woods and hedges, scattered farmsteads and sunken lanes. It covers 1461 sq km across four counties and 11 districts. The High Weald was designated an Area of Outstanding Natural Beauty (AONB) in 1983.*
- 5.5.3 The document continues: *Woodland is extensive covering nearly a third of the area in an intricate network of small wooded shaws, pits and gills; farm woods and larger wooded estates. Most of the woodland is ancient, managed in the past as coppice and swept with bluebells and wood anemones in the spring but of the mature oaks for which the Weald was once famous, few remain.....*
- 5.5.4 The management plan identifies five main components which combine to create the: *distinctive pattern and form the fabric of the landscape we see today:*
- **Geology, landform, water systems and climate:** *Deeply incised, ridged and faulted landform of clays and sandstone. The ridges tend east-west, and from them spring numerous gill streams that form the headwaters of rivers. Wide river valleys dominate the eastern part of the AONB. The landform and water systems are subject to, and influence, a local variant of the British sub-oceanic climate;*
 - **Settlement:** *dispersed historic settlements of farmsteads and hamlets, and late medieval villages founded on trade and non-agricultural rural industries;*

- **Routeways:** *ancient routeways (now roads, tracks and paths) in the form of ridge-top roads and a dense system of radiating droveways. These routeways are often narrow, deeply sunken, and edged with trees, hedges, wildflower-rich verges and boundary banks;*
- **Woodlands:** *the great extent of ancient woods, gills, and shaws in small holdings, the value of which is inextricably linked to long-term management;*
- **Field and Heath:** *small, irregularly shaped and productive fields often bounded by (and forming a mosaic with) hedgerows and small woodlands, and typically used for livestock grazing; small holdings; and a non-dominant agriculture; within which can be found distinctive zones of heaths and inned river valleys.*

5.5.5 Within the management plan it states: *The AONB Management Plan complements but does not duplicate the development plans of constituent local planning authorities. It does not itself propose policy to address development issues. Instead it sets out a 'criteria-based' framework (the objectives and indicators of success for conserving and enhancing natural beauty) against which the impact of development on the purpose of designation can be assessed.*

5.6 Regional Landscape Character: Landscape Character Assessment of West Sussex (2003) – HW1: High Weald

5.6.1 In 2003, West Sussex County Council completed a landscape character assessment which identified 42 no separate and unique landscape character areas. Land Management Guidelines were produced for each area which were intended to provide a resource for landowners, managers, district councils, parish, town and borough councils, other organisations and members of the public.....

5.6.2 The proposed development site area lies within *HW1: High Weald* which is described as being: *The High Weald Forest Ridge within West Sussex. Numerous gill streams have carved out a landscape of twisting ridges and secluded valleys. The ancient, densely wooded landscape of the High Weald is seen to perfection in the area.....*

5.6.3 The key characteristics of HW1: High Weald landscape character area are summarised below with those particularly relevant to the proposed development site and surrounding area in **bold**:

- **Plateau, ridges and deep, secluded valleys cut by gill streams. Headwater drainage of the Rivers Eden, Medway, Ouse and Mole;**
- **Long views over the Low Weald to the downs, particularly from the high Forest Ridge;**
- **Includes major reservoir at Ardingly and adjoins Weir Wood Reservoir.**
- **Significant woodland cover, a substantial portion of it ancient, and a dense network of shaws, hedgerows and hedgerow trees;**

- **Pattern of small, irregular-shaped assart fields, some larger fields and small pockets of remnant heathland;**
- **Pockets of rich biodiversity concentrated in the valleys, heathland, and woodland;**
- *Dense network of twisting, deep lanes, droveways, tracks and footpaths.*
- **Dispersed historic settlement pattern on high ridges, hilltops and high ground, the principal settlements East Grinstead and some expanded and smaller villages;**
- *Some busy lanes and roads including along the Crawley–East Grinstead corridor;*
- *London to Brighton Railway Line crosses the area;*
- *Mill sites, hammer ponds and numerous fish and ornamental lakes and ponds;*
- **Varied traditional rural buildings built with diverse materials including timber-framing, Wealden stone and varieties of local brick and tile hanging;**
- *Designed landscapes and exotic treescapes associated with large country houses;*
- *Visitor attractions include Wakehurst Place, Nymans Gardens, the South of England Showground and the **Bluebell Line Steam Railway.***

5.7 District Landscape Character - A Landscape Character Assessment For Mid Sussex (2005): High Weald

5.7.1 In November 2005, Mid Sussex District Council published a district wide landscape character assessment which was prepared: *to help protect and enhance the distinctive character of the District and to manage change.* The proposed development site lies within the Landscape Character Area 6 – High Weald which covers approximately 11,408 hectares and is:.....*the largest Landscape Character Area in Mid Sussex, contains the highest ground in the High Weald within West Sussex and lies wholly within the District and the High Weald Area of Outstanding Natural Beauty (AONB).....*

5.7.2 Many of the key landscape characteristics identified within the Landscape Character Assessment of West Sussex (2003) - HW1: High Weald are repeated within the Mid Sussex - High Weald landscape character assessment. Additional landscape characteristics which are relevant to the proposed development site and surrounding area are summarised below (those applicable to the development site are highlighted in **bold**):

- **Wooded, confined rural landscape of intimacy and complexity, perceived as attractive, locally secluded and tranquil;**
- **Significant woodland cover, a substantial portion of it ancient, including some larger woods and a dense network of hedgerows and shaws, creates a sense of enclosure, the valleys damp, deep and secluded.**

5.8 Proposed Development Site: Landscape Character

- 5.8.1 The proposed development site landscape features and components are illustrated in Appendix A.
- 5.8.2 The proposed development site includes the western area of Jeffrey's Farm and two fields to the north and north-east of the farm area. Jeffrey's Farm comprises a number of low grade, agricultural buildings (some of which are in a state of disrepair), barns, steel shipping containers and the farm house which was sold to a third party some years ago and is therefore excluded from the proposed development site area. The farm area is slightly chaotic in appearance with derelict buildings, discarded machinery, parked vehicles, chicken wire fences and self-seeded trees combining to create an impression of visual disorder.
- 5.8.3 The fields to the north and north-east of Jeffrey's Farm are characterised by dense shrub and ruderal vegetation as well as trees (many of which are mature and large specimens) which delineate the field edges. The proposed site area is edged by Keysford Lane to the north and Sugar Lane to the east – the urban edge of Horsted Keynes lies to the east of Sugar Lane. Tranquillity is intermittently affected by the close proximity of traffic using the highways. The field immediately south of Keysford Lane is largely given over to equestrian use and therefore it is likely the grassland has little ecological value. Several residential dwellings are located to the south of the narrow access road which leads off Treemans Road to Jeffrey's Farm.
- 5.8.4 The proposed development site area is enclosed and small scale in character as a result of the dense field edge vegetation, mature trees and urban, western edge of Horsted Keynes. There are some very long distance views over existing trees to a ridge line to the north. There is a prevailing urban element to the semi-rural landscape character as a result of the close proximity to Horsted Keynes.
- 5.8.5 The main landscape receptors would be summarised by:
- *Mature tree specimens and tree / shrub belts;*
 - *Jeffrey's Farm Area: Agricultural Buildings and Storage Containers;*
 - *Equestrian outbuildings / Stables;*
 - *Overhead Telephone Wires;*
 - *Jeffrey's Farm House;*
 - *Horsted Keynes – urban edge;*
 - *Highways: Sugar Lane and Keysford Lane.*

5.9 Landscape Receptor Value

- 5.9.1 The aspects of the landscape which may be affected by the proposed residential scheme were identified from existing landscape character assessments and the site visit. The characteristics and guidelines within the landscape character assessments were considered as indicators of aspects of the landscape important to landscape character.

- 5.9.2 The value of the landscape character and receptors are assessed below:
- *The mature tree specimens and tree/ shrub belts to the field edge boundaries are judged to be of High value, important to landscape character and referred to within existing landscape character assessments;*
 - *The Jeffrey's Farm area is assessed as being of Low value with agricultural buildings which are in a state of disrepair and storage containers which detract from the landscape and AONB setting;*
 - *The overhead telephone wires and stables are assessed as being of Low value making little contribution to landscape character;*
 - *Jeffrey's Farm House and garden area is assessed as being of Medium value as although not listed it makes some contribution to landscape character;*
 - *Horsted Keynes urban edge is judged to have a Medium value as there is a mix of newer, less attractive buildings (around Boxes Lane and Jefferies) as well as some older buildings some of which are listed (to the northern end of Sugar Lane);*
 - *Keysford Lane and Sugar Lane are assessed as being of Medium value – mentioned within existing landscape character assessments: 'dense network of small, narrow and winding lanes, often sunken and enclosed by high hedgerows or woodland strips';*
 - *The proposed development site area is judged to be of Medium value as although located within the High Weald AONB it is in close proximity to two highways and Horsted Keynes urban edge is prominent. The farm area comprises a number of low grade agricultural buildings some of which are derelict and there are several elements which detract from the landscape setting including stables, electric fencing, storage containers and overhead telephone wires.*

5.10 Visual Baseline: Potential Visual Receptors

Residential Receptors

- 5.10.1 To the east of the proposed development site is Sugar Lane which forms the western edge of Horsted Keynes and there are a number of properties which lie to the eastern edge of this highway. To the northern end of Sugar Lane, views of the proposed development site area are limited by the dense tree and shrub belt which lies to the western edge of Sugar Lane and south of Keysford Lane. Further south, views of the southern field which forms the proposed development site area (where the proposed access road and community building would be located) are more open although mature trees limit perceptibility – there would be views of the proposed access road entrance off Sugar Lane from residential properties to the western end of Jefferies. Views from the properties to the south of the existing Jeffrey's Farm access track are limited by dense shrubs and mature trees.
- 5.10.2 Within the wider landscape, views of the proposed development site are constrained by the dense vegetation which delineates the field edge boundaries.

Views from Jeffrey's Farm House would be limited by the dense and mature vegetation which lies to the garden boundary.

Recreational Users

- 5.10.3 Views of the proposed development site area from locations to Public Rights of Way are limited by the dense shrubs and mature tree specimens which lie to the field edge boundaries.

Agricultural Workers

- 5.10.4 Any views of the proposed development site area from adjacent fields would also be limited by the mature shrubs and trees which lie to the field boundaries – partial views would be limited to gaps in the vegetation. There would be some views from part of the field which lies immediately west of the Jeffrey's Farm area.

Road Users

- 5.10.5 Views of the proposed development site area from locations to Keysford Lane and Sugar Lane would be limited by the dense trees and shrubs which lie to the eastern and northern boundaries of the proposed development site area. Occasional gaps may allow fleeting, glimpsed views of the proposed development site area. Sugar Lane and Keysford Lane do not have a dedicated pedestrian path / pavement meaning pedestrian use is likely to be minimal. To the south of Sugar Lane, views west to the southern field which forms the proposed development site area would be slightly more open however mature trees and shrubs would limit the perceptibility of the proposed access road and community building.

5.11 Visual Analysis: Representational Viewpoints

- 5.11.1 This section of the report provides an analysis of the existing visual condition. A range of key viewpoints has been selected to demonstrate the views available of the proposed development site area and also viewpoints which demonstrate a lack of visibility due to the prevailing topography and/or intervening vegetation. Views are shown in *Appendix B: Viewpoint Photographs*.

Viewpoint 01 – PROW: Footpath South of Bennetts Looking North

- 5.11.2 This viewpoint is located approximately 300.0m to the south of the proposed development site area on a PROW: Footpath and looks north. To the right of the image is a single storey, residential development: *Bennetts* which is located to the south of a row of detached houses which lie to the western edge of Treemans Road. To the north is a mature tree and shrub belt which lies to the field edge boundary. There is a partial, long distance view of an agricultural building which is located to the western edge of the Jeffrey's Farm area – further north are limited views of the topography as it rises in the distance.

Viewpoint 02 – PROW: Footpath Looking North

- 5.11.3 Viewpoint 02 looks north from a location to a PROW: Footpath which lies to the south of a tree and shrub belt approximately 380.0m from the proposed

development site. The viewpoint lies on an unmade farm track and *Old Keysford Hall* lies to the south east. Views north are limited by the mature trees and shrubs which are located to the field edge. Whilst there are clear views of the residential dwellings which lie to the west of Treemans Road, the Jeffrey's Farm area and associated agricultural buildings are not perceptible in views from this location as a result of intervening vegetation.

Viewpoint 03 – Keysford Lane Looking North-East

- 5.11.4 This viewpoint lies on a location to Keysford Lane adjacent to a residential dwelling: *High Beeches* and the entrance to Woodland Farm. The viewpoint is located approximately 1.70km to the south-west of the proposed development site area and the elevated location allows for panoramic views over the landscape to the east. The view demonstrates the undulating, wooded nature of the landscape and the long distance views which are available from elevated and isolated locations. Tranquillity is intermittently affected by the close proximity of traffic to Keysford Lane and there are partial, long distance views of isolated buildings within the landscape. The perceptibility of the proposed development site area and Jeffrey's Farm is constrained by distance and intervening vegetation.

Viewpoint 04 – PROW: Footpath off Keysford Lane Looking East

- 5.11.5 Viewpoint 04 lies to the north of Keysford Lane approximately 850.0m from the proposed development site area and looks east across the Bluebell Railway Line - a bridge which crosses the railway track is partially visible to the centre of the image. The proposed development site area is hidden from view in this location by a combination of the rising topography and intervening, mature vegetation. To the centre of the image, the PROW: Footpath (which also provides access to Nobles Farmhouse to the north-west) is clearly visible heading south to Keysford Lane and the dense woodland which lies to the southern edge of the highway is also perceptible. The view demonstrates the undulating nature of the landscape to the west of Horsted Keynes and the prevailing wooded character which limits views and creates a strong sense of enclosure.

Viewpoint 05 – Private Farmland off Keysford Lane Looking East

- 5.11.6 This viewpoint lies approximately 90.0m from the western boundary of the proposed development site and looks east across Keysford Lane. The location is on private farmland close to a field opening to the north of Keysford Lane. The proposed development site area is hidden in views due to the dense tree and shrub belt which lies to the northern boundary of the proposed development site area. To the left of the image, agricultural fields which lie to the north of Keysford Lane are visible and there is a partial view of Ludwell Grange to the north east.

Viewpoint 06 – Junction of Sugar Lane and Keysford Lane Looking South

- 5.11.7 This viewpoint lies approximately 70.0m to the north of the proposed development site area to the junction between Keysford Lane and Sugar Lane. The view looks south and the perceptibility of the proposed site is constrained by the large and mature trees which lie to the south of the junction. The viewpoint is located to the northern edge of Horsted Keynes and has an urban character with a

view of Ludwell Grange to the right of the image and the rooftops to properties which lie to the east of Sugar Lane also partially visible. The northern end of Sugar Lane is visible rising as it heads south to the eastern edge of the proposed development site area.

Viewpoint 07 – Boxes Lane Looking West

- 5.11.8 Viewpoint 07 lies approximately 50.0m to the east of the proposed development site area and looks west. The viewpoint is located to a slightly elevated location on Boxes Lane – a cul-de-sac which runs east off Sugar Lane. The view demonstrates the dense shrubs and mature trees which lie to the north-eastern edge of the proposed development site area as well as the steep bank which lies to the western edge of Sugar Lane which limits views west.

Viewpoint 08 – Jefferies Looking West

- 5.11.9 This viewpoint looks west from a location to the south of Viewpoints 06 and 07 and lies on Jefferies which links Sugar Lane with Lewes Road. To the right of the image is a partial view of a residential dwelling which lies to the east of Sugar Lane which can be seen to the eastern edge of the proposed development site area. The topography is more even in this view (to the south east of the proposed development site area) and the large and mature trees which characterise the western edge of Sugar Lane are visible adjacent to the highway. As with Viewpoints 06 and 07, the location of Viewpoint 08 to the western edge of Horsted Keynes is urban in character with man-made components prominent in views.

Viewpoint 09 – Treemans Road Looking North

- 5.11.10 Viewpoint 09 lies to the south of the existing access to Jeffrey's Farm and looks north along Sugar Lane – the existing farm access can be seen to the centre of the image. The view shows the residential properties which form part of the western, urban edge of Horsted Keynes and to the left of the image is a hedgerow which lies to the east of a dwelling which lies to the south of the farm access road. The view demonstrates the dense vegetation which lies to the western edge of Sugar Lane and to the south of the Jeffrey's Farm access road. The field which forms the southern part of the proposed development site area is partially visible through gaps in the vegetation to the north of the farm access track.

6.0 MITIGATION AND POTENTIAL EFFECTS

6.1 Mitigation

- 6.1.1 The proposed development scheme would seek to retain and protect existing, mature tree specimens and tree / shrub belts to the western, northern and eastern boundaries of the proposed development site area. A number of self-seeded tree specimens within the farm area would require removal due to very close proximity to existing agricultural buildings which are proposed to be demolished. Limited areas of shrubs and small trees to the boundary which separates the two fields

would be removed as well as to the north-western edge of the Jeffrey's Farm House garden area.

- 6.1.2 To the south-eastern field boundary (adjacent to Sugar Lane), a limited section of shrubs would be cleared to facilitate the proposed access road entrance. (For details of the proposed tree protection measures refer to: *RCo180 / 02a and 2b / Tree Protection Drawings* and accompanying *Existing Tree Schedule*).
- 6.1.3 The boundaries of the proposed residential development scheme would be enhanced with native hedgerows and tree specimens which would soften and filter near distance views from locations within the proposed development site area. To the south east, the proposed access road would be enhanced with tree specimens and a hedgerow to the proposed community building frontage.
- 6.1.4 Pedestrian paths to the north western, northern and southern edges would be enhanced with native tree specimens. The existing small trees / shrubs to the western boundary edge of the proposed development site area would be enhanced with a 5.0m wide buffer of native understorey shrub planting and tree specimens. To the north of the proposed residential dwellings, an extensive area of native grassland and wildflowers would be established which would enhance the development site biodiversity attracting invertebrates such as butterflies and bees.
- 6.1.5 For details of the scheme proposals refer to: *RCo180 / Fig 03 / Proposed Development and Mitigating Planting Scheme*.

6.2 Potential Effects: Construction Phase

- 6.2.1 The potential construction phase activities would involve the demolition of several Jeffrey's Farm agricultural buildings, the construction of the proposed access road and general works associated with the construction of the proposed community building and residential dwellings— these activities would be regarded as short term:
- *Demolition of several Jeffrey's Farm agricultural buildings;*
 - *Construction of access road;*
 - *Localised, general ground works;*
 - *Delivery of building materials;*
 - *General construction site activities.*

6.3 Potential Effects: Post Construction

- 6.3.1 Following completion of the proposed development scheme, potential effects would include views of the proposed residential dwellings, community building and access road: effects would be permanent.

7.0 LANDSCAPE AND VISUAL EFFECTS

7.1 Landscape Effects

- 7.1.1 This section will deal with the potential effects of the proposed development scheme on the landscape character and fabric of the development site and surrounding area.
- 7.1.2 The proposed development site area comprises agricultural buildings and steel shipping containers to the Jeffrey's Farm area – some of which would be removed to facilitate the construction of residential units. Limited areas of small trees and shrubs which delineate pasture fields would be removed to enable the construction of the access road and proposed residential units to the north and north east of Jeffrey's Farm.
- 7.1.3 A small area of shrubs to the western edge of Sugar Lane would be removed to allow the access road entrance to be constructed however mature trees would be retained and protected within the proposed development scheme. Several trees within the Jeffrey's Farm area would be removed due to close proximity to buildings proposed to be demolished.
- 7.1.4 The shrub / tree belts to the western, northern and eastern edges of the proposed development site area would be retained as would the mature tree specimens to the eastern boundary adjacent to Sugar Lane. The mature tree specimens which line the existing Jeffrey's Farm access track would also be retained and protected within the proposed development scheme.

Existing Landscape Receptors: Potential Effects

- 7.1.5 The existing landscape components which are important to the proposed development site landscape character have been identified as follows:
- *Mature tree specimens and tree/shrub belts;*
 - *Jeffrey's Farm Area: Agricultural Buildings and Storage Containers;*
 - *Equestrian outbuildings / Stables;*
 - *Overhead Telephone Wires;*
 - *Jeffrey's Farm House;*
 - *Horsted Keynes – urban edge;*
 - *Highways: Sugar Lane and Keysford Lane.*

Landscape Character: Potential Effects

- 7.1.6 Landscape character is partly derived from the combination and pattern of landscape elements within any view and therefore there is an overlap between visual amenity and landscape character.

7.2 Effects On The Landscape

Sensitivity

7.2.1 The sensitivity of the landscape receptors has been assessed as follows:

- **Mature tree specimens and tree/shrub belts** have been assessed as having a high value. Susceptibility to change would be medium as the majority of the existing trees and shrubs would be retained. The overall sensitivity of the existing mature tree specimens and tree / shrub belts is judged to be **Medium**;
- **The Jeffrey's Farm Area: Agricultural Buildings and Storage Containers** are assessed as being of low value being in a state of disrepair and detracting from the landscape setting. There would be a low susceptibility to change as some agricultural buildings would be retained to the east of the farm area leading to a **Low** sensitivity overall;
- **The Equestrian Outbuildings / Stables** are judged to be of low value. There would be a low susceptibility to change as the stables and equine fencing detract from the landscape setting and a **Low** sensitivity overall;
- **The Overhead Telephone Wires** are also assessed as being of low value as they detract from the landscape and AONB setting. The susceptibility to change is judged to be low as they would be retained and therefore sensitivity is assessed as being **Low** overall;
- **Jeffrey's Farm House**: is judged to be of medium value as the isolated dwelling makes some contribution to landscape character. Susceptibility to change is judged to be medium due to the dense boundary vegetation which surrounds the garden area - leading to a **Medium** sensitivity overall;
- **The Horsted Keynes – Urban Edge** is assessed as being of medium value. The susceptibility to change is judged to be medium as the proposed access road would run off Sugar Lane - sensitivity is assessed as being **Medium**;
- **Highways: Sugar Lane and Keysford Lane** are judged as being of medium value. The proposed access road would be located off Sugar Lane and therefore susceptibility to change is judged to be medium. The resulting sensitivity would also be **Medium**;
- **Proposed Development Site: Landscape character** - value has been assessed as being medium. Susceptibility to change is judged to be High as the character of the two fields and farm area would permanently change with the type of development proposed. The development site landscape character is judged to have a **High** sensitivity overall.

Magnitude of Change: Construction Phase

7.2.2 During the construction phase of the proposed development scheme, there would be short term effects in relation to the demolition of agricultural buildings, general ground works and construction of the access road, community building and residential units.

- Magnitude of Change: Completion of the Proposed Development Scheme***
- 7.2.3 Following completion of the proposed scheme, effects would be permanent and related to the perceptibility of the proposed access road, community building and residential units.
- Assessment of Landscape Effects***
- 7.2.4 The proposed scheme would require the removal of several agricultural buildings to the west of the Jeffrey's Farm area as well as storage containers and self-seeded trees. There would be limited removal of dense shrub areas to facilitate the construction of the residential dwellings and access road.
- Mature tree specimens and tree/shrub belts***
- 7.2.5 The magnitude of change in relation to existing mature tree specimens and tree / shrub belts is assessed as being **Minor** as the removal of existing vegetation would be limited to self-seeded trees within the farm area and localised areas of dense shrubs / small trees. There would be a **Low / Slight Adverse** overall degree of landscape effect in relation to the mature tree specimens and tree / shrub belts as a result of the proposed development scheme.
- Jeffrey's Farm Area - Agricultural Buildings and Storage Containers***
- 7.2.6 Several agricultural buildings and shipping containers are proposed to be removed to facilitate the proposed development. A number of the buildings are derelict and the farm area is slightly chaotic in appearance. There would be a **Moderate** magnitude of change in relation to the proposed removal of the agricultural buildings and a permanent **Low / Slight Beneficial** overall degree of landscape effect as the buildings and storage containers detract from the landscape and AONB setting.
- Equestrian Outbuildings / Stables***
- 7.2.7 There would be a **Minor** magnitude of change in relation to the proposed removal of the equestrian electric fencing and two stables. The outbuildings and fencing detract from the landscape and AONB setting and therefore, there would be a permanent **Low / Slight Beneficial** overall degree of landscape effect as a result of their removal.
- Overhead Telephone Wires***
- 7.2.8 The overhead telephone wires are a man-made component which detracts from the landscape setting. As they are proposed to be retained the magnitude of effect would be **None** and there would be **No Change** in the overall degree of landscape effect.
- Jeffrey's Farm House***
- 7.2.9 The setting of Jeffrey's Farm House would experience a short term **Moderate** magnitude of change in relation to demolition and construction activities however this would be set against the close proximity of everyday farming activities. There would be a short term **Moderate Adverse** overall degree of landscape effect as a

result of the proposed scheme and resulting impacts on tranquillity as well as the removal of some shrub/small tree planting to the north-west of the garden area.

Horsted Keynes – Urban Edge

- 7.2.10 The setting of the residential dwellings which form the western, urban edge of Horsted Keynes would experience a short term **Moderate** magnitude of change due to the close proximity of the proposed development site area to the west of Sugar Lane. There would be a short term **Moderate Adverse** overall degree of landscape effect during the construction phase of the proposed scheme due to construction deliveries to Sugar Lane and general development site activities.

Sugar Lane and Keysford Lane

- 7.2.11 There would be a short term, **Minor** magnitude of change in relation to the setting of Sugar Lane and the construction of the entrance to the proposed access road and a short term **Low / Slight Adverse** overall degree of landscape effect.

Proposed Development Site - Landscape Character (Construction Phase)

- 7.2.12 The magnitude of change in relation to landscape effects arising from the proposed development scheme during the construction phase would be short term and **Major** and limited to the immediate development site context. The overall degree of landscape effect would be a short term **Substantial Adverse** as localised demolition operations and general construction site activities would negatively impact on the development site landscape character.

Proposed Development Site - Landscape Character (Post Construction)

- 7.2.13 Following completion of the proposed residential scheme the magnitude of change is anticipated to be **Major** but would be limited to the immediate development site context. The proposed development scheme would introduce a new access road off Sugar Lane, a community building and residential units to the west and north of the Jeffrey's Farm area. Therefore, the overall degree of landscape effect following completion of the scheme would be a permanent **Substantial Adverse**.

Conclusion

- 7.2.14 The proposed scheme would comprise 42 no. mixed residential units which would be partly located to a green-field site to the north of Jeffrey's Farm and to an area west of the main farm area. A new access road would be constructed off Sugar Lane from a location opposite and slightly north of Jefferies and a community building is proposed to the north east of the farm – also to a grassland field. All the mature trees which lie to the field edges are proposed to be retained with only self-seeded trees which are in close proximity to agricultural buildings proposed to be demolished to be removed. Limited areas of shrubs / small trees would also be removed to facilitate the proposed development however an extensive soft landscape scheme would incorporate native tree planting throughout the site as well as hedgerows, understorey shrub planting areas and a native grassland and wildflower meadow area.

- 7.2.15 There would be short term and permanent adverse landscape effects as a result of the proposed development scheme however the site is bordered to the east and north with highways and adjacent to the western urban edge of Horsted Keynes. Jeffrey's Farm lies to the south and there are residential dwellings to the south of the existing farm access track meaning there is an existing urban element to the proposed site area character. The retained dense vegetation to the site boundaries would mean adverse landscape character impacts would be limited to the immediate development site area.

7.3 Statutory Landscape Designations

High Weald - Area of Outstanding Natural Beauty

- 7.3.1 Jeffrey's Farm and the proposed development site area lies within the High Weald AONB and within the High Weald AONB Management Plan it states that looking forward to 2024, the AONB should retain: *its remarkable character and scenic beauty*. The farm area with its slightly dilapidated and chaotic appearance, the overhead telephone lines and equestrian stables all detract from the setting of the High Weald AONB.
- 7.3.2 The plan goes on to mention: *In pursuing the primary purpose of designation, account should be taken of the needs of agriculture, forestry, other rural industries and of the economic and social needs of local communities*. Within the: *Role of the AONB vision* section of the plan, it mentions the need to take a: *realistic and practical view that faces up to the likely demographic changes that increase demand for housing, lifestyle and technological changes, increase in traffic, climate change, and the decline of traditional farm businesses* as well as: *protecting biodiversity and improving the quality of the natural and historic environment*.
- 7.3.3 The management plan identifies a number of objectives which have relevance to the proposed scheme including:
- ***S2 Objective: To protect the historic pattern of settlement.*** Rationale: *To protect the distinctive character of towns, villages, hamlets and farmsteads and to maintain the hinterlands and other relationships (including separation) between such settlements that contribute to local identity;*
 - ***W1 Objective: To maintain existing extent of woodland and particularly ancient woodland.*** Rationale: *To maintain irreplaceable habitats for biodiversity, to maintain a key component of the cultural landscape, and to maintain contribution to carbon storage;*
 - ***FH2 Objective: To maintain the pattern of small irregularly shaped fields bounded by hedgerows and woodlands.*** Rationale: *To maintain fields and field boundaries that form a part of the habitat mosaic of the High Weald; and to maintain this key component of what is a rare UK survival of an essentially medieval landscape;*
 - ***FH3 Objective: To enhance the ecological function of field and heath as part of the complex mosaic of High Weald habitats.*** Rationale: *To*

improve the condition, landscape permeability and connectivity of fields and heaths and their associated and interrelated habitats (such as hedges, woodlands, ditches, ponds and water systems) for wildlife.

- 7.3.4 Whilst the proposed scheme lies partly to a green field site it is also adjacent to the western edge of Horsted Keynes and is edged by Keysford Lane to the north and Sugar Lane to the east. The Jeffrey's Farm area and several residential dwellings are located to the southern edge. Therefore, the proposed development site has an existing urban element to its character.
- 7.3.5 The retained boundary vegetation would be enhanced with additional native shrub planting areas and trees which would reinforce the existing vegetation as well as providing succession tree specimens. The existing field patterns would be largely maintained with retained trees and shrub belts. The proposed residential development would incorporate native species hedgerows, tree specimens and a grassland and wildflower meadow area which would enhance the proposed development site biodiversity and create a new habitat area.
- 7.3.6 Whilst the proposed scheme would result in the loss of some limited shrub planting areas and part of a grassland field, it would provide a mix of much needed housing as well as allowing farming activity to continue – albeit on a reduced scale.

Ancient Woodland

- 7.3.7 *Parson's Wood* to the north west of the proposed development site area is designated as Ancient Replanted Woodland and *Coneyborough Wood* to the south is designated as Ancient Woodland. The distance between the designated areas and the proposed development site as well as intervening landscape features (Keysford Lane to the north and residential dwellings to the southern edge of the Jeffrey's Farm access track) mean the setting of the designated woodland would be unaffected by the proposed residential scheme.

7.4 Visual Effects: Extent of Visibility - Zone of Theoretical Visibility (ZTV)

- 7.4.1 The Zone of Theoretical Visibility (ZTV) illustrating the anticipated perceptibility of the proposed development scheme has been assessed by means of a desktop survey which was then refined with a site visit. The ZTV is illustrated on: *RCo180 / Figure 01 / Viewpoint Locations and ZTV*.
- 7.4.2 The existing field edge vegetation constrains views of the proposed development site area from locations to the surrounding urban and semi-rural landscape. To the northern boundary, a belt of coniferous and deciduous trees as well as dense shrubs to the southern edge of Keysford Lane limit views from locations to the highway and open fields further north. There are some, very long distance views from elevated locations to the north of the proposed development site area over the top of the boundary trees.

- 7.4.3 To the north-east, the tree and shrub belt to the western edge of Sugar Lane, limits and constrains views from locations to Sugar Lane and the residential properties to the eastern edge of the highway. There are partial views from locations to the southern end of Sugar Lane to the field which is proposed to be given over as a community space – however mature trees and shrubs to the western edge of the highway limit views west. Residential dwellings constrain views further east of Sugar Lane from locations within the urban environment of Horsted Keynes.
- 7.4.4 To the south, mature trees and dense shrubs to the southern edge of the Jeffrey's Farm access track constrain the Zone of Theoretical visibility. To the south west, a gap in the boundary vegetation allows views from locations to part of an open agricultural field. To the west and north-west, views from Keysford Lane and locations to the north of the highway would be limited by intervening vegetation to the highway edge and development site boundaries.
- 7.4.5 The undulating nature of the landscape to the north, west and south of Jeffrey's Farm as well as the wooded character means views are generally constrained however, there are occasional long distance views from elevated and isolated locations to the north and south west.

7.5 Visual Effects: Viewpoints and Visual Receptors

- 7.5.1 The viewpoint photographs are shown in *Appendix B: Viewpoint Photographs*.

Viewpoint 01 - PROW: Footpath South of Bennetts Looking North

- 7.5.2 This viewpoint is located to the west of Treemans Road and south of Jeffrey's Farm. The view looks north and to the right of the image is a clear view of Bennetts – one of several, detached residential dwellings which lie to the east and west of Treemans Road south of Horsted Keynes. This view is representative of recreational walkers who would be anticipated as having a high susceptibility to change - value is assessed as being high as the location is within the AONB and there are partial, long distance views of elevated locations to the north - the resulting sensitivity is judged to be **High**. Intervening vegetation constrains the visibility of the proposed development site area and therefore the magnitude of effect is assessed as being **Minor**.

- 7.5.3 There would be a **Negligible Neutral** overall degree of visual effect as a result of the proposed development scheme. Any views of residential dwellings would be limited by intervening vegetation which would be enhanced with additional tree specimens to the southern edge of the proposed development site area.

Viewpoint 02 - PROW: Footpath Looking North

- 7.5.4 Viewpoint 02 looks north from a location to a PROW: Footpath to the north-west of *Old Keysford Hall*. The viewpoint lies to an unmade farm track and the near proximity of mature trees and dense shrubs mean views north are limited although residential dwellings which lie to the west of Treemans Road are visible to the edge

of a grassland field. Value is assessed as being medium as although the viewpoint is located within the AONB, views are limited and modern residential dwellings are visible in mid-distance views. The viewpoint would be representative of recreational walkers and therefore susceptibility to change is high with the resulting sensitivity judged also to be **High**. The magnitude of effect would be **None** as the Jeffrey's Farm area and proposed development site are not perceptible in views from this location.

- 7.5.5 There would be **No Change** in the overall degree of visual effect as a result of the proposed development scheme as dense, intervening vegetation constrains the visibility of the proposed site in views from this location.

Viewpoint 03 - Keysford Lane Looking North-East

- 7.5.6 This viewpoint is located to Keysford Lane adjacent to a residential dwelling: *High Beeches* and is included as an example of the long distance views which are available to the south-west of Horsted Keynes. The elevated location allows for panoramic views across the landscape and would be representative of road users and residents of High Beeches - residents would be anticipated as having a high susceptibility to change. Value is also assessed as high due to the scenic quality and AONB designation - the resulting sensitivity is judged to be **High**. The magnitude of effect would be **Minor** due to the nature of the long distance views and intervening vegetation which limits the visibility of the proposed development site area.

- 7.5.7 The perceptibility of the proposed development site area is constrained by a combination of long distance and intervening trees and shrubs, therefore the anticipated overall visual effect would be **Negligible Neutral**.

Viewpoint 04 – PROW: Footpath off Keysford Lane Looking East

- 7.5.8 Viewpoint 04 is located to a PROW: Footpath which runs north off Keysford Lane to the west of the Bluebell Railway line. The combination of the rising topography and trees to the southern edge of Keysford Lane mean views east are very constrained. The value of this view is judged to be medium as although the viewpoint lies within the High Weald AONB it is not particularly representative of the designation with limited scenic quality. This viewpoint would be representative of recreational walkers who would be anticipated to have a high susceptibility to change - the resulting sensitivity is judged to be **High**. The magnitude of effect would be **None** as there are no views of the proposed development site area from this location.

- 7.5.9 There would be **No Change** in the overall degree of visual effect as views of Jeffrey's Farm and the proposed development site area are constrained and limited by intervening vegetation and topography.

Viewpoint 05 – Private Farmland off Keysford Lane Looking East

7.5.10 Viewpoint 05 is located to private farmland adjacent to Keysford Lane and looks east towards the north-western boundary of the proposed development site area. This view would be representative of agricultural workers who would be anticipated as having a low-medium susceptibility to change. Value is judged to be medium as although the location is within the High Weald AONB, the close proximity of Keysford Lane and overhead power lines means the view is not particularly representative of the designation. The resulting sensitivity is assessed as being **Medium**. The magnitude of effect would be **None** as the proposed development site is not perceptible in views from this location.

7.5.11 There would be **No Change** in the overall degree of visual effect as the proposed development site and Jeffrey's Farm area are not visible in views from this location due to intervening vegetation to the edge of Keysford Lane.

Viewpoint 06 – Junction of Sugar Lane and Keysford Lane Looking South

7.5.12 This viewpoint is located to the junction of Sugar Lane and Keysford Lane to the north-east of the proposed development site area. The highways and residential dwellings mean there is a distinct urban character to this location to the north-west of Horsted Keynes. The view would be representative of road users and residents to nearby properties – residents would be anticipated to have a high susceptibility to change. The view south is constrained by mature trees and there are a number of man-made components including telegraph poles and signage - although Horsted Keynes is located within the High Weald AONB value is considered to be medium with the resulting sensitivity judged to be **High** overall. The magnitude of effect is anticipated to be **Minor** as views of the proposed development site area would be limited by the mature trees to the southern edge of the junction.

7.5.13 There would be a **Negligible Neutral** overall degree of visual effect as mature trees to the north-east of the proposed development site area (which are proposed to be retained and enhanced with additional tree specimens) would limit the perceptibility of the proposed residential scheme.

Viewpoint 07 – Boxes Lane Looking West

7.5.14 Viewpoint 07 lies to the east of the proposed development site area to Boxes Lane which runs off Sugar Lane. The view shows the existing mature trees and dense shrub planting to the western edge of Sugar Lane which limits the visibility of the proposed development site. This view would be representative of road users and residents to nearby properties to the north and south of this location – residents are likely to have a high susceptibility to change. The constrained nature of this view means despite its location within the High Weald AONB value is assessed as being medium - sensitivity is judged to be **High**. The magnitude of effect is anticipated to be **Minor** as the dense tree and shrub belt to the eastern boundary of the proposed development site would limit views of the proposed residential scheme.

- 7.5.15 The proposed development would result in a **Negligible Neutral** overall degree of visual effect as the tree and shrub belt to the western edge of Sugar Lane is proposed to be retained and enhanced with additional tree planting to the east of the proposed development site area. This would constrain views of the proposed development from this location and Sugar Lane.

Viewpoint 08 – Jefferies Looking West

- 7.5.16 This viewpoint lies to Jefferies and looks west over Sugar Lane towards the eastern edge of the field which is proposed to be used as a community open space. The view shows the mature trees and dense shrubs which lie adjacent to Sugar Lane which limit views west. This view would be representative of road users (Sugar Lane and Jefferies) and residents to the properties which lie to the western end of Jefferies – residents would be anticipated to have a high susceptibility to change. Despite the location being within the High Weald AONB, the highways and residential dwelling means value is assessed as being medium - sensitivity is judged to be **High**. The magnitude of effect is anticipated to be **Moderate** as the proposed access road and community building would be perceptible in views from this location.
- 7.5.17 A limited section of shrub planting to the edge of Sugar Lane would be removed to facilitate the construction of the proposed entrance of the new access road. The retained trees and proposed tree and hedgerow planting would filter views of the access road and community building however they would still be new components within this view and therefore, there would be a **Moderate Adverse** overall degree of visual effect.

Viewpoint 09 – Treemans Road Looking North

- 7.5.18 Viewpoint 09 looks north up Sugar Lane and is located to Treemans Road which lies to the south of Sugar Lane. The existing trees to the edges of Sugar Lane and the Jeffrey's Farm access track mean views to the proposed development site area are limited. This view would be representative of road users who would be anticipated as having a low susceptibility to change, value is judged to be medium as AONB status notwithstanding the view is urban in character with modern dwellings and Sugar Lane prominent. The resulting sensitivity is assessed to be **Medium** overall. The magnitude of effect is anticipated to be **Minor** as the existing trees and shrubs limit views of the proposed development site area.
- 7.5.19 Any partial views of the community building proposed to the eastern edge of the proposed development site area and access road would be viewed within the context of the existing residential dwellings and Sugar Lane. The existing trees to the edge of Sugar Lane and to the Jeffrey's Farm access road would be retained and additional tree and hedgerow planting is proposed to the edges of the new access road. Therefore, there would be a **Low / Slight Adverse** overall degree of visual effect as a result of the proposed development scheme.

8.0 SUMMARY AND CONCLUSIONS

8.1 Zone of Theoretical Visibility (ZTV)

- 8.1.1 The proposed development site is located to the western edge of Horsted Keynes and benefits from mature tree and dense shrub planting to the boundaries. All the existing boundary vegetation, with the exception of limited areas of shrubs and self-seeded trees (within the existing farmyard area) are proposed to be retained. A comprehensive soft landscape scheme would seek to reinforce the existing boundary planting with native shrub, hedgerow and tree planting.
- 8.1.2 To the north, the ZTV boundary is constrained by the dense coniferous and deciduous tree belt which lies to the southern edge of Keysford Lane which limits views south from Keysford Lane and fields further north. There are some very long distance views of a limited area of the proposed development site from elevated locations to the north of Horsted Keynes. To the east, the ZTV is defined by the mature trees and shrubs which lie to the western edge of Sugar Lane as well as the urban, western edge of Horsted Keynes.
- 8.1.3 To the south the ZTV is constrained by the mature trees which lie to the edges of the existing Jeffrey's Farm access track. Further west to the southern edge, mature trees and shrubs would be reinforced with additional tree specimens which would limit the perceptibility of the proposed residential scheme in views from locations to an agricultural field to the south.
- 8.1.4 To the south-west and west, the existing boundary planting is proposed to be reinforced with a 5.0m wide buffer of native trees and shrubs which would enhance the existing vegetation and limit views from agricultural fields to the west.

8.2 Mitigation

- 8.2.1 The proposed development site benefits from mature tree and shrub planting to the boundaries and with the exception of limited areas of boundary shrub planting and self-seeded tree specimens to the west of the Jeffrey's Farm area, the boundary vegetation would be retained and protected. To the north, the existing tree and shrub belt would be reinforced with additional, native tree planting to the edge of a pedestrian path. To the east, the existing mature trees and shrubs to the edge of Sugar Lane would be reinforced with tree specimens to the edge of the residential garden areas.
- 8.2.2 To the west, the existing shrub/small tree planting to the boundary would be enhanced with a 5.0m wide 'green' buffer of native trees and shrubs. The south western boundary would also benefit from tree planting which would reinforce the existing retained, vegetation.

- 8.2.3 Within the proposed development site area, the garden boundaries would be enhanced with native hedgerows and hedgerow trees. The main access road and pedestrian paths would also be edged with native hedgerow and tree planting. A native wildflower and grassland meadow area is proposed to the north of the proposed residential development which would enhance the existing biodiversity - attracting invertebrates such as bees and butterflies.

8.3 Landscape Effects

- 8.3.1 The overall degree of landscape effects with regard to the proposed development are summarised below in Table 06.

Table 06 Anticipated Overall Degree of Landscape Effects (Landscape Character / Landscape Components)			
Landscape Receptors	Sensitivity	Magnitude of Effect	Overall Degree of Landscape Effect
Mature tree specimens and tree/shrub belts	Medium	Minor	Low / Slight Adverse
The Jeffrey's Farm Area: Agricultural Buildings and Storage Containers	Low	Moderate	Low / Slight Beneficial
Equestrian Outbuildings / Stables	Low	Minor	Low / Slight Beneficial
Overhead Telephone Wires	Low	None	No Change
Jeffrey's Farm House	Medium	Short term Moderate	Short Term Moderate Adverse
Horsted Keynes – Urban Edge	Medium	Short term Moderate	Short Term Moderate Adverse
Highways: Sugar Lane and Keysford Lane	Medium	Short Term Minor	Short Term Low/Slight Adverse
Proposed Development Site: Landscape character (Construction Phase)	High	Major	Short term Substantial Adverse
Proposed Development Site: Landscape character (Post Construction)	High	Major	Permanent Substantial Adverse

- 8.3.2 The proposed scheme would seek to construct 42 housing units of varying types to the west of the Jeffrey's Farm area and to a pasture field to the south of Keysford Lane, Horsted Keynes. An access road and community building is proposed to a field to the north east of the farm area (to the west of Sugar Lane). The existing vegetation would be retained with the exception of several self-seeded trees to the farm area and limited areas of dense shrub planting. A comprehensive soft landscape scheme would enhance and reinforce the existing boundary vegetation with native hedgerow, understorey shrub planting areas and tree specimens. A

- native wildflower and grassland meadow is proposed to the open area to the north of the residential dwellings.
- 8.3.3 The existing mature tree specimens and tree/shrub belts are proposed to be largely retained and protected with only limited shrub planting areas and trees which are in close proximity to existing farm buildings proposed to be removed. Therefore, there would be a **Low / Slight Adverse** overall degree of landscape effect in relation to the existing mature tree specimens and tree/shrub belts as a result of the proposed residential scheme.
- 8.3.4 The removal of several agricultural buildings (some of which are derelict) and storage containers would mean there would be a **Low / Slight Beneficial** overall degree of landscape effect as they detract from the landscape setting and AONB designation.
- 8.3.5 The equestrian fencing and stables / outbuildings detract from the landscape setting and therefore their removal would result in a **Low / Slight Beneficial** overall degree of landscape effect.
- 8.3.6 The overhead telephone wires are a visible, man-made component which detracts from landscape character however there would be **No Change** in the overall degree of landscape effect as the overhead wires are to be retained.
- 8.3.7 There would be a short term **Moderate Adverse** overall degree of landscape effect on the setting of Jeffrey's Farm House as a result of construction site activities and deliveries.
- 8.3.8 Sugar Lane forms the western edge of Horsted Keynes with a number of residential properties to the eastern edge of the highway. There would be a short term **Moderate Adverse** overall degree of landscape effect on the setting of the Horsted Keynes urban edge as a result of deliveries and general construction site operations.
- 8.3.9 Keysford Lane and Sugar Lane lie to the northern and eastern boundaries of the proposed development site area respectively. There would be a short term **Low / Slight Adverse** overall degree of landscape effect as a result of construction site deliveries and the construction of the entrance to the new access road.
- 8.3.10 The proposed residential scheme is anticipated to have a short term **Substantial Adverse** overall degree of landscape effect on the proposed development site landscape character as a result of demolition activities, ground work operations and general construction site activities. Following completion of the scheme, the overall degree of landscape effect would be permanent and **Substantial Adverse** as the bulk of the residential dwellings, the community building and associated access road would be new, man-made components within two agricultural fields to the west of Horsted Keynes.

- 8.3.11 Whilst short and long-term adverse development site landscape character impacts are anticipated, they would be limited to the immediate development site context due to the enclosed character of the site. The retained development site boundary planting would be reinforced with native trees, hedgerows and shrubs - enhancing the development site ecology and biodiversity.

8.4 Visual Effects

- 8.4.1 The overall degree of visual effect in relation to the proposed development and the selected representational viewpoints is summarised below in Table 07.

Table 07 Anticipated Overall Degree of Visual Effect			
Viewpoint	Sensitivity	Magnitude Of Effect	Overall Degree of Visual Effect
Viewpoint 01 - PROW: Footpath South of Bennetts Looking North	High	Minor	Negligible Neutral
Viewpoint 02 - PROW: Footpath Looking North	High	None	No Change
Viewpoint 03 - Keysford Lane Looking North-East	High	Minor	Negligible Neutral
Viewpoint 04 – PROW: Footpath off Keysford Lane Looking East	High	None	No Change
Viewpoint 05 – Private Farmland off Keysford Lane Looking East	Medium	None	No Change
Viewpoint 06 – Junction of Sugar Lane and Keysford Lane Looking South	High	Minor	Negligible Neutral
Viewpoint 07 – Boxes Lane Looking West	High	Minor	Negligible Neutral
Viewpoint 08 – Jefferies Looking West	High	Moderate	Moderate Adverse
Viewpoint 09 – Treemans Road Looking North	Medium	Minor	Low / Slight Adverse

8.5 Visual Receptors

Residential

- 8.5.1 The nearest residential dwelling to the proposed development site area is Jeffrey's Farmhouse which lies to the north and east of the farm area within a moderately sized garden. It is likely the existing farm buildings would be visible in views from the dwelling and garden area and the proposed development scheme would seek to retain as much of the boundary trees and shrubs as possible which would be

enhanced with additional tree specimens to the boundaries. There would be partial views of some proposed residential dwellings to the west and north-west, therefore it is anticipated there would be a **Moderate Adverse** overall degree of visual effect in views from Jeffrey's Farm House and garden area. The visibility of proposed new buildings would be viewed within the context of existing farm buildings and the perceptibility of residential buildings would be expected to decrease as the planting to the boundaries matured.

8.5.2 There would be partial views from residential properties to the western end of Jefferies (*Viewpoint 08*) of the access road entrance and community building however existing, retained tree specimens and proposed hedgerow and tree planting would filter and soften views west and north-west. There would be a **Moderate Adverse** overall degree of visual effect as a result of the proposed scheme in views from the properties to the west of Jefferies.

8.5.3 A long distance view from a location close to a property to the southwest of the proposed development site area (*High Beeches*) off Keysford Lane (*Viewpoint 03*) has been assessed as having a **Negligible Neutral** overall degree of visual effect. A view from Boxes Lane to the east of the proposed development site area (*Viewpoint 07*) has also been assessed as having a **Negligible Neutral** overall degree of visual effect.

Recreational Users

8.5.4 Whilst there are no Public Rights of Way either within or adjacent to the proposed development site area, there are designated bridleways and footpaths to the surrounding area. To the south of the proposed development site area, a PROW: Footpath runs off Treemans Road immediately south of a row of residential dwellings however intervening vegetation limits views to Jeffrey's Farm and the proposed development site area. *Viewpoint 01* to the south of Bennetts has been assessed as having a **Negligible Neutral** overall degree of visual effect. There would be **No Change** in the overall degree of visual effect in views from *Viewpoint 02* (to the north-west of Old Keysford Hall).

8.5.5 To the west of the proposed development site, a PROW: Footpath runs north off Keysford Lane adjacent to the Bluebell Railway line. *Viewpoint 04* would have **No Change** in the overall degree of visual effect due to the rising topography and intervening mature vegetation.

Road Users

8.5.6 Views south to the development site area from a location to the junction of Keysford Lane and Sugar Lane (*Viewpoint 06*) are limited by mature trees and shrubs - therefore, the overall degree of visual effect is anticipated to be **Negligible Neutral**.

8.5.7 To the south of the Jeffrey's Farm access road, a location to the northern end of Treemans Road (*Viewpoint 09*) is assessed as having a **Low / Slight Adverse** overall

degree of visual effect as existing and proposed vegetation would soften and filter views north-west to the proposed development site area.

Agricultural Workers

- 8.5.8 The existing vegetation and proposed reinforcing boundary planting would limit and constrain views from agricultural fields to the north, north-west and south of the proposed development site area. The proposed development would be partially visible from locations to an open agricultural field to the west of Jeffrey's Farm. A proposed 5.0m wide buffer of tree and shrub planting would soften and filter any views of the proposed dwellings which would be within the context of the existing farm buildings.
- 8.5.9 To the north of the proposed development site area, a location to the north of Keysford Lane (*Viewpoint 05*) to the edge of an agricultural field has been assessed as having **No Change** in the overall degree of Visual effect as intervening trees limit views of the proposed development site area.

8.6 Conclusions

- 8.6.1 Jeffrey's Farm is a small, commercial egg producing business which lies to the west of Horsted Keynes. The proposed development scheme would seek to construct a total of 42 no. mixed, housing units to a field which lies to the south of Keysford Lane and west of Sugar Lane. In addition, several dwellings would be located to the west of the Jeffrey's Farm area resulting in the removal of a number of agricultural buildings and storage containers. A community building and access road are proposed to a field to the north-east of the farm area and pedestrian paths would provide links from the proposed development to Sugar Lane and the village beyond.
- 8.6.2 The proposed development site benefits from dense shrub and ruderal planting to the boundaries as well as numerous trees – some of which are large and mature specimens. The proposed scheme would seek to retain the existing boundary planting wherever possible – maintaining the existing field patterns. A comprehensive soft landscape scheme would reinforce the existing boundary planting with native understorey shrub planting areas and tree specimens. The residential garden areas, access road and pedestrian paths would be enhanced with native hedgerows and tree specimens – a native wildflower and grassland meadow area is proposed to the north of the proposed development.
- 8.6.3 As the proposed residential scheme would introduce residential dwellings, a community building and access road to two agricultural fields, it is inevitable there would be adverse landscape character effects. However, negative impacts would be limited to the immediate context of the proposed development site due to the retained field edge vegetation which is proposed to be enhanced with additional planting.

- 8.6.4 There is also an existing urban element to the landscape character with residential properties to the south and east as well as Sugar Lane and Keysford Lane to the eastern and northern boundaries respectively – overhead telephone wires running across the proposed development site area are also prominent in views. A number of visually intrusive elements including dilapidated farm buildings, chicken wire fences, steel storage containers and equestrian out-buildings would be removed as part of the proposed scheme.
- 8.6.5 Adverse visual effects as a result of the proposed residential scheme from locations to the surrounding landscape would be limited by the existing, mature planting to the boundaries which is proposed to be enhanced. Near distance views from the northern section of Sugar Lane and the residential dwellings to the western edge of Horsted Keynes would be constrained by the dense tree and shrub belt to the north-eastern edge of the proposed development site. Views from the southern end of Sugar Lane and Jefferies would be filtered and softened by existing mature trees. The entrance to the access road would form a new component in near distance views but would be within the context of Sugar Lane and Treemans Road. Views from locations to the south, west and north of the proposed development site would be constrained by the existing and proposed boundary vegetation.
- 8.6.6 It is therefore envisaged the proposed residential scheme could be accommodated within the development site area without undue harm to the existing landscape character, visual amenity or the setting of the High Weald Area of Outstanding Natural Beauty.

9.0 REFERENCES

9.1.1 This assessment has been prepared with in accordance with the following guidance:

- *Guidelines for Landscape and Visual Impact Assessment (Third Edition)* published by the Landscape Institute and Institute of Environmental Management and Assessment in 2013;
- *An Approach to Landscape Character Assessment* published by Natural England 2014;
- *Photography and Photomontage in landscape and visual impact assessment*; Advice Note 01/11, Published by the Landscape Institute.

9.1.2 The following Landscape Character Assessments and digital resources were used:

- *Natural England - National Character Areas Profile: 122 - High Weald (2013)*;
- *The High Weald Area of Outstanding Natural Beauty Management Plan (2014-2019)*;
- *Regional Landscape Character - Landscape Character Assessment of West Sussex (2003): HW1 - High Weald*;
- *District Landscape Character - A Landscape Character Assessment For Mid Sussex (2005): High Weald*;
- *MAGIC Interactive Map, Defra and Natural England.*

9.1.3 The following Planning Policy Documents were used;

- *The National Planning Policy Framework*;
- *Mid Sussex District Council: Mid Sussex Local Plan 2004*;

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

1243

Site Allocations DPD: Regulation 19 Consultation Response

Policy:

ID:	1243
Response Ref:	Reg19/1243/3
Respondent:	Mrs K Griffiths
Organisation:	
On Behalf Of:	
Category:	Resident
Appear at Examination?	✓

Name	Karen Griffiths
Address	[REDACTED]
Email	[REDACTED]
Which document are you commenting on?	Sustainability Appraisal
Sites DPD Policy Number (e.g. SA1 - SA38)	SA 28/29/ 68/69/971
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>Site allocations DPD Sustainability appraisal. Pg 49 SHELAA site assessment 184 (SA29) Omits that site is in AONB.</p> <p>Pg 49 SHELAA site 184 in an AONB performs well for 25 dwellings but poorly on Pg 52 for 10 dwellings without any rationale. Why would a larger development in an AONB be better than a small one, particularly as all traffic from this site would travel through the main village thoroughfare?</p> <p>Pg 57. 6.46. quote\ ' It is not anticipated that an increase in supply should come from the 17 sites that performed poorly. There are clear and justifiable reasons to rule these sites out and there are more suitable and sustainable sites to choose from.....\ ' Incorrect.</p> <p>MSDC has repeatedly failed to address factual errors made about SHELAA sites 68,69 and 971 Jeffrey's Farm, Horsted Keynes in Sustainability assessments. These have been brought to the attention of MSDC several times, by residents and professionals through representations and formal communication but the errors have not been rectified in a timely way and have been used by MSDC and subsequently HKPC, to disregard the sites from further consideration for development.</p> <p>Had these facts been corrected at the point MSDC were made aware of them, these sites would have been assessed as reasonable alternatives to SA 28 and SA 29 that MSDC are actively promoting. To date, MSDC have not provided 'clear and justifiable reasons' to rule out the above sites using accurate, factual and evidenced information freely available.</p> <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>
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>Pg 49 SHELAA site assessment 184 (SA29) This site should have ' The site is within the AONB and the potential for major negative effects on countryside is therefore identified' in line with SHELAA site 807 below it.</p> <p>Reassess sites 68,69 and 971 with correct information.</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

Yes, I wish to participate at the oral examination

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

To ensure factual information is not ignored.

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

yes

Date

28/09/2020

1262

Site Allocations DPD: Regulation 19 Consultation Response

Policy:

ID:	1262
Response Ref:	Reg19/1262/1
Respondent:	Mr R Collins
Organisation:	
On Behalf Of:	
Category:	Resident
Appear at Examination?	x

Name	Richard Collins
Address	[REDACTED]
Phone	[REDACTED]
Email	[REDACTED]
Which document are you commenting on?	Sustainability Appraisal
Sites DPD Policy Number (e.g. SA1 - SA38)	SA12-13
Do you consider the Site Allocations DPD is in accordance with legal and procedural requirements; including the duty to cooperate	No
(1) Positively prepared	Sound
(2) Justified	Sound
(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>There has been a breach of the national planning framework, in that in section</p> <p>9. Promoting sustainable transport</p> <p>" Transport issues should be considered from the earliest stages of plan-making and development proposals, so that... the potential impacts of development on transport networks can be addressed; "</p> <p>Throughout the document, the impact on traffic is frequently overlooked with the statement: "modelling of the package of preferred option sites will be tested as part of the evidence supporting the Site Allocations DPD. "</p> <p>This is a breach because it should be properly considered at this stage.</p> <p>This is particularly pertinent, because in the site allocations DPD sustainable assessment, sites SA12 and 13 are deemed 'marginal' site appraisal conclusions, with transport appraisal on page 124 being marked with a '?' on both sites. This issue occurs on the majority of site appraisal conclusions</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.	To make the Site Allocations DPD legally sound, thorough transport modelling based on live, peak and term-time data, outside of COVID-19 impact (historical data if available, or if not, to take data once COVID-19 has passed and commuting is back to 'normal'.
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	09/09/2020

1373

Site Allocations DPD: Regulation 19 Consultation Response

Policy:

ID:	1373
Response Ref:	Reg19/1373/3
Respondent:	Mr J Munday
Organisation:	Stop Haywards Heath Golf Course Development Community Group
On Behalf Of:	
Category:	Organisation
Appear at Examination?	x

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

1. Personal Details

Title	<input type="text" value="Mr"/>
First Name	<input type="text" value="Jamie"/>
Last Name	<input type="text" value="Munday"/>
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" value="Stop Haywards Heath Golf Club Development Community Group"/>
Address Line 1	<input type="text" value="██████████"/>
Line 2	<input type="text" value="██████████"/>
Line 3	<input type="text" value="██████"/>
Line 4	<input type="text"/>
Post Code	<input type="text" value="██████"/>
Telephone Number	<input type="text"/>
E-mail Address	<input type="text" value="████████████████████"/>

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

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

Part B – Your Comments

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

Name or Organisation:

Stop Haywards Heath Golf Club Development Community Group

3a. Does your comment relate to:

Site Allocations DPD	<input 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 Policy SA Draft Policies Map

4. Do you consider the Site Allocations DPD is:

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

4b. Sound Yes No

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

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

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

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.

See attached comments

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.

See attached comments

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 non-consultation and give a further to 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. In addition, do you consider this to be necessary:

I request that the Heath Golf Club site is reconsidered for allocation we would wish to contribute to the overall sustainability credentials of the site

Please note that it is a prerequisite to hear those who wish to participate at the oral part of the examination.

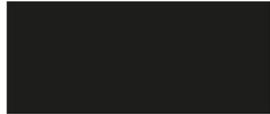
10. Please notify me when:

(i) Payment for Examination

(ii) Publication of recommendations from the Examination

(iii) The Site Allocations DPD is adopted

Signature:



Date:

27/09/2020

Thank you for taking time to respond to this consultation

SITE ALLOCATIONS DPD - REGULATION 19 Consultation

Representation by: Stop Haywards Heath Golf Club Development Community Group

Sustainability Appraisal Page 134-135 – UNSOUND – AS NOT JUSTIFIED

1. Background

Clearly we are wholly in support of the proposed site allocations plan and consider the Council have come to the right conclusion in determining the most sustainable sites for allocation.

Nevertheless we are aware that as part of the process there was a need to undertake a review, through the Sustainability Appraisal, of available development options to ensure the site allocations plan is the most sustainable given all reasonable alternatives¹.

Three options were considered by the Council and are re-produced below. Option B was chosen as the most appropriate.

Option A: 20 'Constant Sites'. **1,424 dwellings.**

Option B: 20 'Constant Sites' + Folders Lane, Burgess Hill (x3 sites). **1,764 dwellings**

Option C: 20 'Constant Sites' + Haywards Heath Golf Course. **2,054 dwellings.**

We are aware that this site selection process will undoubtedly be challenged by the promoters of omission sites, including Fairfax for the Haywards Heath Golf Course site (**Site**). Further, we know that should the deliverability of other sites be called into question, the suitability of this site may be revisited during the examination process.

That being the case, and notwithstanding that the Golf Course site has been rejected, we wish to draw the inspector's attention to some factual inaccuracies in the information given in relation to the Haywards Heath Golf Course site in the Regulation 19 Sustainability Appraisal.

When we submitted representations to the Regulation 18 consultation we highlighted these errors. We are very concerned that this does not appear to have been corrected in the revised Regulation 19 Sustainability Appraisal as we believe it has a significant bearing on the sustainability of the site.

2. Fundamental Errors Identified with Sustainability Appraisal

2.1 Lack of accessibility to facilities and services

Accessibility by modes other than the car is a fundamental aspect of a sustainable site. The information given in the Sustainability Appraisal is incorrect resulting in the Site being considered more accessible than it actually is. As local residents who use these services and facilities on a daily basis we would like to respectfully make some corrections in relation to the distances we need to travel. For ease of reference the Housing Site Appraisal Table for Haywards Heath is reproduced below².

Most concerning is the information given on page 134-135 of the Sustainability Appraisal for the Golf Course Site. The information on walk distances is simply wrong. This means the site is much less sustainable than stated here.

¹ Site Allocations – Reasonable Alternative Approaches paragraph 6.43 onwards Site Allocations DPD Sustainability Appraisal July 2020.

² Site Allocations – Housing Site Appraisals Hayward Heath page 134-135 Site Allocations DPD Sustainability Appraisal July 2020

Site Options: Haywards Heath

Settlement Category: 1
Residual Need: N/A (assumed windfall growth only)

Reasonable Alternatives for Assessment

A: MSDC Car Park, north of Oaklands Road. SHELAA#618. **Units: 8.**
B: Rogers Farm, Fox Hill, Haywards Heath. SHELAA#783. **Units: 25.**
C: Haywards Heath Golf Course, High Beech Lane, Haywards Heath. SHELAA#503. **Units: 630.**
D*: Land to the north of Old Wickham Lane. SHELAA#988. **Units: 60.**

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.
5 - Communities	+	+	+	+	All site options would encourage the growth of communities.
6 - Flood Risk	0	0	0	0	None of the site options have areas at risk from flooding, or have suffered from flooding in the past.
7 - Land Use	-	-	-	-	Site options (a), (b) and (c) are on green field land, and are relatively small sites. Option (c) is also on green field land, but is relatively large-scale.
8 - Biodiversity	0	0	-	-	Site options (a) and (b) have no biodiversity constraints in terms of Ancient Woodland, SSSI and LNRs. Site option (c) has some areas of ancient woodland on the site, and is adjacent to Wickham Wood, Local Wildlife Site, with some overlaps of boundaries in the South West corner. For option (d), the site's north east corner intersects with a small area of the Birchen Wood ancient woodland including 15m buffer area.
9 - Countryside	0	-	-	0	All site options are outside of the High Weald AONB. Site option (a) is within an area of high landscape capacity, option (c) is in an area of medium capacity, option (d) is within an area of medium/high landscape capacity, while option (b) is in an area of low/medium capacity.

10 - Historic	0	-	0	-	Site option (a) and (c) have no constraints in terms of listed buildings and conservation areas. 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). Site option (d) is adjacent to two Grade II* listed buildings – Wickham Farm and Sunte House.
11 - Transport	?	?	?	?	None of the site options on their own are likely to contribute to negative impacts on the highways network. In-combination modelling of the package of preferred option sites will be tested as part of the evidence supporting the Site Allocations DPD.
12 - Energy/Waste	?	?	?	?	All site options are going to impact on the amount of waste generated, due to additional population generated from housing as well as during construction. All options should seek to recycle materials and make best use of resources, including using sustainable construction techniques and renewable energy in accordance with District Plan policies.
13 - Water	?	?	?	?	All site options are going to impact on the amount of water used and wastewater generated, due to additional population generated from housing as well as during construction. All options should seek to minimise water use, including using sustainable construction techniques in accordance with District Plan policies.
14 - Regeneration	++	+	++	++	All site options perform positively against this objective. Site option (b) is less positive than the others because it is more remote from the town centre.
15 - Employment	+	+	+	+	All site options would provide housing to meet the identified housing need, and therefore aligns with job projections.
16 - Ec. Growth	+	+	+	+	All site options would encourage investment by businesses within Mid Sussex, as an increasing workforce means a larger jobs pool for potential employers to call upon.
Conclusion	x	+	?	x	

Whilst option (a) performs relatively positively against the sustainability objectives, it is a small-site within the built-up area and may progress as a 'windfall' site (there has been planning history to suggest this is the case). Option (b) performs positively overall against the Social objectives, plus site promoters have been able to suggest mitigation that would reduce the impact on the Environmental objectives. As Haywards Heath is a Category 1 settlement, the sustainability benefits to this site mean it is suitable for allocation. Whilst option (c) performs very positively against the Social objectives due to its size and scale, it is significantly beyond the residual need within this settlement. There are very negative impacts expected for the Land Use objective, as well as negatives related to biodiversity (due to the areas of ancient woodland within the sites and adjacency to a wildlife site). Therefore, at this stage it is not proposed that this site is required to meet the need of Haywards Heath or Category 1 as a whole, however may be required should this need be unmet following assessment of all sites within this category. Option (d) performs positively against the social objectives although is distant from health facilities. There is potential for very negative impacts to arise against the Historic objective due to its proximity to two Grade II* listed buildings.

Looking in detail at the actual distances it is clear that if the location of key services is measured from the centre of Haywards Heath Golf Course then the distances are greater, which alters the Sustainability Appraisal's assessment. Using the categories set out in the MSDC Site Selection Methodology for Site Allocations the table below sets out the revised impact and the correct distances:

Service	Location of Provider	Distance	Revised Sustainability Appraisal Assessment
Education	Blackthorn Community Primary	2.1 km	Negative Impact – site greater than 20m walk away
	Lindfield Primary Academy	2.2 km	Negative Impact – site greater than 20m walk away
	Harland Primary School	2.4 km	Negative Impact – site greater than 20m walk away
	Oathill Community College	1.8 km	Negative Impact – site greater than 20m walk away
	Warden Park Academy	4.3 km	Negative Impact – site greater than 20m walk away
Health Facilities	Lindfield Medical Centre	2.1 km	Negative Impact – site greater than 20m walk away
	Haywards Heath Health Centre	2.7 km	Negative Impact – site greater than 20m walk away
Village Centre	The Co-operative Food, Lindfield	2.1 km	Negative Impact – site greater than 20m walk away
Town Centre	Waitrose, Haywards Heath	2.3 km	Negative Impact – site greater than 20m walk away
Public Transport	Bus service 30, Sunte Avenue	1.1 km	Negative Impact – access to and / or frequency of public transport in this location is poor
	Haywards Heath Railway Station	2.3 km	

Categories set out in the MSDC Site Selection Methodology

	Very Positive Impact
	Positive Impact
	Neutral Impact
	Negative Impact
	Very Negative Impact

The Sustainability Appraisal states a 15 minute walk is 1.2km and a 20 minute walk 1.6km. Using these measurements all the services are over 20 minutes walk away, some more than half an hour. The only facility which meets the sustainable criteria is one bus stop, although the frequency of buses on Sunte Avenue is poor, which negatively impacts the assessment.

The scores given for Health, Education and Retail are incorrect and should all be scored pink.

2.2 Regeneration

We would also raise a question with regard to the regeneration score, as the Golf Course site is around 2.3km (25 minutes walk) from the Town Centre. The site is further away from the town centre than Rogers Farm and should not be more positively scored.

2.3 Biodiversity

There is significant tree cover on the site (572 trees according to Arboriculture Assessment submitted as part of planning application ref: DM/20/0559). Housing development would result in wholesale removal of high quality mature trees (according to the aforementioned Arboriculture Assessment this would equate to the removal of 51% of the trees on the site) and their loss would have a substantive negative impact on biodiversity and landscape character.

It is considered that this level of tree removal is wholly unacceptable. Trees make a significant contribution to the visual built environment and have an important role to play in achieving sustainable

development. Trees provide important habitats for wildlife, improve air quality and reduce storm water run-off. This is not recognised in the table and the scoring should be amended to reflect these significant negative impacts.

2.4 Conclusion

We would stress that the site cannot be assessed on the basis of information in the Sustainability Appraisal and all representations which refer to it must be treated with caution as they will be based on false assumptions. We would be happy to provide the Council with additional information in relation to these points if required.

3. Proposed Amendments to ensure the Sustainability Appraisal is sound

We propose the following revisions to the table **set out in Site Options: Haywards Heath (Page 134-135)**. For clarity only those areas where we consider change is required are highlighted by red text, the unchanged sections are greyed out / text is in black. The overall assessment, denoted by the blocks of colour, has been changed to reflect our comments, resulting in red for Health, Education, Retail & Conclusion and yellow for Regeneration:

Objective	A- Oaklands	B – Rogers Farm	C- HH Golf Course	D – N. Old Wickham	Assessment
1- Housing					
2 – Health			–		Site option (a) is located a 10-15 minute walk from the nearest GP surgery, while option (b) is a 15-20 minute walk. Options (c) and (d) are more than a 20 minute walk.
3- Education			–		Options (a) and (d) are a 10-15 minute walk from the nearest primary school, while options (b) and (c) are more than a 20 minute walk.
4- Retail			–		Site option (a) is located less than a 10 minute walk from the nearest convenience store, while option (b), (d) is a 10-15 minute walk and (c) is a 25 minute walk away
5 - Communities			+		
6 - Flood Risk			0		
7 - Land Use			--		
8 – Biodiversity			--		Site options (a) and (b) have no biodiversity constraints in terms of Ancient Woodland, SSSI and LNRs. Site option (c) has some areas of ancient woodland on the site, is adjacent to Wickham Wood, Local Wildlife Site, with some overlaps of boundaries in the South West corner and significant tree cover across the site. For option (d), the site's north east corner intersects with a small

					area of the Birchen Wood ancient woodland including 15m buffer area.
9 – Countryside			–		
10 - Historic			0		
11 - Transport			?		
12 - Energy/Waste			?		
13 – Water			?		
14 Regeneration			0		Sites (a) and (b) perform positively against this objective. Site options (b) and (c) compare less favourably to option (a) because they are more remote from the town centre, with (c) being even further away than (b).
15 – Employment			+		
16 - Economic Growth			+		
Conclusion	X	Y	X	X	
<p>Whilst option (a) performs relatively positively against the sustainability objectives, it is a small-site within the built-up area and may progress as a ‘windfall’ site (there has been planning history to suggest this is the case). Option (b) performs positively overall against the Social objectives, plus site promoters have been able to suggest mitigation that would reduce the impact on the Environmental objectives. As Haywards Heath is a Category 1 settlement, the sustainability benefits to this site mean it is suitable for allocation.</p> <p>Option (c) performs very negatively against the Social objectives due to its distance from facilities. It is significantly beyond the residual need within this settlement. There are very negative impacts expected for the Land Use objective and biodiversity (due to the extensive tree cover, areas of ancient woodland within the sites and adjacency to a wildlife site).</p> <p>Option (d) performs positively against the social objectives although is distant from health facilities. There is potential for very negative impacts to arise against the Historic objective due to its proximity to two Grade II* listed buildings.</p>					

4. Recent planning application demonstrates why Haywards Heath Golf Club should not be considered within the ‘reasonable alternatives’ category

In addition to the above we would like to draw the Inspectors attention to a recent planning application for 725 houses (DM/20/0559). We do so as we believe this should be taken into account in the event that sites such as this one within the ‘reasonable alternatives’ category should be re-visited.

4.1 Not Sustainable

Although, this was withdrawn in May 2020 it serves to highlight the substantive deficiencies of the site for sustainable development. **See appendix 2 for further details.**

4.2 Scale of Development

Firstly, the application site area was smaller than the area of land promoted by Applicant/Fairfax through the Local Plan process. In addition, the proposed number of dwellings was considerably more than the 630 put forward in the Site Allocations. Given the application site was smaller, this implies Applicant/Fairfax consider there is scope for many more dwellings on the site.

One of the fundamental reasons for that Option C was dropped was the number of houses it proposed, which would take housing supply considerably beyond that which would be required to meet the Council's housing target, even with a generous buffer.

4.3 Flooding

Local residents who have particular knowledge of the site and area also raised concerns about local flooding issues which would be particularly challenging to overcome as the land slopes steeply towards the existing houses. There have been two significant floods on the junction of By Sunte and Portsmouth Lane during the past 2 years.

Moreover, the site to the east of Beech Lane (Outline application for 43 dwellings) which is due to start construction shortly has had a significant issue in relation to drainage provision due to the soil type and geology. It is reasonable to assume that the Golf Course site would also have this constraint.

4.4 Other Notable Issues

It is clear from the consultee responses objecting or raising concerns about the application submitted prior to the withdrawal of the application that there were fundamental flaws, summarised as follows:

- The adverse impact on the ancient woodland on and adjacent to the site was of considerable concern;
- The significant loss of trees;
- Significant impact on landscape character;
- Lack of justification for loss of golf course;
- Highways & air quality concerns with regard to impact on highway network and the distance from services and facilities.
- Noise impact
- Ecological impact

For a more in-depth analysis of the issues raised by this planning application see **Appendix 1**.

Appendix 1 – Representation relating to Planning Application ref DM/20/0559

6 April 2020

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

Dear [REDACTED]

PLANNING APPLICATION REF: DM/20/0559 – OUTLINE APPLICATION FOR DEMOLITION OF EXISTING CLUBHOUSE, PRO SHOP & 2 NO. DWELLINGS, CHANGE OF USE FROM GOLF COURSE, AND ERECTION OF UP TO 725 NEW DWELLINGS, INCLUDING 30% AFFORDABLE HOUSING. ALTERATIONS TO HIGH BEECHES LANE. PROVISION OF ASSOCIATED INFRASTRUCTURE INCLUDING RECREATION FACILITIES INCLUDING PUBLIC OPEN SPACE AND PLAY SPACE, COMMUNITY FACILITIES AND RETAIL, PROVISION OF PEDESTRIAN LINKAGES, LANDSCAPING AND DRAINAGE

We are writing on behalf of nearly 400 supporters of the campaign group – “Stop Haywards Heath Golf Club Development” to make an objection to the above planning application at Haywards Heath Golf Club High Beech Lane, Lindfield, Haywards Heath. As a local resident, we are extremely opposed to the redevelopment of the golf course for up to 725 new houses and the significant adverse impact it will have on the local area and our community. We strongly believe that this site which is adjacent to Haywards Heath but in Lindfield Rural Parish is not a sustainable location for the development not least in terms of scale but also the environmental and transport impacts that will arise from the proposed development.

In summary, the adverse impacts of the proposal will significantly and demonstrably outweigh any benefits. The planning application fails to accord with the provisions of planning legislation, policy and guidance and should not be supported by Officers. The key points of our objection relate to the conflict of the development proposal with the adopted Development Plan in respect of the location of the development, the loss of the golf club facility and impact on highways, air quality, noise, ecology, trees, woodland and landscape. These concerns and our specific observations are set out in detail below.

a) Conflict with the Adopted Development Plan;

The Council’s adopted Development Plan comprises the Mid Sussex District Plan which was adopted July 2018. The spatial strategy of the District Plan is clear in its objective to focus the majority of housing and employment development at Burgess Hill as it has greater potential to deliver sustainable communities.

Policy DP6 relates to Settlement Hierarchy but also considers development outside of settlement boundaries within open countryside. The content of Policy DP6 reinforces the detail contained within Policies DP12 and DP15, which refer to the need to protect the intrinsic character and beauty of the

countryside by ensuring that development outside of settlement boundaries is reserved for agricultural purposes, rural worker homes, affordable homes or where development meets the requirements of Policy DP6. As such, Policy DP6 states:

“Development will be permitted within towns and villages with defined built-up area boundaries. Any infilling and redevelopment will be required to demonstrate that it is of an appropriate nature and scale (with particular regard to DP26: Character and Design), and not cause harm to the character and function of the settlement.

The growth of settlements will be supported where this meets identified local housing, employment and community needs. Outside defined built-up area boundaries, the expansion of settlements will be supported where:

The site is allocated in the District Plan, a Neighbourhood Plan or subsequent Development Plan Document or where the proposed development is for fewer than 10 dwellings; and

The site is contiguous with an existing built up area of the settlement; and

The development is demonstrated to be sustainable, including by reference to the settlement hierarchy”.

In view of the above and in response to Policy DP6:

1. The application exceeds the threshold of 10 dwellings. We are aware that Mid Sussex is currently able to demonstrate a 5 year supply of housing and therefore there is no particular circumstance to suggest that an additional site of up to 725 new houses at this site is required. The application site is not allocated within the adopted District Plan or any Neighbourhood Plan. The site is being actively promoted by Fairfax Homes Ltd through the Site Allocations Development Plan process and has been considered by the Council and dismissed on the basis there are better, more sustainable sites available in order to sufficiently meet Mid Sussex's housing requirement. As such, the proposal does not meet criteria 1 of Policy DP6;
2. The application site is located outside of the built up area boundary of the settlements of Haywards Heath and Lindfield. The application site encompasses a community golf course and associated structures including the clubhouse, Pro Shop and two existing dwellings. The site in planning terms is located within 'open countryside', positioned to the west of High Beech Lane with dense ancient woodland bordering the site on three sides to the north, west and partially to the south of the site. As such, the site is not considered contiguous with the existing built up area of either settlement and therefore does not meet criteria 2 of Policy DP6; and
3. The application fails to demonstrate that the development is sustainable development. In short, and discussed further in section (b), the application site is some distance from key services and facilities. Lindfield which is the closest settlement to the application site and its services and facilities are accessible within a c30 minute walk. The closest bus stop to the site is approximately a 10-25 minute walk from the site on Sunte Avenue. As such, the site is not a sustainable location for growth and would not provide opportunities for people to live and work within their communities, reducing the need for commuting. As such, the development is not demonstrated to be sustainable and therefore does not meet criteria 3 of Policy DP6.

In view of the above, there is no justification for a development of up to 725 new houses at this site and we strongly oppose the proposal because it is against the relevant planning policies.

b) Location of development;

Policy DP1 of the Local Plan states that growth within the District will be located at the most accessible and sustainable locations in order to support economic development. Policy DP6 which refers to the Settlement Hierarchy states that the spatial strategy of the District Plan is to focus the majority housing and employment development at Burgess Hill as it has greater potential to deliver sustainable communities. The Council's Proposals Map shows the application site to lie outside of both the built-up area boundary for Lindfield, a Category 2 Settlement and Haywards Heath a Category 1 Settlement. Furthermore, the application site is some distance from Lindfield Village and even more remote from Haywards Heath and its key services and facilities.

The site is not considered to be a sustainable location and as stated within the applicants Transport Assessment (TA) submitted alongside the application *"the majority of local services and amenities are located within a 2km walk of the site. Of those destinations that fall outside of a 2km catchment all are located within a 5km cycle ride of the site"*. In order to access these facilities on foot it would require a c30 minute walk or a further cycle ride to access a wider range of services and facilities in Haywards Heath. It is acknowledged within the TA that there is a bus service, however, the closest bus stop is situated 620m walk from the existing golf club access on Sunte Avenue. The TA fails to clarify that the existing golf club access is positioned in the south of the application site. As such the assessment fails to consider the distance to the bus stop from the furthest part of the application site which is a considerable distance away at approximately 1.5km, a c20-25 minute walk from the bus stop. The service from the stop at Sunte Avenue is also limited and currently only offers a bus service on an hourly frequency.

The Local Plan's core objective is sustainable development and Policy DP6 sets out that one of the key objectives is to provide opportunities for people to live and work within their communities, reducing the need for commuting. In view of the above, the application site cannot be classed as a sustainable location. It is highly unlikely that any future residents would use anything other than the private car to access local services and facilities or for commuting purposes and the proposal therefore does not accord with the objectives of Policy DP1 or Policy DP6.

c) Loss of the golf club facility;

The proposed development involves the loss of an existing sports facility, the Haywards Heath golf course. The National Planning Policy Framework (NPPF) is clear in its objectives regarding existing sports and recreational buildings and seeks within Paragraph 97 to prevent their loss. In addition, Policy DP24 of the adopted Local Plan states that proposals which involve the loss of sports facilities will not be supported unless the following criteria are met:

1. 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
2. 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
3. the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

In response to these criteria, we consider that the proposed development does not comply with any of the criteria as follows:

1. As noted by Sport England in its consultation response, no formal assessment has been undertaken which shows, clearly or otherwise, that the golf course is surplus to requirements.
2. The planning application alludes to an alternative facility being provided, but does not provide any detail of this.
3. The proposed development does not provide alternative sports and recreational provision to a level that outweighs the loss of the golf course.

Overall, the inference from the applicant is that the Golf Club is surplus to requirements. However, this is not supported by the fact the club has a current total membership of over 700 members; there is clearly demand for this sports facility in the local community.

As an important local sports facility, the loss of the Golf Club would take away the opportunity for people to partake in sport and physical activity in this location. Therefore, in the absence of a golf needs assessment or the provision of an alternative course which is of equivalent or better provision, we object to the proposed development on the basis that it is contrary to NPPF Paragraph 97 and Policy DP24 of the Local Plan as the application is without a robust evidence based assessment to demonstrate clearly that the existing golf course is surplus to requirements.

It is worth commenting upon an important inaccuracy pertaining to the Golf Club in the application. It is stated that a new lease will not be granted to the golf club when the existing one expires in 2022. Whilst not strictly a planning consideration, we are aware that this is technically incorrect, as the Golf Club has a lease inside the Landlord and Tenant Act 1954 and therefore has a statutory right to renew their lease.

d) Impacts on highways and air quality;

Having reviewed the supporting TA to the application, there are significant concerns regarding sustainability and the proposed development and the impact it will have on highways. Several issues have been raised by the Highways Authority including:

1. Increased use of Copyhold Lane as a consequence of the development. This is a rural lane and increased traffic flows along this Lane as well as through the junctions at the eastern and western ends are objectionable;
2. Concerns raised regarding the sustainability of the site and the improvements identified within the Travel Plan. A range of services are indicated to be within 2km walking distance (this being considered the maximum acceptable walking distance) of the site. However, the significant majority of the facilities listed are at the upper end of the walking distance and its therefore unlikely residents will walk to local facilities. Furthermore, the distances suggested in Table 2.2 of the TA is misleading as it is measured from the (southern) part of the site that is closest to Lindfield / local facilities. If distances were measured from the northern part of the site many facilities would be outside the maximum walking distance. Cycling is noted as an option, however, very limited consideration has been given to the suitability of routes to accommodate cyclists. Overall, the site is not best located to encourage and prioritise walking and cycling; and
3. Significant concerns regarding the design of the proposed link road through the site and its suitability.

Paragraph 103 of the NPPF states that *“Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of*

transport modes. This can help to reduce congestion and emissions, and improve air quality and public health.”

The application site is not considered to be a sustainable location and it is recognised that the existing sustainable transport links are extremely limited in the area requiring upwards of a 30 minute walk to reach bus stops and essential services. Equally, there is also limited confidence in the measures set out in the submitted Travel Plan regarding the potential options for improving the transport links at the site. As a consequence, it is likely the development of the site will have a detrimental impact on air quality as any future residents would be reliant on the private car to access local services and facilities or for commuting purposes.

Both the submitted TA and Air Quality Assessment Environmental Statement (ES) Chapter have been reviewed by Royal HaskoningDHV (RHDHV) Engineering Consultancy.

The Transport Note produced by RHDHV concludes that based on the information within the TA, a robust case can be made to object to the planning application on highway and transport grounds. In summary the main issues identified by RHDHV are detailed below:

- The site is not sustainably located and this is not resolved by the limited measures proposed within the application proposals;
- Details on the level of parking provision have not been provided within the TA. Given the unsustainable location of the site, it is highly likely that even maximum parking standards may be insufficient to cater for demand;
- RHDHV has concerns over the closure of the existing section of High Beech Lane and creation of a priority controlled junction at the northeast corner of the site. The proposed layout could encourage drivers to continue south along an existing 60mph section of road, following what appears to be the primary route travelling south. In reality, drivers would need to turn west onto the minor arm of the junction to continue south towards Haywards Heath. It is anticipated that the removal of this junction and the complete realignment of the carriageway would not be possible here due to forward visibility issues at the bend;
- Review of Section 6 of the TA reveals a number of concerning issues with the strategic modelling undertaken to date:
 - Model testing to date considers 630 units at the Golf Club rather than the 725 proposed;
 - No information is given about the operation of the network in the 2031 Reference Case 5;
 - No information is provided regarding the calibration / validation of the strategic model in the vicinity of the Golf Club; and
 - Junction testing simply adds proposed development trips to the 2031 Reference Case flows. There is no account taken of cumulative development.
- In respect of proposed mitigation, the TA identifies the Copyhold Lane and Borde Hill Lane junction as requiring mitigation due to the additional delay and queue lengths created by development traffic. However, RHDHV has serious concerns regarding the proposed mitigation and does not consider that the proposals would provide sufficient traffic separation to reduce traffic entering the Copyhold Lane/Borde Hill Lane junction.

In respect of the Air Quality Assessment, the review by RHDHV identified a number of technical discrepancies and omissions in the presented information. As such, despite these issues being considered relatively minor, in combination they are considered to question the credibility of some of the aspects of the Assessment.

For reference, the comprehensive RHDHV notes on transport and air quality are attached at **Appendix 1** and **Appendix 2**.

In view of the above, given the site is not identified within the Development Plan and has been dismissed by the Council for inclusion within the Site Allocations Development Plan Document for more sustainable sites that are available, we strongly advise the Council that there are fundamental issues with the sites sustainability and the ability of the site to provide the quantum of development at this location without significant highway impacts.

On that basis, we strongly object to the proposed development for the reason that the proposal is contrary to the adopted Local Plan Policy DP21 as it would not support the objectives of the West Sussex Transport Plan 2011-2026.

e) Impacts on noise;

Policy DP29 'Noise, Air and Light Pollution' of the adopted Local Plan states that the environment and the quality of people's lives will be protected from unacceptable levels of noise pollution. Furthermore, noise sensitive development, such as residential, will not be permitted in close proximity to existing or proposed development generating high levels of noise unless adequate sound insulation measures, as supported by a noise assessment are incorporated within the development.

The submitted Noise and Vibration Assessment ES chapter and its relevant technical appendices have been reviewed by RHDHV and their comprehensive Note is attached at **Appendix 3**. The ES chapter relating to potential noise and vibration impacts assesses the main causes of noise and vibration as a result of the proposed development. However, a number of questions have been raised by RHDHV concerning the application of some assessment methodologies and therefore over the results of those assessments. Overall, RHDHV conclude that there are a number of significant omissions within the Assessment which question the credibility of some of the aspects of the Assessment.

In view of the above, it is considered that until a further more robust Assessment is undertaken and the highlighted issues are resolved, the proposed development is contrary to Policy DP29 of the Local Plan which seeks to prevent unacceptable levels of noise pollution and protect noise sensitive development. We therefore object to the proposal on this basis.

f) Impacts on ecology; and

Policy DP38 'Biodiversity' of the adopted Local Plan states that development will only be permitted that contributes and takes opportunities to improve, enhance, manage and restore biodiversity. Furthermore, protects existing biodiversity, so that there is no net loss of biodiversity.

The submitted Chapter 10 Ecology and Nature Conservation of the Environmental Statement has been reviewed by RHDHV and their comprehensive Note is attached at **Appendix 4**. Following a review of the submission documents relevant to ecology, RHDHV identified a total of eight key issues. These issues can be summarised into five broad areas as set out below:

- Defining an appropriate study area for desk and field based surveys;
- Means of clearly defining the Zol and temporal scope;

- Predicting the impacts of the proposed development;
- Environmental Action Plan (EAP) required to identify how mitigation, enhancement and compensation measures can be implemented; and
- The effectiveness of the proposed development in delivering net biodiversity gain.

RHDHV concludes that despite the key issues highlighted being either green or amber in terms of their level of significance, when considered in combination these issues are considered to question the credibility of some aspects of the Ecological Impact Assessment (EclA). In addition, these uncertainties may lead to the reader having little confidence, and in turn question, the conclusions of the EclA, which in turn lead to a level of weakness in the submitted ecological documentation.

As such, in view of the RHDHV findings, it is considered that until the highlighted issues are resolved, the proposed development is contrary to Policy DP38 of the Local Plan and we therefore object to the proposal on this basis.

g) Impacts on landscape, trees and woodland.

Policy DP37 of the Local Plan requires development to protect and enhance trees, woodland and hedgerows, and encourage new planting. In particular, ancient woodland and aged or veteran trees will be protected. This is supported by Section 15 of the NPPF which includes policies for conserving and enhancing the natural environment. Paragraph 170 requires planning policies and decisions to contribute to and enhance the natural and local environment, whilst Paragraph 175 requires local planning authorities to resist development which will result in the loss or deterioration of irreplaceable habitats such as ancient woodland. Taking each in turn:

Landscape

As discussed, the application site is located outside of the built up area boundary of the settlements of Haywards Heath and Lindfield. The application site comprises a community golf course and in planning terms is located within 'open countryside'.

The application site is positioned to the west of High Beech Lane with dense ancient woodland bordering the site on three sides to the north, west and partially to the south of the site. As such, the application site is not contiguous with an existing built up area of either settlement of Linfield or Haywards Heath. Given the scale of development proposed at this location from a green field site to a high density housing estate, there would be a substantial change to the character of the landscape and the visual impact from the surrounding houses and public rights of way in conflict with the requirements of Policy DP12. The introduction of residential properties, together with fencing and other residential paraphernalia onto this site will change the character of this area, resulting in an urbanisation of this location. It is therefore considered that this is contrary to Paragraph 170 of the NPPF and Policy DP12 of the Local Plan which seeks to enhance the natural and local environment and we object to the proposal on this basis.

Woodland

The woodland surrounding the application site is also of significant consideration. Both Birchen Wood and Highgrove Wood are identified as ancient woodland which are defined as irreplaceable habitats at Paragraph 175 of the NPPF. A 15 m buffer is proposed to be incorporated within the proposals to mitigate against any effects on the woodland. However, the Woodland Trust has noted that this is the minimum requirement for a buffer and raise concerns regarding its suitability given the scale of the development proposed. For that reason we object to the proposals on the basis that the proposed development of up to 725 new houses will have a demonstrable impact on the ancient woodland

surrounding the site with insufficient measures proposed to mitigate the impact. This would be in conflict with Policy DP37 of the Local Plan and Paragraph 175 of the NPPF.

Trees

In respect of trees, it is stated within the submitted Arboriculture Assessment that a total of 572 trees were surveyed on the application site. The proposed development requires the removal of 294 of the existing trees which include 1 no. 'A' category tree, 94 no. 'B' category trees and the partial removal of 12 no. groups of trees (mixed category). Overall, this would equate to the removal of 51% of the trees at the site.

It is considered that this level of tree removal is wholly unacceptable. Trees make a significant contribution to the visual built environment and have an important role to play in achieving sustainable development. Trees provide important habitats for wildlife, improve air quality and reduce storm water run-off. Existing trees should be integrated into development and Category A and B trees should be retained and where possible Category C trees. The proposal has failed to take this into account. Therefore, given the scale of the proposed development and its conflict with the adopted Development Plan, the removal of over half of the existing trees at the site to facilitate the development is considered unnecessary and contrary to Policy DP37 of the adopted Local Plan. We therefore object to the proposal on this basis.

We trust that the Case Officer will take the concerns set out in this letter into consideration and refuse the application given the significant harm that would result from the proposal in respect of location of the development, loss of the golf club facility, impact on highways, air quality, noise, ecology, woodland, trees and landscape. In line with Paragraph 11 of the NPPF, the proposed development does not accord with the Development Plan, due to its conflict with the local policies identified. The harm recognised would conflict with the social and environmental objectives of sustainable development.

Yours faithfully

Jamie Munday

For and on behalf of Stop Haywards Heath Golf Club Development Campaign

Appendix 1



Note

HaskoningDHV UK Ltd.
Transport & Planning

Date: 02 April 2020

Subject: Haywards Heath Golf Course - Review of Submitted Transport Assessment

Introduction

This note has been produced by Royal Haskoning DHV (RHDHV), following a review of a recent outline planning application for the 'change of use from Golf Course, and erection of up to 725 new dwellings' on land at Haywards Heath Golf Course, High Beech Lane, Haywards Heath (the site). The submitted planning application (Ref: DM/20/0559) is supported by way of a Transport Assessment (TA), produced by SK Transport Planning Ltd. The following sections of this memo provide commentary on where RHDHV believe there to be technical weaknesses within the TA.

Site Sustainability

Fundamentally, the site is very poorly located in relation to access to services, the TA aims to disguise this issue by measuring from the nearest access point (i.e. the closest part of the site). Given the site is c. 700m in length, it is apparent that many residents would be considerably further from services than suggested in Table 2.2 of the TA. Thus many of the facilities listed would be outside the maximum walking distance of residents. This is especially important as most facilities are already more than 1,500m from the edge of the site. Indeed, only the Witch Inn public house and a bus stop are listed within 1,000m of the edge of the site. Given the distances involved, it is unlikely residents will walk to access local facilities, and will thus be car dependent, contrary to planning policy.

The TA states that an existing Public Right of Way (ProW) to the south-west of the site would provide an essential pedestrian link towards the town centre and railway station. RHDHV agrees with this in principle. Section 2.24 states that a financial contribution was agreed between Crest Nicholson and MSDC/WSCC to resurface/upgrade a section of this PRoW in association with the development of up to 40 residential units to the south-west of the site (Ref: DM/15/3415). The TA proposes for the PRoW upgrade be extended north in association with the golf course redevelopment to provide pedestrian connectivity to the site. This pedestrian link is viewed as essential to encouraging pedestrian trips and therefore RHDHV would suggest that further information is required to confirm it can be completed prior to the occupation of the development.

There is a general lack of consideration for the potential for cycling trips to/from the development. The TA broadly references the suitability of some roads in the vicinity of the site for cyclists and states that 'High Beech Lane is available for use by cyclists'. Considering the high speeds recorded on High Beech Lane, RHDHV does not consider it to be a suitable environment for all cyclists. Whilst it is acknowledged that the potential realignment of High Beech Lane and associated works to reduce vehicle speeds could improve cyclist safety, it is not felt that sufficient detail is given on the suitability of routes in the surrounding area. There is no mention of dedicated cycle infrastructure through the site and RHDHV would expect to see a full review of existing routes surrounding the site. It is unclear as to whether the PRoW upgrade proposed to the south-west of the site would benefit cyclists or only pedestrians.

It is noted that the closest bus stop to the site is approximately 600m (walking distance) from the existing site access off High Beech Lane in the south-west corner of the site. This bus stop is

serviced by one bus per hour and therefore the site is not considered to be well connected with public transport. The proposed development would be spread over a large area and would mean that some dwellings could be located up to 1.2km from this existing bus stop. The TA contains details of discussions with local bus operators to extend an existing service and provide a new weekday morning / evening service. These measures would provide the site with a minimal amount of public transport provision. Further information should be provided so that it is clear that this bus service can and will be provided prior to the occupation of the development and in perpetuity thereafter.

There is currently no footway provision on High Beech Lane north of the main golf club entrance located in the south-east corner of the site. The planning application contains proposals to realign High Beech Lane and provide a new footway along its western flank. There is no mention of how the proposed footway provision would tie into the existing footway, which is currently narrow and substandard. The speed of vehicles could deter pedestrians from using this footway, particularly as the recently recorded 85th percentile speed on High Beech Lane (northbound) was 47.6mph.

Overall, it is clear the site is not sustainably located, and this fundamental issue is not resolved by the limited measures proposed.

Parking

Details on the level of parking provision have not been provided within the TA. Whilst the TA states that parking complies with local parking standards, RHDHV would require further detail as to the proposed level of car, Electric Vehicle (EV) disabled and cycle parking to provide commentary. Given the unsustainable location of the site, it is possible that even maximum parking standards may be insufficient to cater for demand.

Highway Design

In response to the carriageway realignment of High Beech Lane that is proposed, RHDHV has concerns over the closure of the existing section of High Beech and creation of a priority controlled junction at the northeast corner of the site. Of particular concern is that the layout could encourage drivers to continue south along an existing 60mph section of road, following what appears to be the primary route travelling south. In reality, drivers would need to turn west onto the minor arm of the junction to continue south towards Haywards Heath. It is anticipated that the removal of this junction and the complete realignment of the carriageway would not be possible here due to forward visibility issues at the bend. Whilst a minor point, the realignment of High Beech Lane also creates a barrier to residential properties on Sandridge Lane being able to access the PRow within/to the west of the site. There is no detail of crossing facilities over the new alignment of the carriageway.

Strategic Modelling

Review of Section 6 of the TA reveals a number of concerning issues with the strategic modelling undertaken to date. These issues include:

- Model testing to date considers 630 units at the Golf Club rather than the 725 proposed.
- No information is given about the operation of the network in the 2031 Reference Case 5
- No information is provided regarding the calibration / validation of the strategic model in the vicinity of the Golf Club
- Junction testing simply adds proposed development trips to the 2031 Reference Case flows. There is no account taken of cumulative development.

It is also noted that the future junction modelling flows appear to have been taken directly from the strategic model. This approach allows any inaccuracies within the strategic model to transfer into the local junction assessments. Inevitably a strategic model calibrated across a county will

accurately represent conditions at a local junction. It is best practice to apply the forecast difference in traffic flow from the base to the future year to recent surveys; this reduces issues with any local calibration of the model.

The TA acknowledges at paragraph 6.68 that further strategic modelling work is required. The further work will supercede that published in the TA. As such the submitted junction assessment results are meaningless, and adequate mitigation cannot be demonstrated. It is therefore not possible to demonstrate that there is not a severe impact as a result of the development.

Proposed Mitigation

Notwithstanding the above issues with the strategic modelling, the TA identifies the Copyhold Lane and Borde Hill Lane junction as requiring mitigation due to the additional delay and queue lengths created by development traffic. It is anticipated that this route would be attractive for new residents as it is effectively a northern bypass of Haywards Heath, allowing drivers to use country lanes to avoid the town centre.

The suggested mitigation measure is for the developer to provide funding so that the Council can introduce shuttle working signals on the existing railway bridge, located approximately 280m to the east of the junction. RHDHV does not consider that this would reduce traffic entering the Copyhold Lane/Borde Hill Lane junction. Traffic would still back up at this junction due to the high volumes of traffic and lack of separation in the north/south flows. It is unclear what physical measures could be undertaken at the junction to provide adequate capacity.

Highway Authority

RHDHV note a West Sussex County Council consultation response which requires additional information on various themes, broadly in line with those discussed above.

Conclusion

Based on the information reviewed, a robust case can be made to object to the planning application on highway and transport grounds, namely:

- The fundamentally unsustainable location of the site;
- The proposed realignment of High Beech Lane at the north of the site;
- Considerable issues with the submitted transport modelling, which the applicant has acknowledged need further work; and
- The impact of the development at the Copyhold Lane / Borde Hill Lane junction has not been resolved.

Based on these issues, the site must be judged to be contrary to paragraphs 108, 109 and 110 of the National Planning Policy Framework.

Appendix 2



Technical Note

HaskoningDHV UK Ltd.
Industry & Buildings

Date: 02 April 2020

Subject: Haywards Heath Golf Club - Air Quality Assessment Review

Introduction

An outline planning application (reference DM/20/0559) was submitted to Mid Sussex District Council (MSDC) for a proposed development comprising the demolition of the existing Haywards Heath Golf Club, and the construction of up to 725 new dwellings with associated infrastructure and access. An Environmental Statement (ES) was prepared by Hilson Moran (HM), which included an assessment of air quality.

A review was undertaken of the air quality ES chapter and its relevant technical appendices to determine whether there were any technical deficiencies which may form a point of objection to the planning application. It should be noted that model files were not interrogated as part of this review. However, for an assessment of this nature, it is not considered to be likely that any significant issues would arise from the model set up.

Review Findings

The ES chapter review focussed on a number of different areas as set out below.

Scope

The assessment considered impacts of dust generation and road traffic emissions during construction, and emissions from road traffic generated during the operation of the development. Impacts were considered at both human and ecological receptors. This is considered to be appropriate for a development of this nature in the outline planning stage.

Consultation

A scoping report was submitted to MSDC, and a scoping opinion was received. The Environmental Health Officer (EHO) did not object to the proposed assessment approach and recommended that an emissions mitigation cost calculation was undertaken in accordance with Sussex Councils' air quality guidance¹, which was included in the assessment. The scoping report stated that consultation would be undertaken with the EHO at MSDC and other relevant stakeholders; however, the ES chapter does not mention any additional consultation. As such, the detailed methodology of the assessment (including selection of receptors, model input data, vehicle emission parameters, NO_x to NO₂ conversions and background concentrations) may not have been agreed with MSDC prior to the assessment being undertaken. The air quality EHO at MSDC has yet to provide comments on the assessment.

Legislation, Policy and Guidance

Appropriate legislation, policy and guidance has been applied in the assessment.

Assessment Methodology

Construction Dust

For the assessment of construction phase dust emissions, the methodology detailed in the Institute of Air Quality Management Guidance² was followed, which is considered to be appropriate for a development of this nature.

Dispersion Model and Study Area

The assessment of construction and operational phase road traffic emissions was undertaken using an appropriate dispersion model. The meteorological data used in the model's dispersion calculations were obtained from a suitable recording station in the vicinity of the site. The study area was defined using appropriate screening criteria and included effects both in the immediate vicinity of the site and further afield in areas more sensitive to changes in air quality, which is appropriate. The latest versions of the relevant Defra air quality assessment tools (Emissions Factor Toolkit and NO_x to NO₂ Calculator) were used. Traffic flow data were provided by a transport consultant for use in the model, which is standard practice. The assumptions and limitations section of the air quality chapter states that it was assumed that third party data were accurate and sufficient for use. However, a review of the transport chapter of the ES and the associated Transport Statement, carried out by Royal HaskoningDHV, identified deficiencies in the strategic modelling approaches taken, including an underestimation of the number of residential units on the proposed site. As such, traffic flows in the area may be underpredicted and the effects of this carried through to the air quality assessment data. The modelled traffic flow data were used only in the assessment of air quality effects in the vicinity of the site; impacts within Crawley were determined using flow data derived from automatic traffic counts. Total pollutant concentrations predicted at receptors in the vicinity of the site, and on the site itself, were predicted to be 'well below', i.e. less than 75% of, the relevant air quality Objectives. As such, it is unlikely that the deficiencies in the transport modelling would give rise to exceedances of the air quality Objectives, or any significant air quality impacts.

Model Verification

The dispersion model was verified using local authority monitoring data with adequate data capture. Separate model adjustment factors were derived to reflect the different aspects of the study area which is good practice.

Receptor Selection

Receptors were selected along the assessed road network, and around the perimeter of the proposed development, which is considered to be sufficient.

The overall model verification factor derived for the Crawley area would underestimate modelled concentrations at diffusion tube CR64, located within an Air Quality Management Area, which experienced concentrations at the air quality Objective of 40ug/m³ in 2018. A receptor was included in the assessment along the same road link as CR64 which appears to be further back from the road than the diffusion tube, and at an increased distance from the roundabout where concentrations would be expected to be higher due to the effects of slower-moving traffic. As such, the chosen receptor is not considered to be the most conservative location. However, the predicted change in concentrations along this road was 0.0ug/m³, in the most conservative emissions scenario, which indicates that this road link does not experience significant amounts of development-generated traffic, and significant impacts are therefore unlikely. This is to be expected given the distance from the proposed development. However, this cannot be definitively determined as there is no plan showing which road links the traffic flow data presented within Appendix 6.4 relate to. The conclusions therefore cannot be verified.

Representation of Traffic Congestion and Queuing

The methodology description doesn't include any detail of how traffic congestion or queues were represented in the model. If these sections have not been included there could be an underestimation of impacts where receptors are in the vicinity of such areas; however, it is unlikely that this would significantly change the conclusions of the assessment.

Vehicle Emission Factors

The impacts associated with construction phase road traffic emissions have been considered using 2018 baseline traffic flows; as traffic flows are expected to increase year on year, this may underestimate baseline traffic flows in a later peak year of construction. However, the use of 2018 vehicle emission factors to represent a future year of construction is considered to be sufficiently conservative.

Vehicle emissions during operation of the development have been considered using a conservative scenario, with an emissions sensitivity test also presented. This is considered to be a suitable approach to consider uncertainties in future vehicle emission factors.

Background Pollutant Concentrations

Background pollutant data have been obtained from Defra mapping data, which is a standard approach for assessments of this nature.

Impacts

Construction Phase Dust Emissions

The risk of dust generation from the development has been considered satisfactorily with regard to human receptors. However, the assessment states that there are no ecological receptors within 50m of the development and therefore they were not included in the assessment. The development borders areas of ancient woodland (Highgrove Wood); guidance provided by the Forestry Commission and Natural England³ states that ancient woodland can be affected by increases in pollution and dust generated by the development.

However, the IAQM dust assessment methodology requires the implementation of mitigation measures which are commensurate to the level of dust risk generated by the development. Mitigation measures are recommended in the assessment, which includes the use of site screening and barriers to prevent the dispersion of dust emissions, as recommended by the Forestry Commission and Natural England to protect ancient woodland. It is therefore considered that impacts on ancient woodland would be minimised. The assessment states that these mitigation measures would be implemented via a Construction Environmental Management Plan (CEMP). As such, significant impacts aren't expected.

Non-Road Mobile Machinery

The assessment states that emissions of Non-Road Mobile Machinery (NRMM) have been considered; however, it is not clear how they have been included within the assessment. The assessment considered construction-generated vehicles on the road network, but not emissions from the non-road-going on-site plant. However, given the distance to receptors and the predicted pollutant concentrations during construction, it is unlikely that emissions from NRMM would give rise to any significant air quality impacts. Mitigation measures to minimise emissions from NRMM, as recommended in Defra technical guidance⁴, should be included within the CEMP.

Construction and Operational Phase Road Traffic Emissions

Impacts of construction and operational phase road traffic emissions were not found to give rise to significant impacts. The greatest operational phase impacts were predicted to occur closest to

the site, which is to be expected. Under the most conservative emissions scenario, which assumed no reduction in vehicle emissions into the future from 2018 levels, a moderate adverse impact was predicted at one receptor, and a minor adverse impact at another. All other receptors were predicted to experience negligible impacts. The overall significance of effect was determined to be not significant, as these adverse impacts were predicted at receptors which experienced total pollutant concentrations well below the air quality Objectives. This is considered to be appropriate.

Impacts on Designated Ecological Sites

The effects of road traffic emissions on the features of the Ashdown Forest SAC are assessed within the HRA, based on a screening approach. The assessment was reliant upon impacts predicted during MSDC's assessment of its Local Plan, which considered the in-combination impacts of the Local Plan with other sources of traffic movements. The conclusions of no likely significant effect on the qualifying features of the SAC is considered to be appropriate.

Consideration of Cumulative Impacts

The road traffic flows used in the dispersion modelling included traffic associated with housing and commercial developments within the area, and so the assessment is inherently cumulative.

With regard to construction dust, sufficient justification is provided to state that cumulative effects would be controlled, and co-ordination with any nearby construction sites is recommended to manage cumulative impacts from dusty activities and traffic movements. This is considered to be sufficient.

Conclusions

A review was undertaken of the air quality assessment undertaken for the proposed redevelopment of the Haywards Heath Golf Course.

The review identified a number of technical discrepancies and omissions in the presented information, namely:

- Lack of consultation with the EHO on the detailed assessment methodology;
- The traffic flow data obtained from the strategic model may not be representative;
- The receptors within Crawley may not represent worst-case locations;
- There is a lack of detail as to which road links correspond with the traffic flow data presented in Appendix 6.4;
- There is no description of whether or not queuing sections or traffic congestion were included in the dispersion model;
- Impacts of dust on adjacent ancient woodland were not explicitly considered in the assessment; and,
- There was no consideration of emissions associated with NRMM.

However, though these issues are considered to be relatively minor and are not expected to lead to a significant change in the conclusions, the credibility of some aspects of the assessment is called into question.

Appendix 3



Note

HaskoningDHV UK Ltd.
Industry & Buildings

Date: 02 April 2020
Subject: Haywards Heath Golf Course ES review and LPA Comments - Noise and Vibration

Introduction

An outline planning application (reference DM/20/0559) was submitted to Mid Sussex District Council (MSDC) for a proposed development comprising the demolition of the existing Haywards Heath Golf Club, and the construction of up to 725 new dwellings with associated infrastructure and access. An Environmental Statement⁽¹⁾ (ES) and Technical Appendix⁽²⁾ was prepared by HilsonMoran (HM), which included an assessment of noise and vibration.

A review was undertaken of the noise and vibration ES chapter and its relevant technical appendices to determine whether there were any technical deficiencies which may form a point of objection to the planning application. It should be noted that model files were not interrogated as part of this review.

Review findings

The ES chapter relating to potential noise and vibration impacts was found to assess the main causes of noise and vibration as a result of the proposed development. However, a number of questions have been raised concerning the application of some assessment methodologies and therefore over the results of those assessments.

Construction Noise Methodology and Assessment

The assessment of impact has been stated as being in accordance with British Standard 5228:2009 +A1:2014 Part 1: Noise⁽³⁾ (BS5228-1), with the use of the “ABC” method of assessment as detailed in Section E.3.2 of the same document.

Table 7.6 in the ES details the significance criteria for the “assessment of demolition and construction noise” however it appears to have no clear connection to the ABC method as detailed above. The significance table instead relies solely on a noise change basis with no clear justification for the levels cited and how they would relate to the existing noise levels at the applicant's site. This is not considered to be appropriate as this does not follow the assessment principles set out in BS5228-1.

Additionally, Section E3.2 of BS5228-1 states: “If the site noise level exceeds the appropriate category value, then a potential significant effect is indicated”. It is considered that further justification of the ‘up to 10dBA above the threshold’ is needed and considered necessary, given the differences between each ABC category is only 5dBA.

¹ Environmental Statement *Volume 2 – Environmental Statement*, Hillson Moran, February 2020

² Environmental Statement *Volume 3 – Technical Appendix*, Hillson Moran, February 2020

³ British Standard 5228-1:2009+A1 2014, *Code of practice for noise and vibration control on construction and open sites Part 1: Noise*, BSI, 2014

The actual assessment of construction noise appears to be similarly confused and unclear in its detail. Section 7.6.1 sets out what is considered to be the “worst-case” locations in terms of the distance between the site and existing noise-sensitive receptors. These positions are considered reasonable.

Technical Appendix 7.2 details the input/calculation tables for the demolition and construction noise assessment, however again there is a lack of clarity over certain aspects.

- The calculation of distance correction seems to neither follow the methodology in 5228-1 for either ground condition, neither does it appear to correlate with standard distance propagation corrections. (Based on the assumed distances indicated in the table)
- The calculation of a screening correction is similarly unclear with no detail found in the report to indicate what the pre-mitigation screening is and how it is improved
- Additionally, based on the size of the site, it is considered questionable that only one item of each item of plant will be used at a time.
- Confirmation of the origin of the noise source terms, for example – are they manufacturers data or have they been taken from BS5228-1.
- How other corrections were applied such as angle of view or on-time.

In the ES chapter, Table 7.16 sets out the assessment that has been undertaken. No reference is given to the noise category of the receptors or to the baseline levels the construction assessment results have been compared against. Instead, the table only details the predicted façade noise levels and the significance of impact.

It is considered that clarifications of the potential impacts of the construction phase of works should be undertaken to ensure that the closest noise-sensitive receptors are reasonably protected from potential noise impacts. It should also be clear that during a phased construction approach, newly formed receptors at the development itself will also need to be considered, with appropriate mitigation and protection from on-going works.

Construction Vibration Methodology and Assessment

The assessment of impact has been stated as being in accordance with British Standard 5228:2009 +A1:2014 Part 2: Vibration⁽⁴⁾ (BS5228-2). No consideration has seemingly been given to other British Standards concerning the assessment of vibration.

Table 7.8 in the ES details the significance criteria for the “assessment of demolition and construction noise” however it seems to have no clear connection to the guidance in BS5228-2, instead, this table appears to be based upon Table 7.6 with only a change in units (from dB(A) for noise to mm/s for vibration).

The assessment of potential vibration damage to buildings (set out in BS7385-2:1993⁽⁵⁾) is undertaken primarily using the peak particle velocity (PPV) is measured in mm/s. The assessment of the potential for human disturbance is undertaken using ‘vibration dose values’ or VDV, this is measured (or in the case of an eVDV, calculated) in m/s^{-1.75} and is set out in BS6472-1:2008⁽⁶⁾

⁴ British Standard 5228-2:2009+A1 2014, *Code of practice for noise and vibration control on construction and open sites Part 2: Vibration*, BSI, 2014

⁵ British Standard 7385-2 1993, *Evaluation and measurement for vibration in buildings, Part 2: Guide to damage levels from groundborne vibration*, BSI, 1993

⁶ British Standard 6472-2 2008, *Guide to evaluation of human exposure to vibration in buildings Part 1: Vibration sources other than blasting*, BSI, 2008

Therefore, the values in Table 7.8 suggest of contradiction of the ES where it states

“...the vibration assessment concentrates the assessment upon the potential for human disturbance which is more onerous.”

Similarly, to our comment above regarding Table 7.6, it should be clarified what basis and guidance the values in Table 7.8 to determine vibration significance are based upon

The assessment of vibration as set out in Section 7.6.1 of the ES seems to be of a qualitative nature rather than quantitative. It is also noted that a vibration survey of the site formed part of the scoping methodology, the details and results of which are also missing from both this section of the ES and an associated technical appendix.

No calculations are presented to justify the conclusions of the assessment regarding the significance of any vibration impact resulting in human disturbance (or building damage) that could occur as a result of the construction phase of works.

It is therefore considered that the number of omissions to the vibration section of this technical chapter warrant clarification to justify the conclusions stated.

Construction Road Traffic Assessment

The assessment presented relates to the effect of additional traffic on the existing local network and not on internal site movements.

Based upon the information presented this assessment is not unreasonable in either its detail and findings. The use of the short-term noise impact table from document HD213/11⁽⁷⁾ (Noise and Vibration) from the Design Manual for Roads and Bridges is considered appropriate.

It should be noted that the noise and vibration chapter of the DMRB⁽⁸⁾ was updated in November 2019.

Baseline Survey

The overall baseline noise survey methodology is generally considered suitable; however, the selections of measurement locations are questioned for their ability to be representative for the nearby existing noise-sensitive receptors.

There is no noise monitoring position close to the area indicated as NSR A, and LT1 which is close to NSR B and located near High Beech Road would give higher noise levels as a result of this position than if you compare it to the location of the construction assessment where it would be quieter due to the distance and screening from existing noise sources.

We suggest clarification is requested concerning the baseline noise levels used to represent both NSR A and NSR B along with justification as to their reasonableness for assessment.

As stated above in the assessment of vibration levels, no vibration survey was undertaken. If this was agreed to be scoped out of the assessment during the consultation with stakeholders, this should be stated.

Future Baseline (Section 7.5.3)

⁷ Design Manual for Roads and Bridges Volume 11 Section 3 Part 7, HD213/11 Revision 1 Noise and Vibration, November 2011

⁸ Design Manual for Roads and Bridges, LA 111 Noise and Vibration, November 2019

Review of the road traffic assessment set out in Table 7.15 raises some questions concerning the source data used in the assessment.

Only a future year assessment is presented in the chapter, and no indication is given that a road noise assessment was undertaken to determine changes in noise level at nearby noise sensitive receptors as a result of the scheme. Only changes in basic noise level are presented, without consideration of potential changes to nearby residential properties.

The reduction in noise level on High Beech Lane should be clarified. As this is one of the access roads to the site it is anticipated that the road traffic levels would go up, not down. From the layout shown in Figures 7.2 and 7.3, there appears to be a connecting road effectively bypassing a long section of High Beech Lane.

Clarification is sought on whether the traffic reduction on High Beech Lane is due to vehicle users using this alternative road. However, can it also be clarified why this road was seemingly not included in this road traffic assessment.

Furthermore, if it was considered as part of the residential suitability assessment whether it would have the potential to influence the sound insulation requirements at the facades of nearby properties.

Additionally, with the exception of Summerhill Lane and W Common, all of the percentage changes in traffic flow are predicted to be greater than the 20% threshold set out in the Noise and Vibration section of the DMRB. This assessment omission should be justified especially in the case of roads such as Copyhold Lane which has a predicted change in road noise of 204.7%.

Operational Assessment – Residential Properties

The noise contour plots presented in Figure 7.2 (Daytime) and Figure 7.3 (Night time) are reasonable, and clearly show the effect of transportation noise on the proposed development site in context of an indicative housing layout.

A qualitative assessment of the façade noise levels is presented in Section 7.5.4 and concludes that for all areas of the development, glazing with a sound insulation level of 29 dB $R_w + C_{tr}$ is proposed along with a system of hit and miss trickle vents as a form of passive ventilation.

As shown in Figures 7.2 and 7.3 there are variations in noise level that will occur from properties screening each other from the external parts of the site to the inner areas, this approach seems very much a ‘one-size fits all’ option. It is considered that this is unlikely to be appropriate for properties along the eastern boundary and the south-western corner where noise levels are indicated to be the highest.

Evidence of assessment such as calculations using the exemplar calculation table G1 of Annex G in BS 8233:2014⁽⁹⁾ should be presented as part of the assessment to demonstrate that the proposed glazing and ventilation strategy for the worst affected facades would be sufficient.

The calculations should reflect the predicted façade noise levels at the worst affected facades along both the eastern boundary and the south-western corner of the site. Assessment should include assessment of both ground floor and first floor heights with their assessment and overall results reflecting the internal noise levels set out in both BS8233:2014 and the WHO guidance document “Guidelines for Community Noise”⁽¹⁰⁾.

⁹ British Standard 8233 2014, *Guidance on sound insulation and noise reduction for buildings*, BSI, 2014

¹⁰ World Health Organisation, *Guidelines for Community Noise*, Geneva, 1999

It is preferable for residents to be able to open their windows for ventilation instead of relying on trickle ventilation, especially as in paragraph 2.20 of the 'Acoustics, Ventilation and Overheating Design Guide'⁽¹¹⁾ it states that:

"...trickle vents do not enable sufficient airflow to have a significant cooling effect."

$L_{AFMax, 5min}$ data is presented within Table 7.14, however, no assessment or further mention of it is given. Although the standpoint of BS8233:2014 is recognised, considering reference to WHO guidance set out in Table 7.3, commentary should have been provided as to the potential effect of these events on the site and confirmation that increases in the sound insulation properties of the proposed glazing would not be needed to protect the occupants of the proposed residential properties.

It is considered that the further clarifications and proof of assessment are needed to justify the proposed glazing and ventilation strategy across all parts of the site, especially for the night-time periods when people will be resting or preparing for rest.

Operational Assessment – Road Traffic Noise

The assessment presented in Table 7.18 refers to the assessment Table 7.11 which is the Long-Term noise change table, taken from the Noise and Vibration chapter of the DMRB. The assessment in Table 7.18 is the same year comparison, and it is therefore, inappropriate to use this table for the assessment. For this assessment, the short-term assessment table, as detailed in Table 7.9 should be used and the significance effects updated from the currently stated **Negligible** to range from **Negligible** to **Minor Adverse**.

The "No Change" level of effect was removed in the latest revision of the Noise and Vibration Chapter of the DMRB.

Comments from Mid Sussex District Council

The Mid Sussex District Council LPA comments are presented in an email dated 28th February 2020⁽¹²⁾. A brief summary of the key points relating to noise and vibration is presented below.

Consideration of L_{AMax} Events

The LPA states that the noise survey that was undertaken does include L_{AMax} noise levels for both daytime and night time periods but does not go as far to provide assessment or further discussion of the measured levels. However, they do acknowledge that, so long as the windows remain shut, L_{AMax} levels are highly likely to be controlled to a suitable degree.

Consideration of the Windows Closed State

The LPA representative agrees with the ES that, for the majority of the site, a suitable internal environment can be achieved in the 'windows open' condition. The response goes on to state that;

"...the houses at the edge of the development to the East and West are likely to be most impacted by noise. The monitoring undertaken appears to indicate that those to the West of the site are likely to experience frequent and high L_{AMax} through late evening and early morning, likely from trains passing."

¹¹ Acoustics Ventilation and Overheating: Residential Design Guide, January 2020, ANC & IOA, 2020

¹² Planning Info. "Re: Mid Sussex DC - Online Register - Consultee Comments for Planning Application DM/20/0559" Message to Steve Ashdown. 28 February 2020. Email

The LPA representative also states that

“In our view, closed windows with additional ventilation is not an ideal solution but maybe acceptable where developers can demonstrate that good design has been considered and used to minimise the need for artificial ventilation where possible. This may include:

- Opportunities to mitigate the noise source within the site
- *Maximise separation* (between the road and houses)
- *Noise barriers – screening opportunities*
- *Site layout – protecting residential units*
- *Site layout – protecting external amenity space*
- *Non-sensitive elements as screens*
- *Building layout to self-screen sensitive rooms*
- Building treatment to screen openings
- Window location & size on affected facades
- *Ventilation – natural, from quiet façade”*

Cumulative Road Impact

The LPA representative states:

“It is noted that the impact on Road Traffic noise from the proposed occupied development is predicted to be negligible. However, the cumulative effect with other scheme in the area is likely to have a moderate adverse impact of Copyhold Lane. This wouldn’t be a reason to refuse the proposed application, but consideration may need to be given to what traffic reduction methods could be put in place for Copyhold Lane.”

New Commercial/Community Units

BS4142:2014+A1:2019 assessments should be required where buildings are to have any external noise sources (e.g. external air conditioning or refrigeration condensers, external air intake or exhaust ventilation, kitchen extractions systems etc.).

This will not be a reason to refuse planning permission at this time but can be applied as a condition to be enforced by the developer before any external noise source is brought into operation.

Conclusion

From this high-level review of the ES chapter and associated technical appendices, it is considered that the detail presented is incomplete in a number of areas. The clarifications detailed in this review are needed to provide confirmation that all appropriate aspects of potential noise and vibration impacts in relation to both existing and proposed noise sensitive receptors have been fully considered and mitigation provided where necessary.

Although the issues and clarifications stated in the above document could be considered relatively minor and not expected to lead to a significant change in the conclusions, the credibility of some aspects of the noise and vibration assessment could be called into question.

Appendix 4



Note

HaskoningDHV UK Ltd.
Industry & Buildings

Date: 01 April 2020
Subject: Haywards Heath Golf Course - Ecological Review

1 Introduction

Royal HaskoningDHV (RHDHV) has been appointed to undertake a review of the outline planning application at Haywards Heath Golf Course to the north of Haywards Heath in East Sussex (herein referred to as the Proposed Development) submitted by Rodway Planning Consultancy Limited, focussing on the ecological aspects.

An outline planning application (reference DM/20/0559) for the Proposed Development was submitted by Rodway Planning Consultancy Limited (the agent) to Mid-Sussex District Council the local planning authority on the 10th February 2020.

The outline planning application is for the demolition of existing Clubhouse, Pro Shop, storage buildings, and 2 no. dwellings, change of use from Golf Course, and erection of up to 725 new dwellings, including 30% affordable housing. Alterations to High Beech Lane. Provision of associated infrastructure including recreation facilities including public open space and play space, community facilities and retail, provision of pedestrian linkages, landscaping and drainage.

This document will focus on the ecology impacts of the Proposed Development.

2 Methodology

The review of the ecological proposals has been undertaken following a review of the following documents submitted in support of the outline planning application:

- Environmental Statement – Volume 2 – Chapter 10 Ecology and Nature Conservation; and
- Environmental Statement – Volume 2 - The Ecology Co-Op Environmental Consultants – Baseline Ecological Surveys (January 2020).

The review of the submission documents has been undertaken to ensure compliance with the current best practice and in particular the Guidelines for Ecological Impact Assessment (EclA) in the United Kingdom and Ireland (Chartered Institute of Ecology and Environmental Management (CIEEM) September 2018).

This report will provide a review of the methodology and implementation of the EclA guidelines as well as a look at how the baseline conditions have been represented.

The EclA methodology and outline of process set out in Chapter 10 – Ecology and Nature Conservation of the Environmental Statement generally follows the accepted industry practice as set out in the Guidelines for EclA in the United Kingdom (CIEEM, 2018) and as such is regarded as an acceptable approach for the Environmental Statement chapter.

3 Summary of Findings

The supporting ecology documents to accompany the outline planning application identified in Section 2 have been reviewed by RHDHV to identify any deficiencies in the application and where the application does not follow best practice.

The following table identifies the issues and provides further comment in relation to the issues this poses for the outline planning application and the potential precedent that this may set for future applications within mid-Sussex.

The table includes a red, amber and green matrix to provide a broad guide as to the significance of the impacts identified. The matrix has been populated using the following broad definitions:

- Red – Those issues that are considered to be fundamental omissions or errors which could have an adverse impact on future development within Haywards Heath;
- Amber – Those issues that are considered to be serious omissions but which it is considered will not have an adverse impact; and
- Green – Those issues that are considered to be errors but that will not have a material impact.

Table 1 – Summary of findings

Issue No.	Document & Section	Identified issue	RHDHV comments	RAG
1	Baseline Ecological Surveys Report (The Ecology Co-Op, 2020) – Section 2.1	Study Area(s)	Section 2.1 of the 2020 Ecology Report states the distance for which biological records have been obtained for as well as the distance used for identifying ponds that may support great crested newts. There is also reference that the MAGIC website was used to identify designated sites and EPS licences. However, no distance of which this search was made is stated and therefore it is unclear to the reader the study area used for this purpose.	Green
2	Baseline Ecological Surveys Report (The Ecology Co-Op, 2020) – Section 2.3	Field survey methodologies	Although for some of the field surveys undertaken, there is reference to the relevant industry guidance (e.g. bat surveys), this same level of detail is not provided for all field surveys that have been undertaken. For instance, the methodology used for the botanical survey and reptile survey is not stated nor is reference to the appropriate industry guidance and therefore the reader is unclear as to the specific survey methodology that has been followed.	
3	Baseline Ecological Surveys Report (The Ecology Co-Op, 2020) – Section 2	Justification for field surveys not undertaken.	The ecology survey report specifies the protected species surveys that have been undertaken, however, there is no explanation (or supporting evidence) to explain why surveys for other species such as water voles, otters have not been undertaken.	Yellow
4	Baseline Ecological Surveys Report	Field survey limitations	The ecology report states that bat static surveys were undertaken in October 2017, May, July and September 2018. The Bat Conservation Trust (BCT) guidance recommends	

Issue No.	Document & Section	Identified issue	RHDHV comments	RAG
5	<p>(The Ecology Co-Op, 2020) – Section 2.13</p> <p>Environmental Statement Chapter 10 – Ecology and Nature Conservation – Section 10.4</p>	<p>The Zone of Influence (Zol) and the temporal scope of the Proposed Development has not been clearly defined.</p>	<p>that surveys are undertaken across the season, i.e. April until October. Therefore, the bat static detector survey effort should have included April, June and August. These months were not part of the survey effort and therefore it is unclear as to why static detector surveys were not undertaken during these months.</p> <p>The summer of 2018 was an exceptionally warm summer. Although this is mentioned in parts of the Environmental Statement it is not explicitly stated in the survey limitations section and in turn whether this had any implications for the surveys, or the results being used to inform the assessment. For instance, the significance of the impact on bats is considered neutral and due to the apparent lack of survey data, further justification should be presented to support this conclusion.</p> <p>It is unclear as to how the impacts have been assessed in the context of the predicted baseline conditions within the Zol during the lifetime of the project (i.e. has the assessment considered how the existing conditions might change between the surveys and the start of construction and/or post-construction?).</p>	
6	<p>Environmental Statement Chapter 10 – Ecology and Nature Conservation – Section 10.6</p>	<p>Predicted impacts</p>	<p>It is unclear as to the phase of the proposed scheme (i.e. pre, during or post-construction) which the impacts have been identified.</p> <p>The EClA guidelines advise that the assessment of impacts should be undertaken in relation to the baseline conditions within the Zol that are expected to occur if the development were not to take place. For example, if construction is programmed for 2013, construction impacts should be assessed against the baseline conditions predicted to occur</p>	

Issue No.	Document & Section	Identified issue	RHDHV comments	RAG
7	Environmental Statement Chapter 10 – Ecology and Nature Conservation – Section 10.7	Implementation of mitigation, enhancement and compensation measures.	<p>in 2013 if the development were not to go ahead. Similarly, if the development is operational from 2015 onwards, the baseline for the EclA should be the baseline conditions predicted to occur, in the absence of the development, from 2015 onwards.</p> <p>No confidence in the prediction of impacts has been included. Also, to note that most conclusions of significant are 'uncertain'. Further clarification is required to support these conclusions as this does not currently provide confidence in the assessment of likely impacts.</p> <p>In addition, there is no reference to the likelihood that a change/activity will occur as predicted (i.e. by using terminology such as certain, probable, unlikely) and also the degree of confidence in the assessment of the impact on ecological structure and function.</p> <p>There is no reference to how the mitigation, enhancement or compensation measures will be implemented should consent be granted to the Proposed Development. The EclA guidelines states that it is imperative that a developer demonstrates the commitment as to how the proposed mitigation, enhancement and compensation measures identified during the EclA will be implemented. This can be achieved through the preparation of an Environmental Action Plan (EAP). The EAP should include a detailed explanation of what is to be done, how it will be achieved, where and when it is to be carried out, and who is responsible for ensuring that works are undertaken.</p>	
8	Environmental Statement Chapter 10 – Ecology and	Biodiversity Net Gain	The Government's 25 Year Environment Plan describes an ambition to leave the environment in a better state than that which it inherited for the next generation. This ambition is supported by the National Planning Policy Framework	



Issue No.	Document & Section	Identified issue	RHDHV comments	RAG
	Nature Conservation – Section 10.4		<p>(NPPF), which makes general provisions for the delivery of biodiversity net gain (BNG). Government in its March 2019 budget acknowledged BNG has not been delivered effectively through the NPPF and confirmed an intention to make BNG mandatory for Town and Country Planning Act 1990 (TCPA) development. Although the intention is that this will be delivered through a new legislative mechanism, it is acknowledged that at this time it is not a mandatory requirement, consideration of BNG should still be made. Habitat loss is identified in Section 10.6.2 of Chapter 10 but no reference is made as to how habitats will be protected/maintained/enhanced/restored or created. Therefore, concluding that there is no reference to how the Proposed Development has considered and identified the biodiversity net gain opportunities for which the Proposed Development would seek to achieve.</p>	

4 Summary

RHDHV has been appointed to undertake a review of the outline planning application at Haywards Heath Golf Course to the north of Haywards Heath in East Sussex.

Following a review of the submission documents relevant to ecology but concentrating on Chapter 10 – Ecology and Nature Conservation of the Environmental Statement, a total of eight key issues were identified. These issues can be summarised into five broad areas, as listed below:

- Study areas for desk and field-based surveys;
- Clearly defining the Zol and temporal scope;
- Predicting impacts;
- Implementation of mitigation, enhancement and compensation measures; and
- Delivering Biodiversity Net Gain.

4.1 Desk and field-based surveys

Although there is reference in the Baseline Ecological Survey Report to the distance for which biological records have been obtained and the distance applied for the identification of water bodies, there is no reference made to the distance used to identify designated sites and EPS licences from the MAGIC website.

Although the relevant industry guidance for species-specific surveys has been specified, this has not been provided for all of the field-based surveys that have been undertaken. For instance, the methodology for the botanical survey has not been specified and therefore it is unclear as to the methodology that has been followed. Furthermore, although the baseline ecology survey report details the surveys that have been undertaken, there is no explanation (or supporting evidence) to explain why surveys for other species such as water voles or otters have not been undertaken. Therefore, it is unclear as to why surveys for these species have not been undertaken.

The ecology report states that bat static surveys were undertaken in October 2017, May, July and September 2018. The BCT guidance recommends that surveys are undertaken across the season, i.e. April until October. Therefore, the bat static detector survey effort should have included April, June and August. These months were not part of the survey effort and therefore it is unclear as to why static detector surveys were not undertaken during these months.

It is acknowledged that the summer of 2018 was an exceptionally warm summer. Although this is mentioned in parts of Chapter 10 – Ecology and Nature Conservation, it is not explicitly stated in the survey limitations section and in turn whether this had any implications for the surveys, or the results being used to inform the assessment.

4.2 Defining the Zol

It is unclear as to how the impacts have been assessed in the context of the predicted baseline conditions within the Zol during the lifetime of the project (i.e. it is not specified whether the assessment has taken into account how the existing conditions might change between the surveys and the start of construction and/or post-construction).

It is vital that the areas and resources that may be affected by the proposed scheme are clearly defined so that the reader understands the Zol that is subject to the EclA. The Zol should be regularly reviewed and if appropriate, amended as the scheme evolves. If inadequate information is available to properly define the zone of influence, this should be acknowledged.

4.3 Predicting impacts

The EclA guidelines advice that the assessment of impacts should be undertaken in relation to the baseline conditions within the Zol that are expected to occur if the development were not to take place. For example, if construction is programmed for 2021, construction impacts should be assessed against the baseline conditions predicted to occur in 2021 if the development were not to go ahead. Similarly, if the development is operational from 2021 onwards, the baseline for the EclA should be the baseline conditions predicted to occur, in the absence of the development, from 2021 onwards. This is intrinsically linked to the issue where the Zol has not been clearly defined in the first instance.

No confidence in the prediction of impacts has been included. In addition, there is no reference to the likelihood that a change/activity will occur as predicted (i.e. by using terminology such as certain, probable, unlikely) and also the degree of confidence in the assessment of the impact on ecological structure and function.

Chapter 10 of the Environmental Statement does not specify whether future baseline impacts have been predicted which would enable the EclA to address cumulative impacts.

4.4 Implementation of mitigation, enhancement and compensation measures

There is no clear reference to how the mitigation, enhancement or compensation measures will be implemented should consent be granted to the Proposed Development.

The EclA guidelines states that it is imperative that a developer demonstrates the commitment as to how the proposed mitigation, enhancement and compensation measures identified during the EclA will be implemented. This can be achieved through the preparation of an EAP. The EAP should include a detailed explanation of what is to be done, how it will be achieved, where and when it is to be carried out, and who is responsible for ensuring that works are undertaken.

4.5 Biodiversity Net Gain

The Government's 25 Year Environment Plan describes an ambition to leave the environment in a better state than that which it inherited for the next generation. This ambition is supported by the NPPF, which makes general provisions for the delivery of BNG. Although BNG is not a mandatory requirement at this time, consideration of BNG should still be made. However, there is no reference to how the Proposed Development has considered and identified the biodiversity net gain opportunities for which the Proposed Development would seek to achieve.

5 Conclusion

The EclA methodology and outline of process set out in Chapter 10 – Ecology and Nature Conservation of the Environmental Statement follows the accepted industry practice as set out in the Guidelines for EclA in the United Kingdom and Ireland (CIEEM, September 2018) and as such is regarded an acceptable approach for the ES chapter.

Chapter 10 – Ecology and Nature Conservation of the Environmental Statement does not provide clear working in support of the EclA. There are omissions in some areas of information and justifications for why certain protected species surveys were not undertaken. In addition, and a fundamental omission is that the Zol has not been clearly defined. Therefore, it does not enable the reader to have a clear understanding as to the survey area extent for all desk and field-based surveys.

Although survey limitations are stated, this does not include all limitations encountered during the survey effort (i.e. the exceptionally warm summer of 2018) which may have limited the findings of the ecological field surveys. Consequently, it is unclear as to whether a justified assessment of the significance of any impacts of the proposed scheme has been possible.

It is essential that the mitigation, enhancement and compensatory measures identified during the EclA are clearly shown how they will be implemented. The EclA does not refer to this. This can be simply achieved through the preparation of an EAP which would state what is to be done, how it will be achieved, where and when it is to be carried out, and who is responsible for ensuring that works are undertaken.

Despite the eight key issues highlighted in **Table 1** being either green or amber in terms of their level of significance, when considered in combination these issues are considered to question the creditability of some aspects of the EclA. In addition, these uncertainties may lead to the reader to have little confidence, and in turn question, the conclusions of the EclA., which in turn lead to a level of weakness in the submitted ecological documentation for which could form the basis of an objection to the Proposed Development.

1380

Site Allocations DPD: Regulation 19 Consultation Response

Policy:

ID:	1380
Response Ref:	Reg19/1380/2
Respondent:	Mr A Podmore
Organisation:	
On Behalf Of:	
Category:	Resident
Appear at Examination?	x

1443

Site Allocations DPD: Regulation 19 Consultation Response

Policy:

ID:	1443
Response Ref:	Reg19/1443/3
Respondent:	Mr J Pearson
Organisation:	Lewis & Co Planning
On Behalf Of:	Mr Chris Gargan
Category:	Promoter
Appear at Examination?	✓

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

Sent by email only to: LDFconsultation@midsussex.gov.uk

10th September 2020

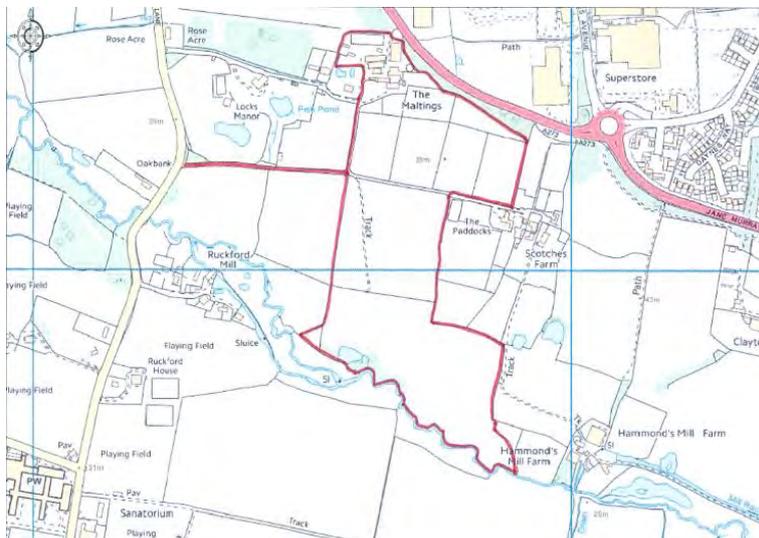
Dear Sir/Madam,

Site Allocations DPD Consultation

Thank you for the opportunity to comment on the Site Allocations Development Plan Document. We write to you on behalf of Mr C Gargan the landowner of the site Land at Maltings Farm, Burgess Hill, BN6 9JZ.

The site adjoins the built-up area boundary of Burgess Hill to the south-west of the settlement and is available for new residential development.

Mr Gargan owns approximately 21ha of land between Jane Murray Way and Malthouse Lane as shown on the enclosed location plan. Given the proximity of the Burgess Hill settlement boundary and the excellent highway links provided by the A273, the site has genuine potential to make a significant contribution to housing provision in the district.



Site Location Plan

Summary

We consider that our client's site at Maltings Farm provides a sustainable location for growth that has not been appropriately considered throughout the preparation of the Site Allocations DPD and offers a more sustainable strategy for meeting the District's residual housing needs.

Our client's site was considered for allocation as part of a large 'broad location' around the western boundary of Burgess Hill (site reference 740). The entirety of this area was excluded from consideration at early stages of the preparation of the DPD, as set out in Site Selection Paper 1. The justification given was that the size of a site within this broad location would "deliver levels of growth significantly beyond that required by the District Plan strategy".

This clearly ignores the fact that broad locations are not necessarily meant to be considered for allocation in their entirety. It has resulted in an area considered suitable for development within the Council's SHELAA being excluded from consideration for allocation with no further assessment of individual sites/areas within that broad location. The Maltings Farm site is one such location where a smaller development could be considered that would be wholly compliant with the District Plan strategy and can better meet the objectives of the Site Allocations DPD than other sites proposed for allocation.

We consider that the proposed submission documents fail to meet the legal requirements for the Sustainability Appraisal and the tests of soundness in terms of the Site Allocations DPD's justification, effectiveness and consistency with national policy.

Site Description

Our client's site is located on the south-western edge of Burgess Hill. The site is currently in use as a livery yard but this business is in the process of closing down its operations and has run at a loss and been subsidised by the owner for many years.

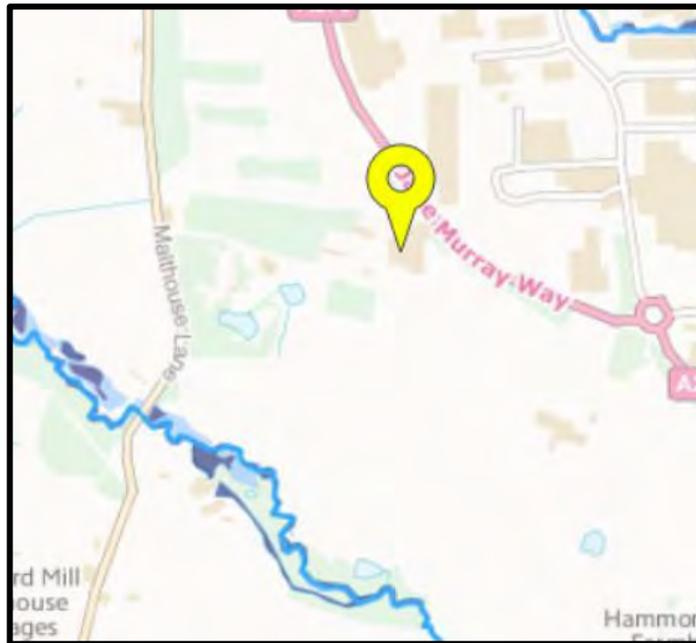
The primary site access is currently from Malthouse Lane with access currently available on foot to Jane Murray Way and opportunities for a revised vehicle access under a comprehensive redevelopment of the site. The Burgess Hill Green Circle Route runs along the northern edge of the site but the site's existing arrangement creates a narrow pinch point for the route that could be significantly improved as part of a future development. The Green Circle route is protected by District Plan policies and its improvement and extension form one of the key principles for new development at Burgess Hill – as set out in Policy DP7.

Burgess Hill is one of three category 1 settlements with a wide range of services and two railway stations and continues to be a focal point for sustainable growth through urban extensions to the settlement. Although in reasonably close proximity to the South Downs National Park to the southeast, the remainder of the settlement and its outskirts are in a relatively unconstrained part of the District that offers greater opportunities for sustainable development than other areas.

As set out above, the entirety of the land is 21 hectares. The area could therefore accommodate any size of residential development, alongside other wider improvements such as extensions to the Green Circle network, ancillary commercial uses or services and/or new routes through and out of the site. Neighbouring properties are residential and a residential-led development is most appropriate in this location.

The site forms part of a large broad location considered in the initial Site Selection process as site reference 740. This area was identified as offer a wide range of 'major positive impacts'.

Unlike the larger broad location, our client's site is in single ownership, available for development and existing uses onsite have only a short term future. The Land to the West of Burgess Hill site assessment in the Site Selection Paper (EP23/EP23a) identifies listed buildings within the broad location, but none are within our client's land. Similarly, the broad location receives a negative on flood risk but our client's land is almost entirely within Flood Zone 1:



Flood Map for Planning Extract

The Site Selection Paper assessment raises concerns that the development of the Site 740 area alongside the strategic Northern Arc development due to their close proximity, but the area of Site 740 within our client's control is a significant distance away from (over a kilometre at the closest point) – comparable to the distance between the Northern Arc and land at Kings Way (also allocated within the District Plan).

On this basis, our client's land is clearly significantly less constrained, and has no issues to deliverability, compared to the wider broad location assessed. The failure of the local planning authority to consider specific unconstrained areas of the broad location results in an ineffective assessment of all reasonable alternatives to development at Burgess Hill.

We ask that the examining Inspector require the local planning authority to undertake further evaluations of site options, including a rigorous assessment of our client's site and the unique opportunities that would be provided through its development. None of the stated constraints or concerns with the wider broad location are directly applicable to our client's site and there are clear positive benefits that allocation would provide. The land within our client's control could accommodate a significant amount of housing, or a smaller residential development focused within the northernmost areas of the site, but at a scale more suited to the scale of development the local planning authority wish to deliver through the Site Allocations DPD.

The site scores very favourably against identified environmental criteria and adjoins the settlement boundary. The site is unaffected by flood risk, would not affect any designated heritage assets, ancient woodland, SSSIs, local nature reserves, or other notable constraints.

Whilst the site is clearly appropriate for new housing development, failure to allocate the site for a larger quantum of development would likely result in the site coming forward as a windfall site of 9 units or less – at most. This would be an inefficient use of the site, would not generate a requirement for affordable housing types and may prevent the District Council from securing infrastructure contributions. Support through a specific allocation in the Site Allocations DPD would make the proposals an exception to District Plan Policy DP12 and would allow a better-quality development to proceed in principle.

Proposed Submission Site Allocations DPD

The Site Allocations DPD seeks to allocate new housing land to meet what is described as the District's 'residual' housing need to 2031. However, the clear backdrop to this document is an urgent need for additional housing across the sub-region – with unmet need in neighbouring authorities highlighted under Policy DP5 of the District Plan.

Whilst a future review of the Plan is expected to address this unmet sub-regional need, it is evident that the Site Allocations DPD should deliver new housing wherever is it appropriate and sustainable to do so, as the issues of unmet needs in neighbouring authorities worsen. This document cannot be considered in a vacuum and its soundness must be considered in the context of present-day evidence of housing needs.

The Government's housing delivery test provides reliable evidence that of the five of the eight local authorities within the Coastal West Sussex and Greater Brighton Strategic Planning have failed to deliver their minimum housing requirement over recent years (in addition to the unmet need not addressed through their Local Plans). This under-delivery will further exacerbate the scale of unmet needs across the sub-region identified through the District Plan and the social and economic sustainability impacts of failing to adequately address these needs.

There is therefore an evidenced need for additional housing development where appropriate sites are available to meet this wider unmet needs within the Coastal West Sussex and Greater Brighton sub-region. The authorities struggling to deliver their minimum housing

requirements include Adur (56% delivered), Brighton (70% delivered) and Lewes (93% delivered) – those authority areas closest to our client's site.

In addition to these needs across relevant housing market areas, the proposed new Standard Method for housing need shows that the District Plan strategy still has an under-provision of housing as the figures show an annual increase in housing need of 191 homes a year in Mid Sussex alone. Across the wider housing market areas that affect Mid Sussex the shortfall is more pronounced, with a 1,108 home shortfall (per annum) in the North West Sussex area alone (Crawley, Horsham and Mid Sussex) and a further 2,039 home shortfall (per annum) across the Coastal West Sussex area.

Although the Site Allocations DPD is not intended to provide a full review of the District Plan housing strategy, these objective facts provide an up-to-date background of the worsening housing crisis that is affecting the local area. Much of this information has been available to the local planning authority through the preparation of the DPD and should have informed the decisions being made on the Site Allocations DPD itself through the Sustainability Appraisal and assessment of alternatives. This is discussed further below.

Sustainability Appraisal

The DPD states that 'reasonable alternatives' were assessed through the Sustainability Appraisal. We do not consider that our client's site has been robustly considered as the negatives identified within the assessment of Broad Location Site 740 are not applicable to our client's land.

The Sustainability Appraisal assessment of the site therefore poorly reflects actual performance against sustainability objectives and this flawed assessment likely leads to the flawed conclusion of excluding the site from further assessment.

The Council have not rigorously considered the reasonable alternative of allocating more of, or all 'suitable' sites. Their reasons for rejecting this alternative are that:

- The District Plan supports a minimum requirement of 16,390 homes throughout the Plan period, and a significant increase in housing delivery *may* not be supported by the existing evidence base
- Allocating additional housing is not in accordance with the District Plan strategy
- There *may* be negative in-combination effects

These conclusions are not based on any evidence and don't demonstrate any genuine attempt to investigate whether this approach could lead to any of the negative effects described in this section of the Sustainability Appraisal. We would expect to see an actual assessment of the in-combination impact of allocating all suitable sites within each settlement – especially given the significant amount of work already invested into the site selection process. We doubt that any 'in-combination' adverse impacts would genuinely outweigh the

benefits of additional housing delivery (particularly given the known under-delivery of housing across many neighbouring local authority areas).

A slightly more robust assessment of these considerations would likely result in different policy outcomes and the Site Allocations DPD (subject to similar scrutiny to the District Plan) provides a reasonable opportunity to reconsider some of the evidence base that underpins the District Plan strategy.

It may well be the case that in some settlements the in-combination effects would be significant enough to outweigh the benefits of allocating all but the assumptions given for ruling out the allocation of additional or larger sites are broad and generalised and this position has not been justified.

Conclusion

We believe that the site clearly presents a positive opportunity for residential development at Burgess Hill and the allocation of the site would positively contribute to the objectives of the District Plan. The assessment of the site has not been sufficient for it to be robustly considered as a reasonable alternative location for development. The stated reasons for excluding the 'West of Burgess Hill' Broad Location (Site 740) are not relevant to our client's site when considered in isolation.

We consider that the Site Allocations DPD is therefore not justified, effective or consistent with national policy in this regard and a further evaluation of available sites within the District should be undertaken to establish the most sustainable locations for new residential development.

Lewis & Co Planning would welcome the opportunity to discuss these matters in greater detail. Please contact Joseph Pearson or Simon Bareham on 01273 413700.

Yours faithfully,

Lewis & Co Planning
Joseph.pearson@lewisplanning.co.uk

1469

Site Allocations DPD: Regulation 19 Consultation Response

Policy:

ID:	1469
Response Ref:	Reg19/1469/1
Respondent:	Mr J Davis
Organisation:	
On Behalf Of:	
Category:	Resident
Appear at Examination?	x

Name	John Davis
Address	[REDACTED]
Email	[REDACTED]
Which document are you commenting on?	Sustainability Appraisal
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 government plan and polices are all floored unjust to people and homes already there.
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.	traffic problems from start natural habitats taken away
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
Date	16/09/2020

1641

Site Allocations DPD: Regulation 19 Consultation Response

Policy:

ID:	1641
Response Ref:	Reg19/1641/2
Respondent:	Mrs P Byam-Cook
Organisation:	
On Behalf Of:	
Category:	Resident
Appear at Examination?	x

Name	Philippa Byam-Cook
Address	[REDACTED]
Email	[REDACTED]
Which document are you commenting on?	Sustainability Appraisal
Sites DPD Policy Number (e.g. SA1 - SA38)	SA20
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 consider them to be unsustainable and in conflict with National Planning Policy and the Local Development Plan [Mid Sussex District Plan & East Grinstead Neighbourhood Plan] for the following reasons:

1) The Council has failed to consult properly with the wider public -
□ MSDC's Statement of Community Involvement requires that "the community should be involved as early as possible in the decision making process when there is more potential to make a difference" and that "community involvement should be accessible to all those who wish to take part".
□ MSDC claim to have met their obligation to consult with residents by; Issuing a single press release; Email alerts (to the few people with prior knowledge of the consultation and so had registered their email address); ad-hoc comments on the Council's social media channels; posts on the Council's website; and exhibition boards in the public library (for a few days during the Regulation 18 consultation period and nothing at all for the Regulation 19 consultation).
□ The evidence shows that these communication channels have been wholly inadequate in reaching residents and hard-to-reach groups.
□ No alerts on the Council's website
o Neither the main landing page nor the main 'Planning and Building' page make ANY reference to the consultation.
o The Council's dedicated 'Consultations' page advertises only a 'Public Spaces Protection Order - Dog Control Consultation', and says NOTHING about the Site Allocations consultation.
□ No alerts in Mid Sussex Matters
o MSDC's own magazine is distributed at taxpayers' expense 3 times a year to 73,000 households in Burgess Hill, East Grinstead, Haywards Heath and Mid Sussex villages.
o MSDC say that "Wherever possible, details of forthcoming consultations are included within the magazine, this is our preference as it reaches every household in the district. However publication dates and consultation dates do not always coincide."
o The Spring 2020 edition failed to mention the Site Allocations consultation but did alert readers to the review of the local plan not due to start until 2021.

2) The Council has failed to adequately assess all potential sites -
□ The purpose of the Site Allocations DPD is to meet the Inspector's requirement for MSDC to allocate sites to help accommodate Crawley's unmet need, which they had failed to take account of in their submitted District Plan.
□ Deliverable sites nearer to Crawley have been dismissed without proper regard to their overall sustainability and without being assessed against any of the 17 planning considerations imposed on the sites allocated in the DPD.
□ National planning policy (NPPF) says that development plans should be prepared on the basis that all reasonable alternatives are explored. Two significant deliverable and sustainable options were dismissed without due consideration.
□ The site put forward at Crabbett Park (SHEELA Reference 18) could provide up to 2,300 homes close to the Crawley and could be linked into the Fastway public transport system. This would allow future residents ready access to Crawley's extensive services, infrastructure and employment opportunities using sustainable transport.

Allocation of site SA20 would ...

3) Lead to reduced opportunities for people to live and work within their communities -
□ There is no housing shortfall in East Grinstead or Felbridge where the housing need is fully satisfied by the 782 homes already completed since the start of the plan period together with the 1,238 homes already committed
o 714 with permission as at April 2014
o 270 allocated in the Neighbourhood Plan
o 254 permitted since April 2020
[Source: MSDC Housing Land Supply 'Completions and Commitments' 2020]
□ The proposed sites are required to meet a housing shortfall in Crawley for about 1,500 new homes. Nearly half of these are proposed for two sites in East Grinstead and Felbridge. Alternative and more sustainable development sites on the edge of Crawley have been dismissed without proper consideration.

4) Lead to unsustainable traffic congestion with local junctions already over capacity -
□ Multiple traffic studies confirm that the local highways network is a significant constraint to development in East Grinstead and threatens its future economic sustainability. The East Grinstead Neighbourhood Plan states that "The constrained nature of East Grinstead's current infrastructure is by far the greatest challenge facing the town in the immediate future, with existing roads and junctions already over capacity." □ To mitigate the impact of the proposed allocations in East Grinstead, MSDC makes vague references to an 'A264/A22 corridor improvement project' and a project to deliver unspecified 'Bus priority along the A22'. There are no deliverable or specific proposals in the Infrastructure Delivery Plan and no secure funding.
□ WSP were jointly commissioned to investigate improvement options on the A264/A22 in 2018 but MSDC have chosen not published the findings. The WSP Executive Summary calls into question the deliverability of the sites at East Grinstead and Felbridge.
□ There are no proposals for highway interventions in the Site Allocation DPD or Sustainability Appraisal to mitigate the impact of the proposed sites in East Grinstead and Felbridge, either alone or in combination with sites already committed in the Local Development Plan.
□ This Site Allocation DPD is therefore contrary to national policy NPPF paragraph 108 states that "In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that: any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree."

5) Be contrary to national planning policies & the Local Development Plan -
□ At a review of Neighbourhood Plan policies on 3rd May 2018 following the adoption of the District Plan, MSDC confirmed that apart from policy EG5, the Neighbourhood Plan was in conformity.
□ Policies EG2 and EG2a are designed to resist development outside the built-up boundary and "to ensure that development does not result in the gradual accretion of development at the urban fringe". These policies conform to MSDC's own policies DP12 and DP13, which say "The primary objective of the District Plan with respect to the countryside is to secure its protection by minimising the amount of land taken for development and preventing development that does not need to be there."
□ It is not clear why MSDC believe the houses to meet the housing shortfall in Crawley are best located in the countryside in the gap between the Felbridge and East Grinstead, outside their urban boundaries when sustainable sites adjacent to Crawley have not been properly evaluated.
□ The proposed site allocations SA19 and SA20 are outside the East Grinstead & Felbridge built-up boundaries and are therefore against both Neighbourhood and District Plan policies [EG2, EG2a, DP12 & DP13].
□ The supporting text to policy EG2 (at paragraph 4.9) explicitly calls for development to be refused in the areas of countryside at Imberhorne Farm and south of the Crawley Down Road precisely the location of the proposed sites SA19 and SA20.

6) Result in loss of valued agricultural land and habitat, harm the setting of heritage assets and result in coalescence with the village of Felbridge -
□ Site allocations SA20 is surrounded by high yielding agricultural land that justifies an Agricultural Land Classification Grade of 3a (ie. the best and most versatile agricultural land).
o District Plan DP12 says that "Where identified, Grade 1, 2 and 3a agricultural land should be protected from development due to its economic importance and geological value. This is the land which is most flexible, productive and efficient and can best deliver future crops for food and non-food uses."
o The Sustainability Appraisal reports that the Council currently lacks data to distinguish Grade 3 from 3a agricultural land and assumes a default classification of 3 without evidence.
o The planning assessment proforma rates the SA20 site location as having a 'positive impact' on the Landscape without any explanation or evidence to support the officers' opinion.
□ Site allocation SA20 is adjacent to the Grade II Listed Gullede Farmhouse and Imberhorne Farm Cottages
o The rural setting of these listed buildings is important to their value as heritage assets and development on the site would overwhelm the buildings and result in significant harm
o District Plan policy DP34 says that "Special regard is given to protecting the setting of a listed building"
□ The proposed site also lies adjacent to a substantial area of ancient woodland which is already 'hemmed in' on two sides by residential and industrial development. Further development would serve to isolate the woodland from the surrounding countryside resulting in unnecessary habitat fragmentation
o Ancient woodland is classified by National Planning Policy as an 'unreplaceable habitat' and NPPF paragraph 175 says "development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons"
o Natural England states that "Ancient woodland and the wildlife it supports are particularly vulnerable to various impacts associated with nearby residential areas. These include recreational disturbance, fly tipping, light pollution, introduction of non-native plant species from garden waste, predation of wildlife by pet cats and pollution from dog faeces"
o These harmful impacts can only be mitigated to a limited degree by the imposition of a buffer zone.
□ The farmlands at the proposed SA20 site location provide an important breeding habitat for 'red list' bird species such as the Skylark and Yellowhammer with loss of habitat being the main reason for the sharp population decline.
o The developer's own Ecological Survey acknowledges that the Skylark "requires more specialised ground nesting provisions" and that the ability of the SANGS to compensate for the loss of farmland habitat is limited due to recreational disturbance.
o NPPF paragraph 175 says 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."

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.

1. The DPD should be withdrawn as it is not legally compliant - the consultation was not carried out in line with national policy or the MSDC Statement of Community Involvement.
2. The proposed allocations at East Grinstead and Felbridge should be withdrawn as they cannot be delivered sustainably.

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

23/09/2020

1715

Site Allocations DPD: Regulation 19 Consultation Response

Policy:

ID:	1715
Response Ref:	Reg19/1715/5
Respondent:	Ms T Thom
Organisation:	Parker Dann
On Behalf Of:	Fairfax Ltd
Category:	Promoter
Appear at Examination?	✓

From: Tondra Thom <tondra@parkerdann.co.uk>
Sent: 24 September 2020 10:21
To: Idfconsultation
Subject: Regulation 19 Representation to Site Allocations DPD
Attachments: Regulation 19 Submission Report to MSDC - Clearwaters Farm.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: SiteDPD

Dear Planning Policy,

Please find attached a representation to the Regulation 19 Site Allocations DPD Consultation on behalf of Fairfax Ltd.

On behalf of Fairfax Ltd, the Planning Consultant requests to participate at the oral Examination and to be kept notified of when the Plan has been submitted for Examination and the publication of the recommendations from the Examination.

Kind regards,

Tondra Thom BSc (Hons) MSc AssocRTPI
Senior Planning Consultant

Parker Dann Chartered Town Planning Consultants
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Sussex Heritage Trust Award winners – Commercial: 2012 and 2015, Small Scale Residential: 2015, 2016 and 2017



Representation on the Mid Sussex Site Allocations DPD Regulation 19 Consultation

Representation Statement



On behalf of Fairfax Ltd.

September 2020



Contents

	Page
1.0 Introduction	3
2.0 Context	4
3.0 The Proposal	7
4.0 Justification	10
5.0 Legal Compliance	13
6.0 NPPF Tests of Soundness	17
7.0 Conclusion	21

Appendices

Appendix A – Lewes District Council Cabinet Report 9th July 2020

1.0 Introduction

1.1 This representation has been prepared on behalf of Fairfax Ltd and relates to a proposal for a Reserve Site Allocation at Clearwaters Farm, Haywards Heath. It will set out that the Site Allocations DPD is not considered sound or legally compliant and it is seeking modifications to the Plan to address these issues.

1.2 The reasons the Site Allocations DPD is not considered sound and legally compliant are summarised as follows:

- The scope of the plan does not have an appropriate timescale, i.e. 15 years from adoption
- Strategic matters that can be dealt with now are being deferred
- Duty to Cooperate has not covered the relevant strategic matters
- The Strategic Environmental Assessment is incomplete in its appraisal of reasonable alternatives and cross boundary impacts

1.3 To overcome these failings the following modifications and updates are sought :

- A revised plan period to 2036
- A Reserve Site Allocation at Clearwaters Farm, Haywards Heath
- Updated Duty to Cooperate Statements
- An update to the Strategic Environmental Assessment

1.4 The remainder of this representation will set out the context (Section 2) for the plan failings and modifications sought; the proposed Reserve Site Allocation (Section 3, The Proposal); and provide the justification for its inclusion within the Site Allocations DPD (Section 4, Justification). It will also provide evidence that the Duty to Cooperate has not been met in relation particularly to Lewes District Council (LDC) (Section 5, Legal Compliance) and that consequently the Site Allocations DPD as it currently stands, fails to meet the tests of soundness in respect of whether it has been positively prepared (Section 6, NPPF Tests of Soundness).

1.5 The other tests of soundness; the issue of consistency with national policy and whether the plan is justified and effective will also be addressed in Section 6.

2.0 Context

2.1 The inclusion of a Reserve Site Allocation is within the scope of Aim iv) of the Site Allocations DPD, which is *"to set out additional Strategic Policies necessary to deliver sustainable development"*. However, this presents something of a paradox because Aim iv) and the Strategic Policies that flow from it are not consistent with the NPPF, which requires strategic policies to have at least 15 years from adoption.

"Strategic policies should look ahead over a minimum 15 year period from adoption, to anticipate and respond to long-term requirements and opportunities, such as those arising from major improvements in infrastructure." NPPF Para 22.

2.2 The Strategic Policies in this plan would, at best, have 10 years from adoption. Para 1.2 of the Sustainability Appraisal incorporating Strategic Environmental Assessment (SA/SEA) and 1.1 of the Duty to Cooperate Statement (August 2020) describe the Site Allocations DPD as a 'daughter document' of the District Plan, which implies it is subservient in hierarchy to the District Plan; however Aim iv) and the Strategic Policies that flow from it appear at odds with this statement because the stated aim is for the Strategic Policies to complement (add to or make complete) the District Plan.

2.3 There is discord between the SA/SEA and the Site Allocations DPD where the SA/SEA does not refer to Policies SA34-38 as Strategic Policies, rather it refers to them as 'Generic Policies' and so it is not clear the SA/SEA has given their strategic nature due weight. It is not disputed that Policies SA34-38 are strategic in nature, in fact it is intended that SA38 replaces District Plan Policy DP29 in relation to air quality. The Inspector in his Report on the Examination of the Mid Sussex District Plan (12th March 2018) at para 43, confirms that the District Plan *"is a strategic plan only,"* further at para 63 *"..because this is a strategic plan with a long time period."* Therefore, we would not argue that DP29 and therefore SA38 are not strategic in nature. SA37 Burgess Hill / Haywards Heath Multifunctional Network has cross-boundary (and therefore strategic) implications for Lewes District and LDC and the SA/SEA states on p85: *"There is nothing in the current Development Plan which provides a specific policy for Burgess Hill/ Haywards Heath Multifunctional Network."* Figure 2 in this representation shows the cross-boundary linkages, this is therefore a new Strategic Policy.

2.4 Consequently, this representation is disputing that there is an appropriate timeframe for this DPD. We would suggest that the plan end date should be extended beyond 2031 to

2036 to facilitate consistency with the NPPF and the appropriate timeframe for strategic policies.

- 2.5 The Council has not demonstrated that it is meeting the Duty to Cooperate in respect of having due regard to the changing circumstances in relation to housing need and plan-making in Lewes district. In response to this failing the Reserve Site Allocation modification could be delivered within the scope of this plan. Site Allocations DPD Aim i) is seeking to deliver the residual housing requirement albeit the Plan has made a modest over-supply, which is all located in Burgess Hill. The District Plan housing requirements are expressed as 'minimums' and so they are not viewed as a cap on growth. The proposed Reserve Site Allocation could deliver up to 200 new dwellings on the edge of Haywards Heath in Mid Sussex (and facilitate a further 250 new dwellings in Lewes district); this would provide additional flexibility in the delivery of housing over the plan period and importantly would assist the highly constrained neighbouring authority unlock a sustainable development site within its district.
- 2.6 The land associated with the proposed Reserve Site Allocation spans the administrative boundary of Mid Sussex and Lewes districts and is sustainably located at the edge of Haywards Heath. The site is considered to conform to the District Plan Spatial Strategy and its conditional allocation would assist the Council in demonstrating it has met the Duty to Cooperate by providing a clear framework for ongoing constructive engagement and an unambiguous outcome that is not deferred.
- 2.7 The current lack of clarity over the scope of the plan and the strategic policies plan period, the overreliance on one settlement in respect of any oversupply and flexibility in the plan and the failings to fulfil *all* the requirements under the Duty to Cooperate, should be set within the context of the pressing housing need and poor recent delivery rates within the two districts.

Table 1. Housing Targets, Need and delivery Rates in Mid Sussex and Lewes District¹

	Current Local Plan	Objectively Assessed Need (OAN)	Average Delivery (last 3 years)	Current Standard Methodology	Proposed New Standard Methodology
LDC	345	510	290	483	800
MSDC	964	876	760	1,114	1,305

¹ Figures from the Lichfields published data set, except for the OAN which is from the Local Plan Examinations. <https://lichfields.uk/grow-renew-protect-planning-for-the-future/how-many-homes-the-new-standard-method/#section16>

2.8 As can be seen from the above table the housing need is rising sharply in this area and the delivery of housing in both authorities is falling short of the current plan targets, which themselves lag somewhat behind the need. It is likely that the impacts of Covid-19 will add to the continuing under-delivery and therefore increased flexibility of housing site options may be one way to address this impact.

3.0 The Proposal

3.1 A Reserve Site Allocation that provides a practical mechanism to enable cross-boundary cooperation regarding the delivery of sustainable development (Aim iv). This is a cross-boundary residential development site with potential to make a significant contribution towards unmet housing need in the local area. The policy might be worded as follows:

SA Clearwaters Farm, Haywards Heath, Reserve Site Allocation**

In recognition of the Council's role to assist a neighbouring planning authority deliver sustainable development, the Council identifies land at Clearwaters Farm as a Reserve Site that will be released for the development of housing and public open space if the following parameters are met:

- Land at Clearwaters Farm is allocated for housing in a DPD produced by Lewes District Council
- An agreed mechanism to deliver cross-boundary infrastructure arising from the allocation is identified within a DPD produced by Lewes District Council.

Alternatively, the site will be released for the development of housing and public open space upon resolution to grant planning permission by Lewes District Council, subject to appropriate provisions for cross-boundary infrastructure contributions.

Box 1 Proposed Strategic Policy

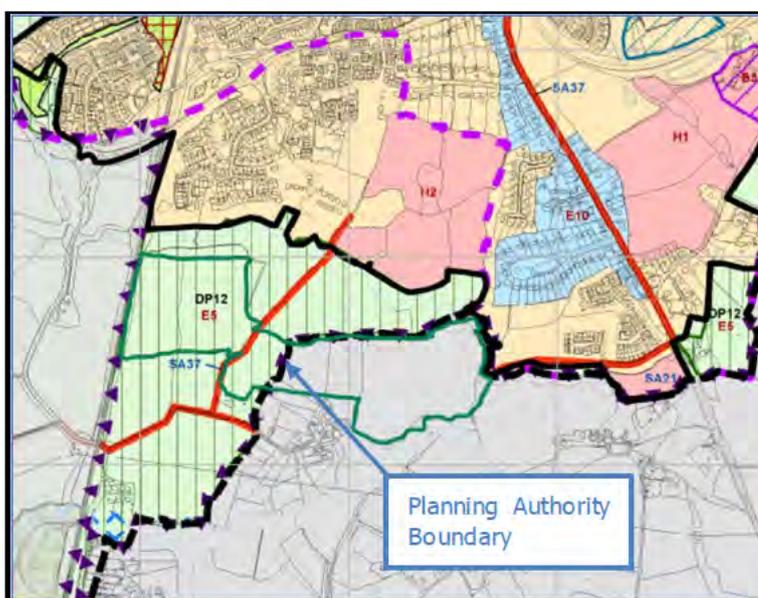


Figure 1 Clearwaters Farm site (outlined in green) on an Extract from Draft Policies Map

Sustainability of the site

3.2 The site is located outside of any landscape designations, such as AONB or National Park, and is well contained within the landscape; it is entirely within the Environment Agency's Flood Mapping Zone 1; and could facilitate and promote modes of transport other than the car for travel to Haywards Heath and for linkages to Wivelsfield Train Station and Burgess Hill beyond. The site has the potential to contribute towards the delivery of SA37 *Burgess Hill/Haywards Heath Multifunctional Network* insofar as connecting sections, identified both within Mid Sussex and within Lewes District (see Figure 2), could be directly delivered by this cross-boundary site using the S106 legal mechanism.

3.3 The site is in an area currently identified as Green Corridor in the Haywards Heath Neighbourhood Plan (HHNP) (2016). Development of this site would not conflict with the aims of the Green Corridor definition:

"Green spaces that provide avenues for wildlife movement, often along streams, rivers, hedgerows or other natural features. They connect green spaces together, and often provide pleasant walks for the public away from main road." P65 HHNP

3.4 The site has ample facility to retain the significant majority of hedgerow and wildlife corridors, create enhanced publicly accessible green spaces and pleasant walks connecting existing Public Rights of Way. There is precedent within the Site Allocations DPD for the proposed policies to supersede green space policies within a neighbourhood plan; for example: SA15 is a housing site allocation on a Local Green Space (LGS) designated in the Burgess Hill Neighbourhood Plan (BHNP). Strategic Policy SA36 *Wivelsfield Railway Station* safeguards land for expansion and upgrade that is currently designated as LGS in the BHNP. Para 3.19 of the Site Allocations DPD states:

"Improvements to the station would not be deliverable without using the land in question, which adjoins the existing railway station; it is therefore proposed that the areas covered by Policy SA36 would supersede the LGS designation."

3.5 A Reserve Site Allocation would supersede non-strategic policies in an earlier plan, in accordance with NPPF para 30, however the allocation could still deliver the aims of the Green Corridor Policy.

- 3.6 The site could deliver between 400-450 new dwellings in the local area (across the two authorities), providing additional flexibility in the land supply in Mid Sussex and making a significant contribution towards housing land supply and delivery within the highly constrained Lewes District Local Plan area. The Lewes Local Plan area suffers serious constraints including coastal erosion and flood risk and severe traffic constraints within its coastal belt, which is tightly bound by the South Downs National Park (SDNP) to the north. Therefore, the relatively unconstrained area of the district to the north of the SDNP, where this site lies, will be a key area of search for housing growth in the new Lewes Local Plan.
- 3.7 To further set the site into its sustainability context, Figure 2 below shows the location of the site alongside the only proposed housing site allocation in Haywards Heath within the Plan, Policy SA21 Land at Rogers Farm and the Multifunctional Network Strategic Policy SA37. From the context figure below the ability of the site to help deliver the multifunctional network (SA37) measures and contribute to sustainable development is quite apparent. This is further amplified by the ownership arrangements and control over the woodland to the north of the site.

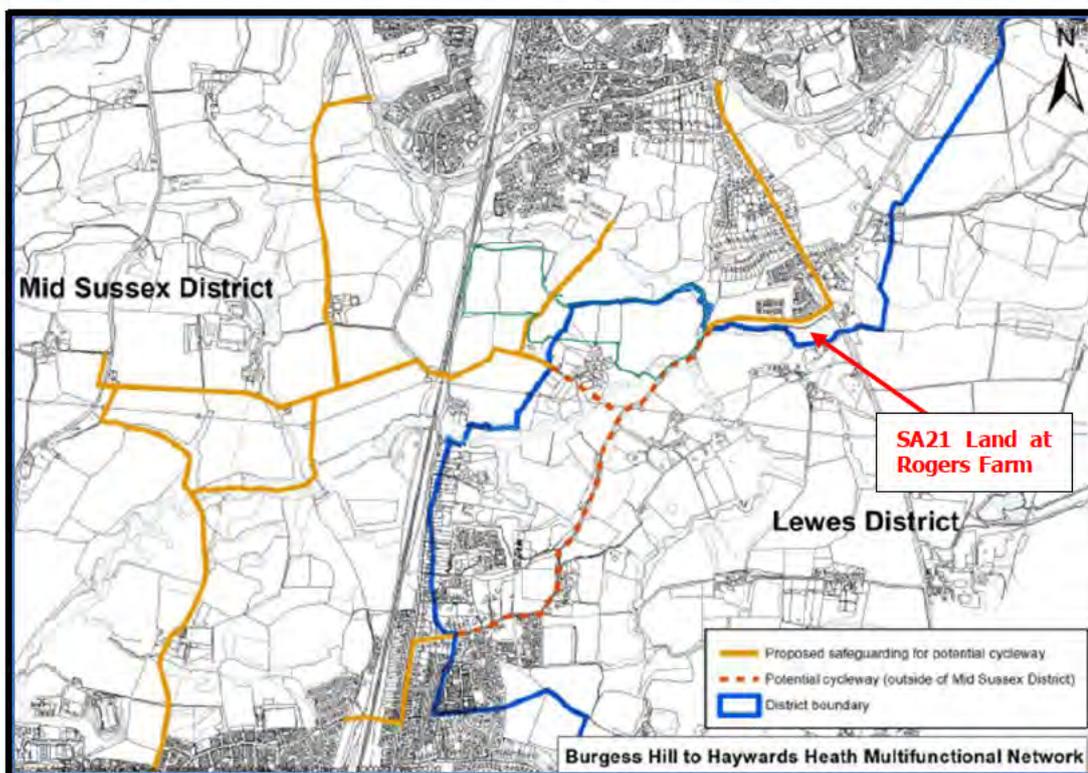


Figure 2 Clearwaters Farm Site (outline in green) in context with SA37 and SA21

4.0 Justification

Strategic Environmental Assessment

- 4.1 The site (SHELAA ref 841) was assessed as suitable, available, and achievable at Stage 1 in the SHELAA, being summarised as relatively unconstrained with reasonable prospect that the site could be developed within the Plan period. At Stage 2 it was sifted out. The specific reason is not given, however upon review of the methodology it is likely that it falls into the following category of sites: "*However, there are a small minority of sites within 150m of the built up area which have been assessed as clearly detached from the settlement due to their access or constraints (such as ancient woodland) separating the site from the settlement.*" Para 4.2 (p6) Site Selection Paper 1.
- 4.2 The site has been incorrectly sifted. The site is within 150m of the settlement built up area and is separated by woodland however not all the woodland is ancient. In fact, a sizeable area of woodland to the northeast of the site is not ancient and currently has a dedicated footpath linking the site to the built up area. Access, therefore, is not detached from the settlement: access by sustainable modes of transport, e.g. by foot, cycle and electric scooter is directly connected to the settlement. Furthermore, the woodland is owned by Fairfax Ltd and so connectivity linkages and 'modal shift' access to Haywards Heath from this site, including through the delivery of Strategic Policy SA37 Multifunctional Network, can be readily delivered. A suitable vehicular access is achievable, and this facilitates the allocation for development of that part of the site that lies within Lewes district.
- 4.3 Due to incorrect sifting, the merits of the site have not been properly considered through the Strategic Environmental Assessment, which requires the assessment of reasonable alternatives. The site's inclusion within the plan, including the substantial opportunity as part of an allocation to deliver the modal shift aspirations of Strategic Policy SA37 is a reasonable alternative under Aim iv) of the Site Allocations DPD and has not been assessed.
- 4.4 This is a legal compliance failing that is challengeable if left unchecked. The SEA Regulations (The Environmental Assessment of Plans and Programmes Regulations 2004 (as Amended)) requires the preparation of an environmental report that describes and evaluates the likely significant effects on the environment of implementing the plan and reasonable alternatives taking into account the objectives and the geographical scope of the plan or programme.

- 4.5 There is a further failing in the SA/SEA in that it states on p85 in the assessment of SA37 that there are no cross-border impacts likely to arise. This is simply not true; the eastern route identified can only be delivered with the linkages in Lewes District and with the cooperation of LDC and East Sussex County Council (ESCC). Inevitably with the delivery of the eastern part of the SA37 network, linking Haywards Heath and Burgess Hill, there will be likely significant effects of a beneficial nature within Lewes District.

Lewes District Housing Need

- 4.6 Lewes District Council (LDC) recently published a new local housing need figure of 808 dwellings per annum and approved a revised Local Development Scheme (20th July 2020) to produce a new Local Plan. This figure is a rise in published housing need of approximately 300 dwellings per annum (dpa) over and above the previous Objectively Assessed Housing Need (OAHN). The adopted Lewes Local Plan even now falls short of the previous OAHN by 3,300 dwellings. The Lewes Local Plan, adopted in 2016, provides for 276 dpa to be delivered within the area of the district outside the SDNP; the new Lewes Local Plan is currently looking at ~800 dpa, which is an increase of over 500 dpa.

- 4.7 To overcome the differences in timelines between the two authorities' plan-making processes, it is considered justified to make a Reserve Site Allocation within the Site Allocations DPD in line with Aim 4:

iv) to set out additional Strategic Policies necessary to deliver sustainable development

- 4.8 The Site Allocation Policies are seeking to deliver the residual quantum of growth necessary to meet the housing requirement for the district up to 2031 in accordance with the Spatial Strategy set out in the District Plan. Para 2.22 reiterates that future unmet need will be considered as part of the review of the District Plan. This provides no assurances that relevant policies would be updated to assist LDC; the primary focus of the District Plan is westward looking in respect of accommodating unmet need from the Northern West Sussex Housing Market Area.

- 4.9 There is, however, an opportunity to safeguard LDC's ability to allocate and deliver a sustainable site and the justification here is twofold:

1. The District Plan housing requirement is expressed as 'minimums' and the Site Allocations DPD is making an over-supply. The over-supply is currently all

proposed in Burgess Hill, this Reserve Site Allocation effectively rebalances the over-supply in favour of another Category 1 Settlement: and

2. The Site Allocations DPD introduces new Strategic Policies under the aim of delivering sustainable development as a whole, which therefore allows a site with strategic consequences and cross-boundary sustainability impacts to be considered.

4.10 Furthermore, and importantly, this proposal is not requesting that MSDC take any additional unmet housing need from LDC (although it will no doubt be a conversation LDC looks to have through the preparation of its revised Local Plan) and therefore the issue of unmet housing need is not being revisited in terms of the scope of the plan. Instead the proposal merely adds flexibility to the MSDC housing land supply, which may have an over-reliance on Burgess Hill (the District Plan (p36) shows no additional requirement for Burgess Hill and yet the Site Allocations DPD is allocating a further 612 dwellings to Burgess Hill and only 25 dwellings to Haywards Heath, which has a residual requirement of 127 dwellings), and facilitate LDC to get closer to meeting their own current unmet housing need.

4.11 On this basis, we are seeking a Reserve Site Allocation as a Strategic Policy and demonstration of a proactive regard to the activities of the neighbouring local planning authority, as well as a clear sign of ongoing constructive cooperation. This type of policy would fit well with the Strategic Policies of the Site Allocations DPD in that they appear focussed on safeguarding/reserving land for future opportunity that is strategic in nature.

4.12 An over reliance on a single settlement and large-scale complex strategic development sites may not sufficiently spread the risk in relation to housing delivery over the plan period (see NPPF paragraph 68) especially when considering the impacts of Covid-19, which will likely permeate commercial activity, including house-building for the foreseeable future.

5.0 Legal Compliance and the Duty to Cooperate

- 5.1 The Duty to Cooperate Statement (August 2020) at para 3.1 Housing Need, confirms that that in the context of the housing requirement for Mid Sussex the "*Site Allocations Document does not have the remit to revisit the issue of housing need and therefore it is not a strategic matter for this document*". To be really clear this representation is not seeking to re-visit the housing requirement or requesting that MSDC consider meeting further unmet need from outside the district. This representation does, however, consider that it is within the scope of the Site Allocations DPD and the adopted District Plan housing requirement to make a Reserve Site Allocation that would enable cross-boundary cooperation and sustainable development.
- 5.2 The Statement of Common Ground (SoCG) between MSDC and LDC, signed in May 2020, makes a commitment within Section 1 Housing Provision to "*continue working together on any cross boundary issues arising from the site allocations*". The proposed Reserve Site Allocation is a cross-boundary issue that has been drawn to the attention of both authorities; that part of the site lying in Lewes District has been submitted to the Lewes Land Availability Assessment (LAA) and LDC has been made aware of the cross boundary nature of the site and this representation to the MSDC Site Allocations DPD Regulation 19 Consultation. LDC will not be able to allocate that part of the site within its district without the cooperation of MSDC.
- 5.3 The current set of published SoCG does not appear to include a signed SoCG between MSDC, LDC and ESCC. This missing SoCG would cover traffic impacts manifesting within Lewes District arising from the site allocations close to the administrative boundary and also the delivery of Strategic Policy SA37 Multi-functional Network, insofar as there are interlinking sections with Lewes District (see Figure 2 above). The Duty to Cooperate Statement does not appear to include the delivery of Policy SA37 in its 'summary of strategic topics' or 'matters to agree' with either LDC or ESCC. The proposed Reserve Site Allocation can assist with the delivery of Strategic Policy SA37 in both districts and contribute to sustainable development in line with Aim iv) of the Site Allocations DPD.
- 5.4 In our view the addition of the Reserve Site Allocation Policy would demonstrate compliance with the requirements of Section 33A, the Duty to Cooperate, of the Planning and Compulsory Purchase Act 2004, as amended by the Localism Act 2011. Specifically, it has not been demonstrated that the Council has had regard to the activities of LDC that support plan-making and relate to a strategic matter. LDC published an updated local

housing need figure, identified that it had undertaken a review of the Local Plan Part 1, the Joint Core Strategy, and consequently identified that it required a full update for the following reasons:

- The adoption of the South Downs Local Plan in July 2019
- The publication of the revised NPPF in February 2019
- The introduction of Government's standard method for calculating local housing need results in a significant increase in the district's housing need from May 2021
- The adoption of a new Council Corporate Plan

5.5 The full Cabinet Report is appended to this submission; of particular note within paragraph 2.6 the Cabinet Report states:

"Most importantly, the NPPF introduces a new standard method of calculating housing need and instructs local planning authorities to update their strategic policies at least once every five years if their local housing need figure has changed significantly. Applying the Government's standard methodology has resulted in the district's housing needs increasing to 808 dwellings per annum from May 2021. This figure is much higher than the housing requirement set out in the adopted LPP1 (345 dwellings per annum)." Cabinet Paper 9th July 2020 (emphasis added)

5.6 The activities, under the Duty to Cooperate, that MSDC must have regard to include LDC's Local Plan Review and the outcomes of it, the sharp rise in LDC's housing need under the Government's Standard Methodology and LDC's programme to address these issues. There is no guarantee that MSDC will find a need to update the District Plan or that any specific update to policies would include additional site allocations. It is important that the requirements of the Duty are not deferred.

5.7 This proactive step to assist LDC unlock development potential within its district would demonstrate adherence to all criteria listed within the Duty to Cooperate legislation. The criteria of Section 33A, brought into force by the Localism Act 2011, that are less often cited are highlighted in the box below; we would contend that compliance with the Duty is more than demonstrating constructive ongoing engagement.

- (2) In particular, the duty imposed on a person by subsection (1) requires the person—
- (a) to engage constructively, actively and on an ongoing basis in any process by means of which activities within subsection (3) are undertaken, and
 - (b) to have regard to activities of a person within subsection (9) so far as they are relevant to activities within subsection (3).
- (3) The activities within this subsection are—
- (a) the preparation of development plan documents,
 - (b) the preparation of other local development documents,
 - (c) the preparation of marine plans under the Marine and Coastal Access Act 2009
 - (d) activities that can reasonably be considered to prepare the way for activities within any of paragraphs (a) to (c) that are, or could be, contemplated, and
 - (e) activities that support activities within any of paragraphs (a) to (c), so far as relating to a strategic matter.

Box 2 Highlighted Extract from Section 33A Duty to Cooperate

- 5.8 The legislation is clear that there is more to be done than simply demonstrate constructive engagement, which may not alone produce practical outcomes. Regard must be had to activities that prepare the way for and support plan making. Making the proposed modification to the plan would clearly demonstrate regard has been had to the activities underway by and required of LDC in support of the preparation of their new Local Plan and set a clear framework for ongoing constructive engagement. This action would not obligate any particular outcome by LDC in respect of their own plan-making, but critically it would also not stymie their options for delivering sustainable development in a timely manner.
- 5.9 The proposal put forward by this submission would directly unlock a strategic scale prospective allocation site for LDC that could be delivered within the next 5 years and certainly within the next LDC plan period 2018-2038.
- 5.10 As this information has been brought to the attention of MSDC in time for a focussed amendment to be made to the Site Allocations DPD without critically affecting its timeline, we request an amendment is made and consulted upon prior to the submission of the Plan. The proposed reserve Site Allocation is considered to be entirely within the scope of the Duty to Cooperate implications of Aim iv) to set out additional Strategic Policies, whilst not

jeopardising the delivery of Aim i) to allocate sufficient housing sites to address the residual housing requirement of the District Plan. The Reserve Site Allocation would provide additional flexibility in the plan, through a modest over-supply in Haywards Heath considerably smaller than the over-supply proposed in Burgess Hill.

- 5.11 The inclusion of the Reserve Site Allocation would address the current failing in respect of the Duty to Cooperate.

6.0 NPPF Tests of Soundness

Positively Prepared

- 6.1 The Site Allocations DPD is seeking to add to and amend the District Plan Strategy with new Strategic Policies, rather than to purely support and deliver the strategic objectives and spatial strategy through a suite of non-strategic (site allocations) policies. In this respect it is incorrectly termed a 'daughter document' within the Duty to Cooperate Statement. Paragraph 3.2 (p92) of the Site Allocations DPD sets out there are five additional Strategic Policies and refers to the purpose of them; it says: "*In addition to the Sites DPD policies relating to site allocations (Policies SA1 to SA33), the District Plan policies are complemented by five additional strategic policies that are set out in the following section. These policies help to ensure that the Development Plan supports the delivery of sustainable development when considered as a whole." (emphasis added)*
- 6.2 The scope of the Site Allocations DPD consequently appears to enable input to/expansion of the District Plan Strategy. Clarity on the scope of the plan is paramount for assessing the soundness, this was established in the Court of Appeal Judgement in the Oxted Tandridge Case² as follows:
- "An inspector conducting an examination must establish the true scope of the development plan document he is dealing with and what it is setting out to do. Only then will he be able properly to judge "whether or not, within that scope and within what it has set out to do", it is sound".* Para 38
- "As the judge recognized, the scope of the local plan part 2 is plain from the text in its "Introduction", and from the policies it contains. It "supports" the core strategy. It does not substitute for the policies of the core strategy an amended or new strategy."* Para 39
- 6.3 It would certainly appear that the new Strategic Policies are intended to both add to and amend the District Plan Strategy. The issue of Strategic Policy SA38 replacing parts of District Plan Policy DP29 stands out as a particular case in point.
- 6.4 As the scope of the additional Strategic Policies is to support the delivery of sustainable development "as a whole" then this is sufficiently broad so as to enable the inclusion of a

² Court of Appeal Judgment (CAJ): Oxted Residential Ltd v Tandridge District Council; 29 April (Ref 2016 EWCA Civ 414)

further strategic allocation of land in that pursuit. The NPPF at para 21 states that plans should make explicit which policies are strategic and that these should be limited to those necessary to address the strategic priorities of the area and any relevant cross-boundary issues.

- 6.5 The Site Allocations DPD does set out which policies within the plan are strategic, Policies SA34-SA38. An additional policy within this set, safeguarding a neighbouring authority's ability to meet its housing need, is considered a relevant strategic priority for the Duty to Cooperate area that spans the administrative boundary. The Duty to Cooperate Area is concerned with the implications and delivery of Strategic Policy SA37 Multifunctional Network and the transport impacts in relation to SA21 Land at Rogers Farm, Haywards Heath and SA12 and SA13 near Folders Lane on the edge of Burgess Hill, a combined total of 365 new dwellings)
- 6.6 Sustainable development that would have an impact on two planning areas is defined as a strategic matter and considered to be within the scope of the Plan, which has the stated aim of providing strategic policies to support the delivery of sustainable development as a whole.
- 6.7 Until the Duty to Cooperate with LDC and ESCC has been complied with, and evidenced within an updated SoCG, and the Reserve Site is allocated within the Site Allocations DPD with an appropriate timescale, the plan cannot be said to have been positively prepared within the scope of what it has set out to do.
- 6.8 The Council cannot pick and choose, either it is not within the scope of the plan to update and amend strategic policies or it is, and the plan period must run for 15 years as per paragraph 22 of the NPPF.

Justified

- 6.9 Consideration has not been given to practical measures that can support a neighbouring authorities' housing delivery, therefore it is not considered at this time that the plan is justified without the proper consideration of the reasonable alternative of including a Reserve Site Allocation linked to the practical steps to be taken by its neighbouring authority.

Effective

- 6.10 The plan could be made more effective and based on more targeted joint working if a policy is subsequently included (prior to submission) for a Reserve Site Allocation – this would have the effect of unlocking a strategic-scale site for prospective allocation within the forthcoming Lewes Local Plan 2018-2038. It is not considered appropriate to defer this cross-boundary matter; the Reserve Site Allocation is deliverable within the next five years and within the intended scope of the plan. The Statement of Common Ground between MSDC, LDC and ESCC has not yet been published to demonstrate that effective joint working has been achieved on delivering Strategic Policy SA37, which this site can help to deliver.

Consistent with National Policy

- 6.11 The strategic policies (SA34-38) are not in accordance with NPPF para 22, which requires them to look ahead over a minimum 15-year period from adoption, to anticipate and respond to long-term requirements and opportunities. Once adopted the strategic policies will have at best 10 years until the end of the plan period. It would seem that the only way to overcome this inconsistency issue would be to lengthen the plan timeline and set an end date of 2036.
- 6.12 Extending the Site Allocations DPD plan period would not cause issues for housing and employment supply as the District Plan that sets the housing and employment requirements and strategic scale site allocations will be reviewed every five years. The Review of the District Plan would naturally roll forward the plan end-date to ensure there is always at least 15 years from adoption.
- 6.13 There would, however, be a requirement to update two key technical studies:
- Air Quality Modelling Report to change the Future Baseline date from 2031 to 2036 and assess and additional 450 dwellings (both the MSDC and LDC parts of the site) in combination
 - Transport Assessment to change the Future Baseline date to from 2031 to 2036 and assess and additional 450 dwellings (both the MSDC and LDC parts of the site) in combination
- 6.14 It would also be necessary to update the SA/SEA and consider whether any amendments are necessary to the Habitat Regulations Assessment. The SA/SEA update would need to

test the inclusion of the reasonable alternative proposed in this representation and assess the impact of extending the plan period in respect of the Strategic Policies; in respect of the latter point this should have some benefits as the NPPF requires the longer-time period for the delivery of Strategic Policies. The SA/SEA may need updating in any event to correctly identify cross-boundary impacts of SA37, to use the same terminology as the Site Allocations DPD in respect of the Strategic Policies (rather than Generic Policies) and to ensure that the assessment within the SA/SEA has considered policies SA34-38 within their appropriate, strategic, context.

- 6.15 The addition of the Reserve Site Allocation will enable the delivery of sustainable development in accordance with the policies in this Framework.

7.0 Conclusion

7.1 This representation has highlighted the importance of setting a clear scope for the plan and the assessment of legal compliance and soundness herein has been undertaken with reference to the limitations (or otherwise) of that scope. Aim iv) of the plan has provided a broad scope for the introduction of strategic policies. It is within this scope that our assessment of soundness and legal compliance has been undertaken and with respect to the opportunity presented by the proposed modification to the plan-making authority.

7.2 It is firmly considered that deferring the consideration of and action on this proposal would result in the plan failing the Duty to Cooperate and Tests of Soundness and risk legal compliance failure with regard to the requirements of the SEA Regulations (The Environmental Assessment of Plans and Programmes Regulations 2004 (As Amended)). In summary those failures are:

- An inappropriate plan period for strategic policies
- A failure of the Duty to Cooperate with LDC and ESCC
- Failings within the SEA to consider reasonable alternatives and identify cross boundary impacts

7.3 These failings can be overcome through:

- A revised plan period to 2036
- A Reserve Site Allocation at Clearwaters Farm, Haywards Heath
- Updated Duty to Cooperate Statements (LDC and ESCC)
- An update to the SEA

7.4 On behalf of Fairfax Ltd, the Planning Consultant requests to participate at the oral Examination and to be kept notified of when the Plan has been submitted for Examination and the publication of the recommendations from the Examination.

By Tondra Thom BSc, MSc, AssocRTPI

For and on Behalf of Parker Dann Ltd on Behalf of Fairfax Ltd.

Appendix A

Lewes District Council Cabinet Report – Revised Local Development Scheme

Report to: Cabinet

Date: 9 July 2020

Title: Approval of the Revised Local Development Scheme

Report of: Ian Fitzpatrick, Director of Regeneration & Planning

Cabinet member: Councillor Emily O'Brien, Cabinet Member for Planning

Ward(s): All wards in Lewes District that lie wholly or partially outside of the South Downs National Park

Purpose of report: To seek Cabinet endorsement of the Revised Local Development Scheme for approval by Full Council on 20 July 2020

Decision type: Budget and policy framework

Officer recommendation(s): (1) That Cabinet endorses the Revised Local Development Scheme as set out in Appendix 1, and recommends its approval by Full Council as the Revised Local Development Scheme for that part of Lewes District outside of the South Downs National Park with effect from 20 July 2020;

(2) That Cabinet recommends to Full Council that the approved Revised Local Development Scheme is published by Lewes District Council;

(3) That Cabinet endorses, and recommends to Full Council, the revocation of the previous Local Development Scheme (approved by Lewes District Council on 26 November 2018).

Reasons for recommendations: To update the current Local Development Scheme to ensure that it reflects the most up-to-date position regarding the preparation of the Lewes District Local Plan in accordance with the requirements of Section 15 of the Planning and Compulsory Purchase Act 2004 (as amended).

Contact Officer(s): Name: Robert King
Post title: Senior Planning Policy Officer
[REDACTED]
[REDACTED]

1 Introduction

1.1 A Local Development Scheme (LDS) is a requirement for every local planning authority under the Planning and Compulsory Purchase Act 2004 (as amended)

by the Localism Act 2011). It sets out a 3 year programme for preparing development plan documents (DPDs) by a local planning authority. An LDS must be made available to the public and kept up-to-date.

- 1.2 The Council's current LDS was approved in 2018. It contains programmes for preparing the Local Plan Part 1: Joint Core Strategy (LPP1) Review and the Local Plan Part 2: Site Allocations and Development Management Policies DPD (LPP2), setting out the key stages at which the community and relevant stakeholders will be consulted.
- 1.3 There have been two significant changes since the Council approved its current LDS. Firstly, the LPP2 was found 'sound' at examination and adopted by the Council in February 2020. Secondly, it has been necessary to amend the timescale for the LPP1 Review due to recent changes to the planning system at a national level. A revised and updated LDS is therefore required to cover the period from 2020 to 2023.

2 Amendments to the LDS

- 2.1 The LPP1 was adopted in May 2016. It sets out the Council's strategy for the scale and distribution of housing growth and strategic policies to guide development and change over the period to 2030. It is a Government requirement that local plans are reviewed to assess whether their policies need updating at least once every five years. Reviews should be completed no later than five years from the adoption date of the plan.
- 2.2 Accordingly, the approved LDS includes a programme for reviewing and updating the LPP1. At the time, officers considered that the Council would only need to carry out a *partial update* of the LPP1 policies, primarily to take account of the fact that the South Downs Local Plan would eventually replace all the policies for that part of the district within the National Park. The approved LDS anticipated the adoption of a replacement LPP1 by winter 2023
- 2.3 Officers have subsequently reviewed the relevant evidence to identify and consider whether:
 - The vision, strategic objectives and spatial strategy of the LPP1 are being effectively delivered
 - The strategic policies meet current national planning policy requirements
 - There have been any changes to local circumstances with significant implications for the development strategy set out in the LPP1
- 2.4 This evidence included the new National Planning Policy Framework (NPPF) and Planning Practice Guidance, the outputs from the Government's standard methodology in relation to housing need, the Council's Authority Monitoring Report, the Housing Delivery Test results, the current 5 year housing land supply, the Infrastructure Delivery Plan, and changes to the Council's corporate priorities.
- 2.5 The Council currently has a 5 year supply of housing land and its adopted planning policies are on track to deliver the development strategy and other

strategic objectives over the remaining plan period. However, changing circumstances since the adoption of the LPP1 demonstrate the need to undertake a *full update* of the plan. These circumstances are:

- The adoption of the South Downs Local Plan in July 2019
- The publication of the revised NPPF in February 2019
- The introduction of Government's standard method for calculating local housing need results in a significant increase in the district's housing need from May 2021
- The adoption of a new Council Corporate Plan

- 2.6 Most importantly, the NPPF introduces a new standard method of calculating housing need, and instructs local planning authorities to update their strategic policies at least once every five years if their local housing need figure has changed significantly. Applying the Government's standard methodology has resulted in the district's housing needs increasing to 808 dwellings per annum from May 2021. This figure is much higher than the housing requirement set out in the adopted LPP1 (345 dwellings per annum). If there are any changes to the way the Government seeks to justify the Council housing requirement then updates including any revised housing numbers will be circulated.
- 2.7 It should be recognised that the district's identified housing need is only a starting point for determining the appropriate housing delivery requirement over the updated LPP1 period. The NPPF states that strategic policy-making authorities should establish a housing delivery requirement for their whole area, which shows the extent to which their identified housing need (and any needs that cannot be met in neighbouring areas) can be met over the plan period.
- 2.8 The housing delivery requirement will involve consideration of the capacity of the plan area for development growth, embracing both environmental capacities and the capacity of existing and planned infrastructure to serve such growth. It must also take into consideration the ability of the district to develop its economic base and provide the job opportunities that will support the sustainable growth and overall prosperity of the area.
- 2.9 It will require the Council to undertake a full re-appraisal of its strategy for growth, including a further exploration of the longer term options for meeting housing need. This work will need to be supported by relevant and up-to-date evidence, some of which will have to be specially commissioned. In view of the potential implications for local communities and stakeholders, there will also be a need for additional consultation and engagement in order to secure the effective representation of a range of interests.
- 2.10 Consequently, the timetable for the LPP1 Review set out in the existing LDS is no longer considered realistic or deliverable. The proposed programme has therefore been amended to allow sufficient time to:
- prepare an up-to-date and robust evidence base
 - undertake additional public consultation on the Council's preferred options for delivering new housing growth over the new plan period

- publish and consult on main modifications, if recommended by the Examination Inspector

2.11 The revised LDS is attached as Appendix 1 to this report. The initial community and stakeholder engagement on the LPP1 Review 'Issues and Options' is now proposed during spring 2021, rather than autumn 2020 as indicated in the approved LDS. The subsequent formal consultation stages have been amended accordingly, including the addition of a further 'Regulation 18' stage on a 'Preferred Options' document. Adoption of the new LPP1 is now anticipated by winter 2023. This revised timetable will meet the Government's deadline for the production of up-to-date plans by December 2023.

3 Next Steps

3.1 Subject to approval by Full Council, the revised LDS will be published on the Councils' website. The LDS will be monitored by officers and progress towards the production of the new LPP1 will be published as part of the annual Authority Monitoring Report.

4 Consultation

4.1 The proposed timetable for reviewing and updating the Local Plan Part 1 was reported to the Council's Local Plan Review Steering Group at its meeting on 12 May 2020. There is no requirement for public consultation prior to approving a revised LDS, which will be published on the Council's web site as soon as it comes into effect.

5 Corporate plan and council policies

5.1 The Council's Corporate Plan aims to have the greenest Local Plan, put sustainability at the heart of local planning processes, identify housing needs, deliver new homes and stabilise local housing markets.

6 Business case and alternative option(s) considered

6.1 No alternative options were considered. The publication of an up-to-date LDS is a requirement for every local planning authority under the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011).

7 Financial appraisal

7.1 There are no additional financial implications as a result of this recommendation. The cost of producing the revised LDS has been met from existing budget revenues and the preparation of the LPP1 Review will continue to be undertaken by the Planning Policy Team, with additional specialist input from other officers or consultants where required, which will be funded within existing resources.

8 Legal implications

8.1 The local planning authority is required to prepare and maintain a scheme to be

known as their local development scheme. To avoid challenge, upon the revision of the scheme, it is important for the Council to comply with S.15(8) Planning and Compulsory Purchase Act 2004 which provides that a local planning authority must revise their local development scheme at such time as they consider appropriate.

Subsection (9) sets out that the same statutory provisions apply to the revision of a scheme as they apply to the preparation of the scheme. Upon the revision of a scheme, the local planning authority must make the following available to the public-

- (a) the up-to-date text of the scheme,
- (b) a copy of any amendments made to the scheme, and
- (c) up-to-date information showing the state of the authority's compliance (or non-compliance) with the timetable

Legal Implications Provided 08/06/20 009232-LDC-JCS

9 Risk management implications

- 9.1 If the recommendation is not implemented, the Council's approved LDS will be inaccurate and out of date. As all DPDs must be prepared in accordance with an approved LDS, the new LPP1 may be found not legally compliant by the Inspector conducting the examination in public. A DPD which is not legally compliant cannot be formally adopted by the Council.

10 Equality analysis

- 10.1 It is assessed that an Equality Analysis is not required for this report. The revised LDS is the Council's programme for preparing DPDs, it has no equality impact on staff or on members of the public, nor will it affect the way services are organised, planned or delivered. An EaFA will be undertaken prior to the publication of any future DPD prepared by the Council.

11 Environmental sustainability implications

- 11.1 There are no identified environmental sustainability implications to publishing the revised LDS. The LPP1 Review itself is subject to a Sustainability Appraisal incorporating the requirements of the Strategic Environmental Assessment Directive.

12 Appendices

- Appendix 1 - Draft Local Development Scheme 2020

13 Background papers

The background papers used in compiling this report were as follows:

- NPPF <https://www.gov.uk/government/publications/national-planning-policy-framework--2>
- Planning Practice Guidance <https://www.gov.uk/government/collections/planning-practice-guidance>
- Authority Monitoring Report <https://www.lewes-eastbourne.gov.uk/planning-policy/authority-monitoring-report-amr/>
- Housing Delivery Test <https://www.lewes-eastbourne.gov.uk/planning-policy/housing-delivery-test/>
- Infrastructure Delivery Plan <https://www.lewes-eastbourne.gov.uk/planning-policy/community-infrastructure-levy-cil/infrastructure-delivery-plan-and-regulation-123-list/>



Lewes District Council

**Lewes District Council
Revised Local Development
Scheme (LDS)**

July 2020

Lewes District Council Local Development Scheme July 2020

Introduction

This Local Development Scheme (LDS) sets out the Council's programme for reviewing and updating its Local Plan, explaining its scope, area covered and timetable. This document replaces the LDS approved in 2018 and covers the period to 2023. It only applies to the area of the district for which the Council is local planning authority (i.e. Lewes District *excluding* the area within South Downs National Park).

A plain English guide to the terms and abbreviations used in the document is set out in Appendix 1 (Glossary).

Purpose

The primary purpose of the LDS is to provide a publicly accessible, up-to-date reference document, so that the Council's current policy framework, its programme for plan-making and the opportunities for contributing to plans are clear to all interested parties. It has been prepared in accordance with Section 15 of the Planning and Compulsory Purchase Act 2004, as amended. The Council is committed to involving local communities and other stakeholders in plan preparation and its approach is set out in the Statement of Community Involvement, which is available on the Council's web site at: <https://www.lewes-eastbourne.gov.uk/planning-policy/statement-of-community-involvement/>

Scope

This LDS focuses on the review and update of the Lewes District Local Plan Part 1: Joint Core Strategy, which forms part of the statutory '*development plan*' for the area. Legislation states that applications for planning permission should be determined in accordance with the development plan unless material considerations indicate otherwise.

The Lewes District Local Plan currently comprises two development plan documents (DPDs), as follows:

Lewes District Local Plan Part 1: Joint Core Strategy

This document sets out the overall spatial vision, strategic objectives and development strategy for the whole district. It was adopted by Lewes District Council and the South Downs National Park Authority in May 2016. The planning policies for that part of the District within the National Park have now been superseded and replaced by South Downs Local Plan, adopted in July 2019

Lewes District Local Plan Part 2: Site Allocations and Development Management Policies

This document supports and seeks to deliver the strategic objectives and spatial strategy of the Local Plan Part 1. It allocates additional sites for particular land-uses and sets out detailed (non-strategic) development management policies to guide development and change. It was adopted by Lewes District Council in February 2020.

Local planning authorities are required by Section 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012 to review their local plans within five years of their adoption date. The National Planning Policy Statement (NPPF) is also clear that policies in local plans should be reviewed to assess whether they need updating at least once every five years, and should then be updated as necessary.

As noted above, the Local Plan Part 1: Joint Core Strategy was adopted in May 2016 and will be five years old in May 2021. A review and update of its spatial strategy and strategic policies is therefore Council's priority in terms of its plan-making duties. This LDS sets out the programme for this work. The Local Plan Part 2: Site Allocations and Development Management Policies DPD was found 'sound' at examination and adopted in February 2020; an early review of these non-strategic policies is therefore unnecessary.

Context

The development plan for the area covered by the Lewes District Planning Authority currently comprises:

- Lewes District Local Plan Part 1: Joint Core Strategy (2016)
- Lewes District Local Plan Part 2: Site Allocations and Development Management Policies (2020)
- 'Saved' policies of the Lewes District Local Plan (2003)
- Ditchling, Streat & Westmeston Neighbourhood Plan (2018)
- Hamsey Neighbourhood Plan (2016)
- Newhaven Neighbourhood Plan (2019)
- Newick Neighbourhood Plan (2015)
- Plumpton Neighbourhood Plan (2018)
- Ringmer Neighbourhood Plan (2016)
- Seaford Neighbourhood Plan (2020)
- Wivelsfield Neighbourhood Plan (2016)
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (2013)
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (2017)

'Saved' Policies

A number of policies in the Lewes District Local Plan (2003) have been 'saved' and will continue to form part of the development plan until replaced by the adoption of the Peacehaven and Telscombe Neighbourhood Plan. These policies are set out in Appendix 2.

Neighbourhood Plans

Neighbourhood planning, introduced in the Localism Act 2011, allows town and parish councils to prepare neighbourhood plans for their area. Once adopted, these plans become part of the development plan and guide decision-making for the areas covered. In addition to the adopted plans above, further neighbourhood plans are being prepared. The timetables for preparing these plans are the responsibility of the relevant town or parish council and are therefore not addressed in this LDS. Further details can be found on the Council's website at:

<http://www.lewes-eastbourne.gov.uk/planning-policy/neighbourhood-planning/>

Waste and Minerals Plan

East Sussex County Council and the South Downs National Park Authority are responsible for waste and minerals development in Lewes District. Both authorities work in partnership with Brighton & Hove City Council to produce the Waste and Minerals Development Plan Documents covering East Sussex, the South Downs and Brighton & Hove. The timetables for preparing and reviewing these documents are not addressed in this LDS but can be viewed at:

<https://www.eastsussex.gov.uk/environment/planning/development/mineralsandwaste/>

Local Plan Part 1 Review

The adopted Local Plan Part 1 sets out the strategic policies to address the Council's priorities for the development and use of land in the district over the period to 2030. The previous version of this LDS (September 2018) included a commitment to reviewing and updating the adopted Local Plan Part 1 in order to ensure that the Council has an up-to-date local plan with a sufficiently forward-looking timescale. The programme set out for this work anticipated adoption of a new Local Plan Part 1 in autumn 2022.

Since the publication of the September 2018 version of the LDS, the Council has reviewed the relevant evidence to identify whether:

- The vision, strategic objectives and spatial strategy of the Local Plan Part 1 are being effectively delivered
- The strategic policies meet current national planning policy requirements

- There have been any local circumstances which have significant/material spatial implication for the development strategy set out in the plan

The evidence included the new NPPF, the Council's Annual Monitoring Report (AMR), the outputs from the Government's standard methodology in relation to housing need, the Council's Housing Delivery Test results, the current 5 year housing land supply, the Infrastructure Delivery Plan, and changes to the Council's corporate priorities.

Whilst the Council can currently demonstrate a 5 year supply of housing land and the adopted policies are on track to deliver the existing spatial strategy and other plan objectives over the remaining plan period, changing circumstances since the adoption of the Local Plan Part 1 demonstrate the need to undertake a full update of its strategic policies. These circumstances include:

- The adoption of the South Downs Local Plan in July 2019
- The publication of the new NPPF
- A significant increase in the district's local housing need from May 2021
- The adoption of a new Council Corporate Plan

Importantly, the NPPF (para.33) is clear that relevant strategic policies need updating at least once every five years if local housing need has changed significantly or is expected to change significantly in the near future. The new Local Plan Part 1 will therefore need to focus on a reappraisal of the district's housing delivery target, including a further exploration of the longer term options for meeting our overall housing needs over the new plan period.

As a consequence, it has been necessary to amend the programme set out in the September 2018 version of the LDS. This is required in order to factor in sufficient time to carry out the necessary evidence base studies and additional stages of plan preparation and public consultation and engagement.

The amendments to the programme include putting back the 'Issues and Options' (Regulation 18) consultation from autumn 2020 to spring 2021, the publication of a 'Preferred Options' document for public consultation (Regulation 18) in autumn 2021, the publication of any proposed main modifications for consultation, and the adoption of the new Local Plan Part 1 in winter 2023.

The strategic policies in the new Local Plan Part 1 will set out an overall strategy for the pattern, scale and quality of development and make sufficient provision for housing, employment, retail, leisure, and other commercial development, infrastructure, community facilities, conservation of the natural, built and historic environment, and planning measures to address climate change mitigation and adaptation.

The new Local Plan Part 1 will cover the period 2018 to 2038, which reflects the introduction of the Government's new standard method for calculating local housing need and allows the plan to look ahead over a minimum 15 year period from adoption, in accordance with the NPPF (para.22). Once adopted, the new Local Plan Part 1 will supersede and replace the strategic policies in the current Local Plan Part 1 for that area of the district outside of the South Downs National Park. N.B. it will not replace the non-strategic policies in the adopted Local Plan Part 2: Site Allocations and Development Management Policies DPD.

Timetable

The table below shows the key stages for the preparation for the review and update of the Local Plan Part 1 over the period from 2020-2023. These timeframes are considered achievable based upon the current level of resources available and the context set by current legislation and national planning policy and guidance. The Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2012 sets out the procedures for preparing Development Plan Documents (DPDs) and it is these regulations that are referred to in the timetables below.

However, there will always be a level of uncertainty due to unknown factors, e.g. future changes to legislation or national policy, issues with staff retention and recruitment, budgetary limitations, securing the appropriate co-operation with neighbouring authorities, the length of the examination in public. Clear project management and reporting arrangements will help ensure that the Local Plan Part 1 update is progressed in a transparent manner and that any risks/problems are identified and considered as early as possible. Any significant amendment to the published timetable would require a further review of the LDS.

Lewes District Local Plan Part 1 Review

Role and content	Statement of the vision, objectives, spatial strategy and strategic policies for Lewes District outside of the South Downs National Park in the period to 2038. It will replace the Local Plan Part 1: Joint Core Strategy adopted in 2016.	
Status	Development Plan Document (DPD)	
Chain of conformity	Must be consistent with the National Planning Policy Framework. Regard will also be had to the National Planning Practice Guidance and other relevant strategies.	
Geographic coverage	The whole of Lewes District excluding the area within the South Downs National Park.	
Timetable and Milestones		
Consulting statutory bodies on scope of the Sustainability Appraisal	Autumn 2020	

Community and stakeholder engagement on 'Issues and Options' (Regulation 18)	Spring 2021
Consultation on the 'Preferred Options' document (Regulation 18)	Autumn 2021
Publication of the Proposed Submission Document (Regulation 19)	Autumn 2022
Public representations period on the Proposed Submission document (Regulation 20)	Autumn/Winter 2022
Submission to the Secretary of State (Regulation 22)	By or before Winter 2023
Independent Examination (Regulation 24)	By or before Winter 2023
Publication of Proposed Main Modifications	By or before Winter 2023
Publication of the Inspectors Report (Regulation 25)	By or before Winter 2023
Adoption of document and revisions to Proposals Map (Regulation 26)	By or before Winter 2023
Arrangements for production and review	
Who is leading the production of the document?	Lewes District Council
Management arrangements	To be managed by the Head of Planning in consultation with the Local Plan Review Steering Group. Cabinet and Full Council approval required at certain key milestones in accordance with the Council's Constitution and the <i>Statement of Community Involvement</i> .
Resources	The Planning Policy Team at Lewes District and Eastbourne Borough Councils, supported by other specialist officers when required. External consultants will be appointed where necessary to assist in producing technical background evidence studies.
External community involvement	Consultation and engagement in accordance with the <i>Statement of Community Involvement</i>
Monitoring and review mechanisms	The Authority Monitoring Report

Other Local Development Documents

This LDS focusses on the review and update of the Lewes District Local Plan Part 1 that will be prepared over the next three years. It does not cover the

production of other local development documents, such as Supplementary Planning Documents (SPDs). The need to produce a new SPD, or review an existing one, will be undertaken through the Authority Monitoring Report. Details of any future SPDs will be provided on the District Council's website, with all relevant stakeholders and consultees informed of the timetable at the start of the process.

Monitoring and Review

The Council's performance against the LDS timetables will be monitored through the Authority Monitoring Report (AMR). This will be published annually on the council's website and will be used to identify future work priorities, see: <http://www.lewes-eastbourne.gov.uk/planning-policy/authority-monitoring-report-amr/> The LDS will be reviewed where the need for further documents emerges and to ensure that a three year programme is maintained.

Appendix 1: Glossary

Authority Monitoring Report (AMR) – a report prepared by a local authority that assesses the impact of policies and whether targets for these policies are being met. The report is prepared on at least an annual basis and is available on the local authority’s website.

Development Plan – the development plan is the starting point in the consideration of planning applications for the development or use of land.

Development Plan Documents (DPDs) – Planning documents that are subject to independent examination and form part of the statutory development plan for an area.

Joint Core Strategy – This is the adopted Local Plan Part 1. It sets out the long-term vision for the district and the spatial objectives and strategic policies required to deliver that vision.

Local Development Documents (LDDs) – The collective term for all documents that are prepared in association with a Local Plan, including Development Plan Documents, Supplementary Planning Documents and the Statement of Community Involvement.

Local Development Scheme (LDS) – A document setting out the programme for the preparation of Development Plan Documents. It sets out a 3 year programme and includes information on consultation dates. The LDS can be revised whenever necessary.

Local Housing Need – The number of homes needed within a local authority area, calculated using the Government’s standard methodology introduced in 2018.

Local Plan – The term ‘local plan’ is used extensively in the new National Planning Policy Framework in preference to the previous term ‘Local Development Framework’. It sets out a vision and policy framework to guide the future development and change of an area.

Statement of Community Involvement – sets out how a local planning authority will consult the community and stakeholders, not only on LDDs, but also on major planning applications.

Supplementary Planning Documents (SPDs) – these can be produced to provide policy guidance to supplement the policies and proposals in DPDs. They do not form part of the development plan but must undergo a formal process of consultation.

Sustainability Appraisal (SA) – Assessment of the social, economic and environmental impacts of the policies in Development Plan Documents

Appendix 2: Schedule of Saved Policies

All Lewes District Local Plan 2003 policies were saved under a Direction by the Secretary of State in 2009. The majority of these policies have now been superseded and replaced by other development plan documents, including the Lewes District Local Plan Part 1: Joint Core Strategy, the Lewes District Local Plan Part 2: Site Allocations and Development Management Policies, and Neighbourhood Plans.

However, early in the preparation of the Lewes District Local Plan Part 2, the District Council took the decision not to allocate non-strategic sites for specific land-uses or identify area specific policies in locations where a town or parish council were developing a neighbourhood plan that would include allocations for specific land uses.

The combined parishes of Peacehaven and Telscombe were designated as a neighbourhood area for the purposes of preparing a neighbourhood plan in 2013. Accordingly, the Local Plan Part 2 does not identify non-strategic site allocations or site specific policies within the Peacehaven or Telscombe neighbourhood area. The saved Lewes District Local Plan 2003 policies listed below will therefore remain part of the development plan for Lewes District until the Peacehaven and Telscombe Neighbourhood Plan has been approved at referendum.

Chapter 13: Peacehaven & Telscombe	
Policy PT6	Meridian and Bolney Avenue Industrial Estates Link
Policy PT9	Meridian Centre
Policy PT10	Access and Permeability at the Meridian Centre
Policy PT11	Joff Youth Club
Policy PT12	The Coast, Clifftop and Foreshore
Policy PT13	The Coast, Clifftop and Foreshore
Policy PT18	Allotments
Policy PT19	Valley Road
Policy PT20	Valley Road

1987

Site Allocations DPD: Regulation 19 Consultation Response

Policy:

ID:	1987
Response Ref:	Reg19/1987/3
Respondent:	Ms S Mizen
Organisation:	JLL
On Behalf Of:	Wates - Foxhole Farm
Category:	Promoter
Appear at Examination?	✘

From: Mizen, Stefanie <Stefanie.Mizen@eu.jll.com>
Sent: 28 September 2020 21:53
To: Idfconsultation
Subject: RE: Draft Site Allocations DPD (Regulation 19) Consultation
Attachments: 200928 Bolney Reps - Wates.pdf; Bolney vision document.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Dear Sir / Madam,

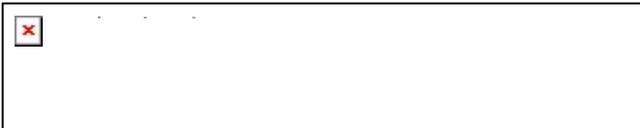
On behalf of Wates Developments please find our comments on the Draft Site Allocations Development Plan Document.

Look forward to confirmation of receipt.

Kind regards,

Stefanie
Stefanie Mizen
Associate - Planning, Development & Heritage
JLL
30 Warwick Street | London W1B 5NH

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

Your ref N/A
Our ref 92000000104852
Direct line 0203 147 1815
Stefanie.Mizen@eu.jll.com

28 September 2020

Dear Sir / Madam,

**Consultation on Site Allocations Development Plan Document – Regulation 19
Land at Foxhole Farm, Bolney, Mid Sussex**

We write on behalf of Wates Developments ('the client'), to provide our comments on the published Site Allocations Development Plan Document ('DPD') which is now out for consultation.

Paragraph 67 of the National Planning Policy Framework (2019) ('NPPF') requires that local authorities have a clear understanding of land available in their area and identify a sufficient supply and mix of sites. It requires planning policies to identify a supply of specific and deliverable sites.

We understand Mid Sussex District Council ('the Council') is seeking to identify sufficient housing sites across the borough to meet housing need and provide a sustainable five-year housing land supply. The Site Allocations DPD forms part of the Mid Sussex District Plan ('DP') 2014-2031, which was adopted in March 2018. Its preparation is in response to the requirement by the Planning Inspector to meet the residual housing and employment needs up to 2031. The Site Allocations DPD proposes a number of new housing and employment sites for allocation in order to meet this need.

The Council is seeking views on whether the Plan is legally compliant and meets the test of 'soundness' set out in the NPPF. We therefore provide our comments below in particular in relation to our client's Site - the Land at Foxhole Farm Bolney, Mid Sussex ('the Site').

Our representations are in two parts: the first part seeks to consider whether the Site Allocations DPD will deliver sufficient homes to meet the need and whether the tests of soundness are met; whilst the second part considers the settlement of Bolney and the site being promoted.

The DPD

The Site Allocations DPD purports to deliver sufficient new homes to meet the requirement set out in the District Plan 2018. It is a 'daughter' document to the 2018 District Plan. What it does not do is consider the 'real' housing need in Mid Sussex. Using the Government's standard methodology for assessing housing need, the need in Mid Sussex is to deliver 1,132 new homes per annum, significantly above the current District Plan's figure. Whilst legally, the Council does not have to allocate additional sites to meet this higher need, it is our view that it would be prudent and good planning to do so.

The Council in its Regulation 19 consultation sets out that it is allocating additional homes over and above the requirement. Policy SA10 makes the case that the Council has 484 additional homes over and above the

requirements. However, it is our view that not only does the DPD not provide additional homes over the requirement, but that it fails in meeting even the minimum number required. This is because, a significant number of the sites being allocated will not deliver homes within the Plan period. Indeed, we consider that only 694 of the 1,764 homes set out by the Council can be considered as either deliverable or developable. This leads to a shortfall of 1,070 homes. If the Council is correct and there are an additional 484 homes, this still will lead to an overall shortfall of 586 homes. As such, the Site Allocations does not provide sufficient homes to meet the requirement set out in the District Plan and therefore is unsound. Additional sustainable sites should be included to meet the minimum number of homes required, and, in our view, there should be additional homes allocated in any case in order to meet the significant real need for housing in Mid Sussex.

The Sustainability Appraisal ('SA') that accompanies the Regulation 19 consultation does not refer to the latest evidence and data and is therefore not a sound basis to develop the Site Allocations against. For example, in paragraph 3.19 it refers to the 2017 ONS data on affordability and does not reflect the latest data on affordability which shows worsening affordability. As such, the SA is unable to provide the correct baseline for assessment and does not reflect latest evidence.

The second area where the Site Allocations DPD is unsound relates to the distribution of housing and the need to continue to sustain and enhance rural settlements in the District. Provision of new homes at category 2 and 3 settlements should be supported in order to enhance the vitality and viability of the rural settlements and the services within them. However, the approach of the Council to housing delivery does not take account of this, or the policies in the District Plan which seeks to support the more rural parts of the District.

As set out in Table 2.4 of draft Policy SA10, the Council has decided to significantly reduce the allocations in category two and three settlements and concentrate the majority of additional development in the category one settlements, where significant development is already proposed and allocated in the District Plan. This has two implications. The first is that the sustainable settlements will not be enhanced and growth will not be directed to settlements that are sustainable. This is likely to have a negative effect on their long-term vitality and viability. The second implication is by directing growth to areas of high growth, infrastructure and services would come under significant strain.

This is a further failure of both the DPD and the SA in that it did not consider the effects on category two and three settlements whatsoever. The SA focusses solely on the sustainability of sites rather the considering the benefits of providing housing in other locations. For example, paragraph 6.48 states that *"It is therefore concluded that, should additional sites be required, these should ideally be drawn from sites in the highest settlement category in the hierarchy. These sites perform well, and would mean focusing additional growth (beyond that required to meet the residual housing requirement) at the most sustainable locations using the most sustainable sites still in the process"*.

Furthermore, paragraph 6.43 states *"By allocating the 20 sites that perform well individually and on a settlement basis, the residual housing need of 1,280 would be met with a small over-supply of 144 units. Overall, the collection of sites is largely consistent with the spatial strategy at a settlement category level. Whilst there is a shortfall at Category 3, this can be met by an over-supply at Category 1. As Category 1 is the most sustainable settlement category, and under-supply should be met at categories higher-up in the settlement hierarchy, this is acceptable"*. Again, this approach fails to recognise that delivery of nearly all new homes at the category one settlements will have a significant adverse effect on other settlements. This is a further area where the Site Allocations DPD is unsound.

We conclude that the Site Allocations DPD is unsound. It does not reflect the adopted District Plan and does not consider the social and economic effects of non-delivery of homes in category two and three settlements. It also does not deliver the minimum number of homes required to meet the District Plan requirements and falls way short of meeting the real need for housing in Mid Sussex.

As such, it is our contention that additional suitable sites should be allocated now to meet this need.

The Site

The Site adjoins the western edge of Bolney village, see Appendix 1 (Site Location Plan) and comprises a total area of 19.6ha. The Site is well-screened by tree cover, which encloses the boundary along Foxhole Lane limiting views into the Site from publicly accessible areas. The Site comprises Foxhole Farm which includes a manège and various barns and partly derelict storage buildings associated with the farm together with a number of surrounding fields.

The eastern boundary of the Site adjoins the existing built-up edge of Bolney village, running parallel to The St, which consists of detached residential properties and bounds their rear gardens.

The Site is located immediately adjacent to the Built-up Area Boundary. The High Weald Area of Outstanding Natural Beauty ('AONB') is located 460m further north. The Site is not located in a Conservation Area (10m away) and there are no statutorily Listed buildings on-site. The Environment Agency's Flood Map for Planning indicates that the Site falls within Flood Zone 1 and is therefore subject to a low risk of flooding from rivers or the sea.

The Surroundings

The village of Bolney lies less than 6 miles west of Haywards Heath. The Parish has a population of 1,407 residents living in 534 households (source: ONS 2012-based subnational population projections) however only half of the housing is in the actual village settlement.

Outside the built-up area of the village, services and facilities are spread out providing Bolney Wine Estate, part-time post office, café, and Under 5s Pre-School, The Bolney Stage Public House and Bolney Cross Service Station. The closest GPs and dentists are located in Cuckfield, Burgess Hill and Haywards Heath, which also provides a hospital.

Accessibility

Foxhole Lane runs along the western Site boundary in a north-south direction, meeting at the junction with the A272/Cowfold Road to the south and joining the A23 approximately 0.8km to the east of the Site.

Two bus stops are in close proximity to the Site – one less than 100m away along The St to the east providing a regular service between Horsham and Haywards Heath. The other is located on London Road which provides a service from Crawley to Brighton.

The closest railway station to Bolney is at Haywards Heath, located circa 5 miles away to the east, providing regular services towards London and Brighton.

Planning Case for Residential Development in Bolney

The Site Allocations DPD forms part of the Mid Sussex District Plan 2014-2031. Its preparation is in response to the requirement by the Planning Inspector to meet the residual housing and employment needs up to 2031.

Having reviewed the Site Allocations DPD, we consider the following to be important:

- It is proposed to allocate 17ha of additional employment land to meet identified needs. Of this, 9.4ha, i.e. more than half, is allocated for the category three settlement of Bolney;

- The document provides an update (Policy SA10) on the minimum residual amount of new homes required to be delivered in category three settlements. This figure is now 371 new homes (as a minimum), an increase of 60 homes since the DP was adopted;
- Notwithstanding this, no housing allocations whatsoever are identified in Bolney.

We would like to promote the delivery of residential development in Bolney, with specific regards to our client's Site, for the reasons stated below.

Requirement for Housing

The NPPF encourages the provision of more housing and states that applications should be considered in the context of the presumption in favour of sustainable development. Policy DP4 of the DP relates to housing and states that *"there is a minimum District housing requirement of 16,390 dwellings between 2014 – 2031"*, which it advises is made up of the District's objectively assessed need (OAN) of 14,892 dwellings over the plan period as well as *"1,498 dwellings to ensure unmet need is addressed in the Northern West Sussex Housing Market Area"*. Policy states *"the Plan will deliver an average of 876 dwellings per annum (dpa) until 2023/24. Thereafter an average of 1,090 dpa will be delivered between 2024/25 and 2030/31"*.

The supporting text then advises that *"the spatial strategy of the District Plan is to focus the majority of housing and employment development at Burgess Hill as it has greater potential to deliver sustainable communities and to benefit from the opportunities that new development can deliver than at East Grinstead and Haywards Heath. A smaller scale development is allocated in this plan and was granted outline planning permission in 2016 at Pease Pottage as a contribution towards meeting the needs of the Northern West Sussex Housing Market Area. A smaller scale development is allocated at north of Clayton Mills, Hassocks. The remainder of development will be delivered as sustainable developments, including possible new strategic developments and development in other towns and villages"*.

There are no proposed site allocations within Bolney. This is notwithstanding Policy DP4, which sets out the strategic distribution of housing across the District and states that Bolney – along with 12 other settlements – should deliver 311 homes for the remainder of the Plan period and the proposed uplift to this requirement as set out in the Site Allocations DPD. Given over half of the additional employment land has been allocated for Bolney, clearly additional housing would be required both in terms of 1) meeting the provision required in Policy DP4 and 2) meeting the demand generated by increased employment land in that area.

Sustainable Location

Bolney is a sustainable location where significant development was proposed in the District Plan and the Neighbourhood Plan.

The Council's Settlement Sustainability Review ('SSR') was produced in 2015 in order to assist in the production of the DP, specifically the settlement strategy now set out within Policy DP4. The review lists Bolney – along with 9 other settlements - as a "Category 3" settlement and page 14 of the document provides the following assessment of the village:

"Bolney has a higher proportion of children aged up to 15 years of age and 45-64 than the Mid Sussex "district" and "rural" averages; and a lower proportion of the same indices of those aged 25-44 and 65+. The village is considered to be a Limited Local Service Centre. The village benefits from an off-peak public transport service that is sufficient to enable access to further services and facilities. Bolney is constrained to the north and to the east in part by the High Weald Area of Outstanding Natural Beauty. The A23 also runs in close proximity to the east of the village".

The SSR states Bolney is considered to meet all of the criteria to be considered a Limited Local Service Centre where “a settlement must have or share a maximum of two of the following:

- One or more retail uses which must include a convenience store;
- An infant/ primary school;
- A village hall/ community centre
- Public House“.

Table 5 of the SSR, states that Bolney shares such services with Ansty, Cuckfield, Sayer Common and Warninglid. Table 6 then provides a matrix of services found in Bolney. It is evident upon viewing Table 6 that Bolney has a good provision of services providing 15 of the 28 services listed in the table.

Bolney is clearly a suitable location to accommodate residential-led development. There would be no effect on the settlement hierarchy or breach of development plan policy in terms of location of development.

Planning Case for Site Allocation

Given the above, our client’s Site would be completely appropriate for residential development and should be considered as an additional allocation for residential.

The Site is located in Bolney, adjacent to the settlement boundary and residential development to the east. Although abutting the settlement boundary, the NPPF (paragraph 84) recognises this when it states that “*planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements*”. DP Policy DP6 (Settlement Hierarchy) states “*The growth of settlements will be supported where this meets identified local housing, employment and community needs. Outside defined built-up area boundaries, the expansion of settlements will be supported where:*

1. *The site is allocated in the District Plan, a Neighbourhood Plan or subsequent Development Plan Document or where the proposed development is for fewer than 10 dwellings; and*
2. *The site is contiguous with an existing built up area of the settlement; and*
3. *The development is demonstrated to be sustainable, including by reference to the settlement hierarchy.”*

The DP and its evidence base recognise the need for significant residential development across West Sussex. Bolney is the most sustainable of the stand-alone settlements in category three, therefore significant housing and employment development should be directed to this settlement. The Site’s location immediately adjacent to the built area of Bolney would serve as a natural extension of the existing village whilst not impacting on the AONB.

When assessing sites for allocation, paragraph 108 of the NPPF requires that local authorities consider appropriate opportunities to promote sustainable transport, safe and suitable access and that any significant impacts from development on the transport network can be mitigated. The Site lies within a relatively short walking distance of three bus stops, providing a regular service to Haywards Heath, Crawley, Burgess Hill and Brighton. These factors, together with the findings set out in the SSR demonstrate that the Site is clearly a sustainable location to accommodate residential-led development in accordance with Policy DP6.

Conclusion

We support the inclusion of the Land at Foxhole Farm, Bolney as an additional site allocation in the Site Allocations DPD. As demonstrated above, Bolney and specifically our client’s Site has potential for residential development because:

- There are no proposed site allocations within Bolney. This is notwithstanding Policy DP4, which sets out the strategic distribution of housing across the District and states that Bolney – along with 12 other

settlements –should deliver 311 homes for the remainder of the Plan period and the proposed uplift to this requirement as set out in the Site Allocations DPD.

- Bolney has been classed as a category three settlement and is clearly a sustainable location in which to accommodate residential-led development. There would be no effect on the settlement hierarchy or breach of development plan policy in terms of location of development.
- The Site’s location immediately adjacent to the built area of Bolney would serve as a natural extension of the existing village.
- The Site has no environmental constraints to development such as flood risk (Flood Zone 1).
- The Site is in a sustainable location with good access to public transport and development would not result in adverse impacts to the highway network.

We look forward to your confirmation of receipt of this letter. If you require any information or clarification, please contact Stefanie Mizen of this office on 0203 147 1815.

Yours faithfully,

Stefanie Mizen

Stefanie Mizen

Associate – Planning, Development & Heritage

Direct line 0203 147 1815

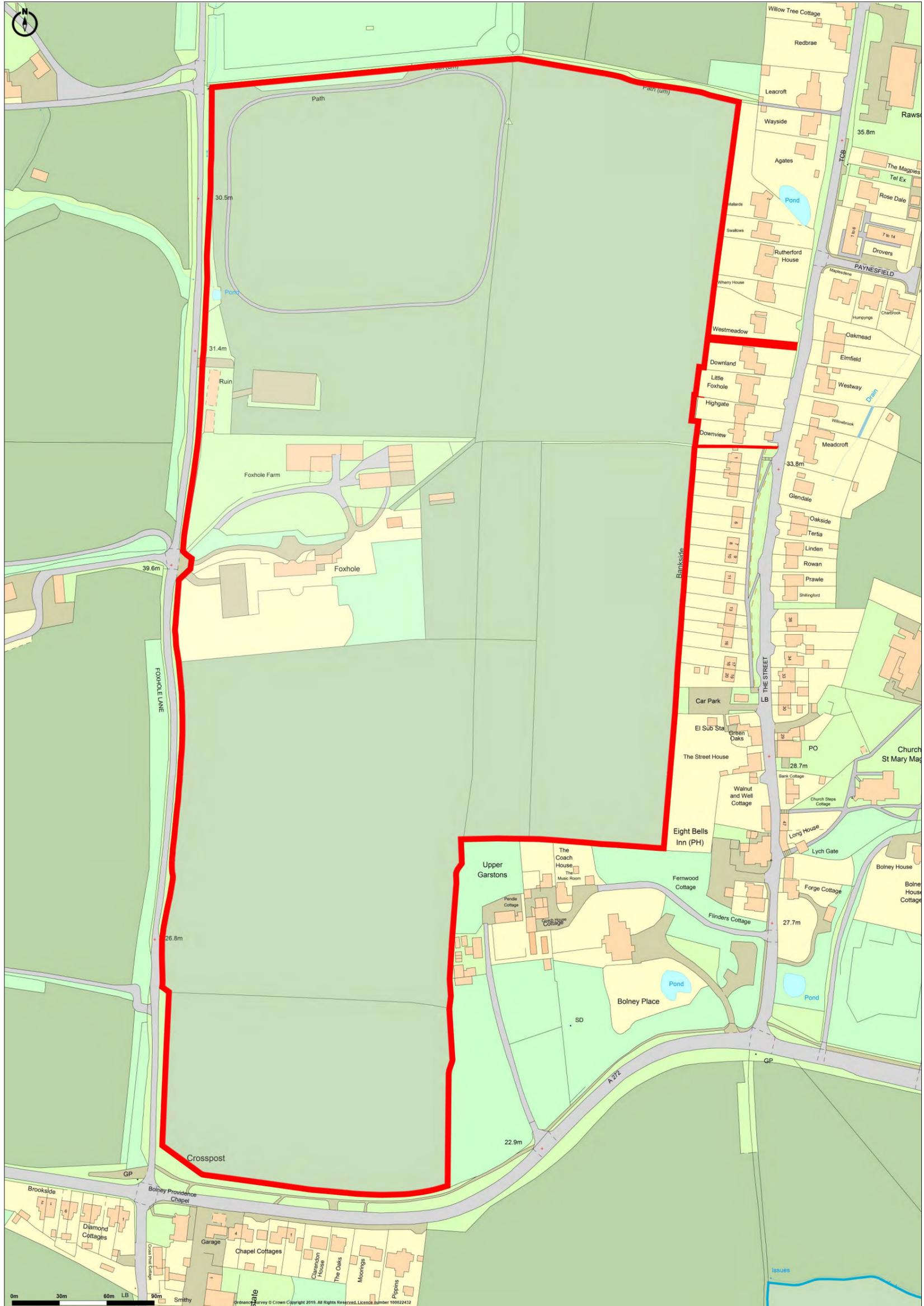
Mobile 07968 331943

Stefanie.Mizen@eu.jll.com



Appendix 1 – Site Location Plan

Land at Foxhole Farm, Bolney



2031

Site Allocations DPD: Regulation 19 Consultation Response

Policy:

ID:	2031
Response Ref:	Reg19/2031/3
Respondent:	Ms S Mizen
Organisation:	JLL
On Behalf Of:	Wates - Snowdrop Lane
Category:	Promoter
Appear at Examination?	✘

From: Mizen, Stefanie <Stefanie.Mizen@eu.jll.com>
Sent: 28 September 2020 16:14
To: Idfconsultation
Subject: Draft Site Allocations DPD (Regulation 19) Consultation
Attachments: 200928 Lindfield Reps - Wates.pdf; Snowdrop lane vision document.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Dear Sir / Madam,

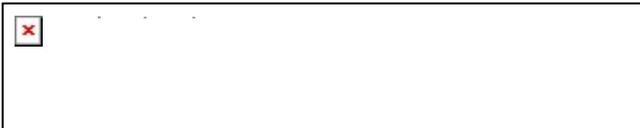
On behalf of Wates Developments please find our comments on the Draft Site Allocations Development Plan Document.

Look forward to confirmation of receipt.

Kind regards,

Stefanie
Stefanie Mizen
Associate - Planning, Development & Heritage
JLL
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Planning Policy
Mid Sussex District Council
Oaklands
Oaklands Road
Haywards Heath
West Sussex
RH16 1SS

Your ref N/A
Our ref 92000000104859
Direct line 0203 147 1815
Stefanie.Mizen@eu.jll.com

28 September 2020

Dear Sir / Madam,

**Consultation on Site Allocations Development Plan Document – Regulation 19
Land off Lyoth Lane and Snowdrop Lane, Lindfield, Mid Sussex**

We write on behalf of Wates Developments ('the client'), to provide our comments on the published Site Allocations Development Plan Document ('DPD') which is now out for consultation.

Paragraph 67 of the National Planning Policy Framework (2019) ('NPPF') requires that local authorities have a clear understanding of land available in their area and identify a sufficient supply and mix of sites. It requires planning policies to identify a supply of specific and deliverable sites.

We understand Mid Sussex District Council ('the Council') is seeking to identify sufficient housing sites across the borough to meet housing need and provide a sustainable five-year housing land supply. The Site Allocations DPD forms part of the Mid Sussex District Plan ('DP') 2014-2031, which was adopted in March 2018. Its preparation is in response to the requirement by the Planning Inspector to meet the residual housing and employment needs up to 2031. The Site Allocations DPD proposes a number of new housing and employment sites for allocation in order to meet this need.

The Council is seeking views on whether the Plan is legally compliant and meets the test of 'soundness' set out in the NPPF. We therefore provide our comments below in particular in relation to our client's Site - the Land off Lyoth Lane and Snowdrop Lane, Lindfield, Mid Sussex ('the Site').

Our representations are in two parts: the first part seeks to consider whether the Site Allocations DPD will deliver sufficient homes to meet the need and whether the tests of soundness are met; whilst the second part considers the settlement of Lindfield and the Site being promoted.

The DPD

The Site Allocations DPD purports to deliver sufficient new homes to meet the requirement set out in the District Plan 2018. It is a 'daughter' document to the 2018 District Plan. What it does not do is consider the 'real' housing need in Mid Sussex. Using the Government's standard methodology for assessing housing need, the need in Mid Sussex is to deliver 1,132 new homes per annum, significantly above the current District Plan's figure. Whilst legally, the Council does not have to allocate additional sites to meet this higher need, it is our view that it would be prudent and good planning to do so.

The Council in its Regulation 19 consultation sets out that it is allocating additional homes over and above the requirement. Policy SA10 makes the case that the Council has 484 additional homes over and above the

requirements. However, it is our view that not only does the DPD not provide additional homes over the requirement, but that it fails in meeting even the minimum number required. This is because, a significant number of the sites being allocated will not deliver homes within the Plan period. Indeed, we consider that only 694 of the 1,764 homes set out by the Council can be considered as either deliverable or developable. This leads to a shortfall of 1,070 homes. If the Council is correct and there are an additional 484 homes, this still will lead to an overall shortfall of 586 homes. As such, the Site Allocations does not provide sufficient homes to meet the requirement set out in the District Plan and therefore is unsound. Additional sustainable sites should be included to meet the minimum number of homes required, and, in our view, there should be additional homes allocated in any case in order to meet the significant real need for housing in Mid Sussex.

The Sustainability Appraisal ('SA') that accompanies the Regulation 19 consultation does not refer to the latest evidence and data and is therefore not a sound basis to develop the Site Allocations against. For example, in paragraph 3.19 it refers to the 2017 ONS data on affordability and does not reflect the latest data on affordability which shows worsening affordability. As such, the SA is unable to provide the correct baseline for assessment and does not reflect latest evidence.

The second area where the Site Allocations DPD is unsound relates to the distribution of housing and the need to continue to sustain and enhance rural settlements in the District. Provision of new homes at category two and three settlements should be supported in order to enhance the vitality and viability of the rural settlements and the services within them. However, the approach of the Council to housing delivery does not take account of this, or the policies in the District Plan which seeks to support the more rural parts of the District.

As set out in Table 2.4 of draft Policy SA10, the Council has decided to significantly reduce the allocations in category two and three settlements and concentrate the majority of additional development in the category one settlements, where significant development is already proposed and allocated in the District Plan. This has two implications. The first is that the sustainable settlements will not be enhanced and growth will not be directed to settlements that are sustainable. This is likely to have a negative effect on their long-term vitality and viability. The second implication is that by directing growth to areas of high growth, infrastructure and services would come under significant strain.

This is a further failure of both the DPD and the SA in that it did not consider the effects on category two and three settlements whatsoever. The SA focusses solely on the sustainability of sites rather the considering the benefits of providing housing in other locations. For example, paragraph 6.48 states that *"It is therefore concluded that, should additional sites be required, these should ideally be drawn from sites in the highest settlement category in the hierarchy. These sites perform well, and would mean focusing additional growth (beyond that required to meet the residual housing requirement) at the most sustainable locations using the most sustainable sites still in the process"*.

Furthermore, paragraph 6.43 states *"By allocating the 20 sites that perform well individually and on a settlement basis, the residual housing need of 1,280 would be met with a small over-supply of 144 units. Overall, the collection of sites is largely consistent with the spatial strategy at a settlement category level. Whilst there is a shortfall at Category 3, this can be met by an over-supply at Category 1. As Category 1 is the most sustainable settlement category, and under-supply should be met at categories higher-up in the settlement hierarchy, this is acceptable"*. Again, this approach fails to recognise that delivery of nearly all new homes at the category one settlements will have a significant adverse effect on other settlements. This is a further area where the Site Allocations DPD is unsound.

We conclude that the Site Allocations DPD is unsound. It does not reflect the adopted District Plan and does not consider the social and economic effects of non-delivery of homes in category two and three settlements. It also does not deliver the minimum number of homes required to meet the District Plan requirements and falls way short of meeting the real need for housing in Mid Sussex.

As such, it is our contention that additional suitable sites should be allocated now to meet this need.

The Site

The Site adjoins the eastern edge of Haywards Heath and southern edge of Lindfield, see Appendix 1 (Site Location Plan). The Site is separated into two parcels, the first ('Parcel A') being a rectangular strip running parallel to Lyoth Lane comprising greenfield land well screened by tree cover. The second ('Parcel B') runs along Snowdrop Lane, comprising greenfield land, again well screened. Snowdrop Lane runs between the two parcels of land.

The Site is located immediately outside the Built-up Area Boundary, that of Haywards Heath located to the south-west of Parcel A and that of Lindfield further north. The Site is not located in a Conservation Area and there are no statutorily Listed buildings on-site. Lyoth Cottage (Grade II Listed) is adjacent to Parcel A to the south-west. The Environment Agency's Flood Map for Planning indicates that the Site falls within Flood Zone 1 and is therefore subject to a low risk of flooding from rivers or the sea.

The Surroundings

The Site is less than a 10-minute walk from Northlands Wood Primary School, a health centre and a Tesco convenience foodstore / chemist. The Walstead Park development, which includes a 20 acre plus Country Park, is due to commence and is accessible from the access off Lyoth Lane. The Council's initial site assessments (ID Reference Nos. 836 and 1006) noted education and health services were less than a 10-minute walk away and other services within 10-15 minutes.

This Site is located 1.5km south east of Lindfield and 1.5km north-east of Scaynes Hill. The settlement of Lindfield is located on high ground to the south of the River Ouse. The village contains shops, businesses, pubs, schools, a medical centre, churches and community groups catering for a wide range of needs. The village is well served by a frequent bus service to and from Haywards Heath. Other facilities/services in Scaynes Hill include a garage/petrol station, two churches and a primary school.

Haywards Heath is less than 2km away to the west. Haywards Heath is a key settlement in the District with a comprehensive range of employment, retail, health, education leisure services and facilities. Haywards Heath is a main service centre benefitting from excellent public transport.

Accessibility

Snowdrop Lane runs between the two parcels of land, meeting at the junction with the A272/Lewes Road to the south and joining the A23 approximately 10km to the west of the Site.

Beech Hill bus stop is in close proximity to the Site, located circa 200m away along Northlands Avenue to the west providing a regular service to Haywards Heath, Crawley, Burgess Hill and Brighton.

The closest railway station to the site is at Haywards Heath, located circa 2km away to the west, providing regular services towards London and Brighton.

Planning Case for Residential Development in Lindfield

The Site Allocations DPD forms part of the Mid Sussex District Plan 2014-2031. Its preparation is in response to the requirement by the Planning Inspector to meet the residual housing and employment needs up to 2031.

Having reviewed the Site Allocations DPD, we consider the following to be important:

- Lindfield is allocated as a category two (Local Service Centre) settlement;
- The Site Allocations DPD Policies Map is proposing to increase the Built-up Area Boundary to the north of our client's Site;
- Notwithstanding this no housing allocations whatsoever are identified in Lindfield.

We would like to promote the delivery of residential development in Lindfield, with specific regards to our client's Site, for the reasons stated below.

Requirement for Housing

The NPPF encourages the provision of more housing and states that applications should be considered in the context of the presumption in favour of sustainable development. Policy DP4 of the DP relates to housing and states that *"there is a minimum District housing requirement of 16,390 dwellings between 2014 – 2031"*, which it advises is made up of the District's objectively assessed need (OAN) of 14,892 dwellings over the plan period as well as *"1,498 dwellings to ensure unmet need is addressed in the Northern West Sussex Housing Market Area"*. Policy states *"the Plan will deliver an average of 876 dwellings per annum (dpa) until 2023/24. Thereafter an average of 1,090 dpa will be delivered between 2024/25 and 2030/31"*.

The supporting text then advises that *"the spatial strategy of the District Plan is to focus the majority of housing and employment development at Burgess Hill as it has greater potential to deliver sustainable communities and to benefit from the opportunities that new development can deliver than at East Grinstead and Haywards Heath. A smaller scale development is allocated in this plan and was granted outline planning permission in 2016 at Pease Pottage as a contribution towards meeting the needs of the Northern West Sussex Housing Market Area. A smaller scale development is allocated at north of Clayton Mills, Hassocks. The remainder of development will be delivered as sustainable developments, including possible new strategic developments and development in other towns and villages"*.

There are no proposed site allocations within Lindfield. This is notwithstanding Policy DP4, which sets out the strategic distribution of housing across the District and states that Lindfield – along with 5 other settlements – should deliver 838 homes for the remainder of the Plan period and the proposed uplift to this requirement as set out in the Site Allocations DPD.

Sustainable Location

Lindfield is a sustainable location where significant development was proposed in the District Plan and the Neighbourhood Plan.

The Council's Settlement Sustainability Review ('SSR') was produced in 2015 in order to assist in the production of the DP, specifically the settlement strategy now set out within Policy DP4. The review lists Lindfield – along with 5 other settlements - as a "Category 2" settlement and page 13 of the document provides the following assessment of the village:

"Lindfield accommodates a lower proportion of age groups 5-15 to 45-64 than the Mid Sussex "district" and "rural" averages. Lindfield also has the highest proportion of 65+ residents in Mid Sussex. The village benefits from a peak public transport service to significant local employment opportunities; and an off peak service that is sufficient to enable access to further services and facilities, aided by its relative proximity to Haywards Heath station. The south west boundary of Lindfield adjoins the town of Haywards Heath. There are patches of Ancient Woodland beyond the northern boundary of the village and an area of flood risk to the south east of the village"

The SSR states Lindfield is considered to meet all of the criteria to be considered a Local Service Centre where “a Local Service Centre, a settlement must have, or share a maximum of one of the following:

- 5 or more retail uses including at least a post office, banking facilities (bank and/or cash point) and a convenience store;
- Pre-school facilities, infant/ primary school;
- Significant local employment opportunities within 5km
- A village hall/ community centre;
- Health centre / GP facility and a dispensary;
- A good provision of recreational facilities

Table 5 of the SSR, states that Lindfield shares such services with Ardingly, Cuckfield, Haywards Heath, Horsted Keynes, Scaynes Hill. Table 6 then provides a matrix of services found in Lindfield. It is evident upon viewing Table 6 that Lindfield has a good provision of services providing 22 of the 28 services listed in the table.

Indeed, the Council’s initial site assessments (ID Reference Nos. 836 and 1006) noted education and health services were less than a 10-minute walk away and other services within 10-15 minutes, therefore clearly the Site is within a sustainable location with access to all essential services.

Lindfield is clearly a suitable location to accommodate residential-led development. There would be no effect on the settlement hierarchy in terms of location of development.

Planning Case for Site Allocation

Given the above, our client’s Site would be completely appropriate for residential development and should be considered as an additional allocation for residential.

The Site is located adjacent to the settlement boundaries of both Lindfield and Haywards Heath with residential development adjacent to the west. Although abutting the settlement boundary, the NPPF (paragraph 84) recognises this when it states that “*planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements*”. DP Policy DP6 (Settlement Hierarchy) states “*The growth of settlements will be supported where this meets identified local housing, employment and community needs. Outside defined built-up area boundaries, the expansion of settlements will be supported where:*

1. *The site is allocated in the District Plan, a Neighbourhood Plan or subsequent Development Plan Document or where the proposed development is for fewer than 10 dwellings; and*
2. *The site is contiguous with an existing built up area of the settlement; and*
3. *The development is demonstrated to be sustainable, including by reference to the settlement hierarchy.*”

The DP and its evidence base recognise the need for significant residential development across West Sussex. Lindfield is a sustainable settlement within category two, therefore significant housing and employment development should be directed to this settlement. The Site’s location immediately adjacent to the built area of both Haywards Heath and Lindfield would serve as a natural extension.

When assessing sites for allocation, paragraph 108 of the NPPF requires that local authorities consider appropriate opportunities to promote sustainable transport, safe and suitable access and that any significant impacts from development on the transport network can be mitigated. The Site lies within a relatively short walking distance of Beech Hill bus providing a regular service to Haywards Heath, Crawley, Burgess Hill and Brighton. These factors, together with the findings set out in the SSR demonstrate that the Site is clearly a sustainable location to accommodate residential-led development in accordance with Policy DP6.

Conclusion

We support the inclusion of the Land off Lyoth Lane and Snowdrop Lane, Lindfield as an additional site allocation in the Site Allocations DPD. As demonstrated above, Lindfield and specifically our client's Site has potential for residential development because:

- There are no proposed site allocations within Lindfield. This is notwithstanding Policy DP4, which sets out the strategic distribution of housing across the District and states that Lindfield – along with 5 other settlements – should deliver 838 homes for the remainder of the Plan period and the proposed uplift to this requirement as set out in the Site Allocations DPD.
- Lindfield has been classed as a category two settlement and is clearly a sustainable location in which to accommodate residential-led development. There would be no effect on the settlement hierarchy or breach of development plan policy in terms of location of development.
- The Site's location immediately adjacent to the built area of Lindfield and Haywards Heath would serve as a natural extension.
- The Site has no environmental constraints to development such as flood risk (Flood Zone 1).
- The Site is in a sustainable location with good access to public transport and development would not result in adverse impacts to the highway network.

We look forward to your confirmation of receipt of this letter. If you require any information or clarification, please contact Stefanie Mizen of this office on 0203 147 1815.

Yours faithfully,

Stefanie Mizen

Stefanie Mizen

Associate – Planning, Development & Heritage

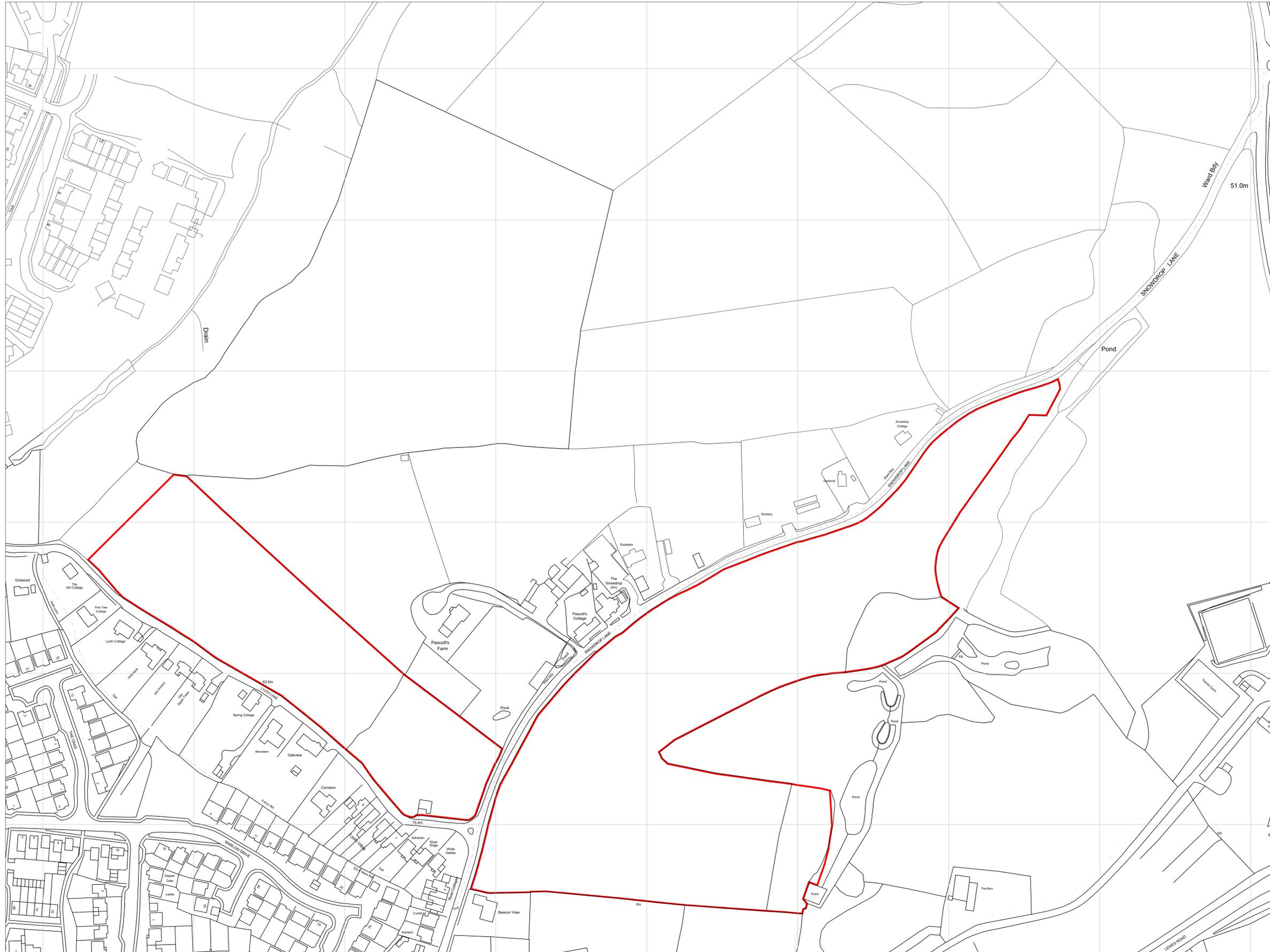
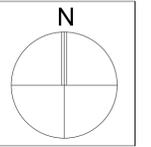
Direct line 0203 147 1815

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Appendix 1 – Site Location Plan



Wates Developments

Land off Lyoth Lane & Snowdrop Lane
Lindfield

Contract Plan

Scale 1:1250 @ A1

July 2020

2065

Site Allocations DPD: Regulation 19 Consultation Response

Policy:

ID:	2065
Response Ref:	Reg19/2065/2
Respondent:	Mr A Black
Organisation:	Andrew Black consulting
On Behalf Of:	Denton - Horsham Road
Category:	Promoter
Appear at Examination?	x

From: Andrew Black <andrew@andrewblackconsulting.co.uk>
Sent: 28 September 2020 14:41
To: ldfconsultation
Subject: Site Allocations DPD (Regulation 19) Consultation
Attachments: Draft Site Allocations DPD (Reg 19) Consultation - Land North of Horsham Road - ABC obo Denton Homes.pdf; Draft Site Allocations DPD (Reg 19) Consultation - Land North of Butlers Green Road - ABC obo Denton Homes.docx

Follow Up Flag: Follow up
Flag Status: Completed

Categories: TBC

Dear Sir / Madam

I attach two separate representations on behalf of my client, Denton Homes, in respect of the Site Allocations DPD (Regulation 19) Consultation.

With thanks

Andrew Black

Andrew Black

07775 912 653

www.andrewblackconsulting.co.uk





Mid Sussex District Council

Draft Site Allocations DPD (Regulation 19)
Consultation

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

September 2020

Project MSDC Draft Site Allocations DPD

ABC Reference ABC/0075/07a

Local Authority Mid Sussex District Council

Client Denton Homes

Issue Final

Author Andrew Black

Date September 2020

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

Contents

1. Introduction	4
2. Site and Surroundings	5
3. Housing Site Allocation Process	9
4. Sustainability Appraisal	13
5. Assessment of Proposed Sites	15
6. Conclusions	22
7. Appendix 1 – SHELAA Extract – February 2020	23
8. Appendix 2 – Site Selection Paper Extract	25

1. Introduction

- 1.1 These representations for the Draft Site Allocations DPD (Regulation 19) Consultation (Herein referred to as the ‘SADPD’) are submitted by Andrew Black Consulting on behalf of Denton Homes regarding two linked sites within their control at Horsham Road in Pease Pottage.
- 1.2 The two sites are known as *Land at former Driving Range, Horsham Road, Pease Pottage* (SHELAA ID 219) and *Land north of the Former Golf House, Horsham Road, Pease Pottage* (SHELAA ID 818)
- 1.3 It is understood that the SADPD has been produced in accordance with the Planning and Compulsory Purchase Act 2004, and other relevant regulations.
- 1.4 The NPPF states that Development Plan Documents should be prepared in accordance with the legal and procedural requirements. To be found to be ‘sound’, plans must be:
 - a) *positively prepared*
 - b) *justified*
 - c) *effective, and*
 - d) *consistent with national policy.*
- 1.5 It is with this in mind that these representations are made.
- 1.6 The draft SADPD has been prepared using an extensive and legally compliant evidence base including a Sustainability Appraisal, Habitat Regulations Assessment, Community Involvement Plan, Equalities Impact Assessment, and various technical reports and studies. Of particular note is the Built Up Area Boundary and Policies Map Topic Paper (TP1) produced in August 2020.
- 1.7 The Site Allocations DPD proposes to allocate 22 sites to meet this residual necessary to meet the overall agreed housing requirement for the plan period as reflected in the ‘stepped trajectory’ and in accordance with the District Plan.
- 1.8 These representations set out the detail of the Site and Surroundings and a response to the detailed parts of the SADPD.

2. Site and Surroundings

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

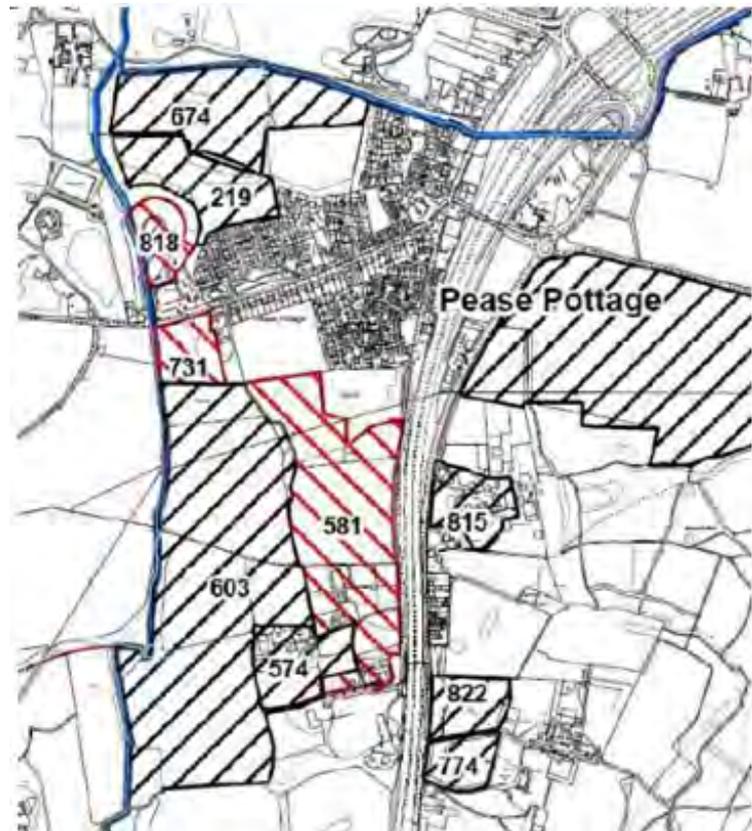


Figure 1 – SHELAA Extract

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

Surrounding Developments and Proposed Allocations

- 2.3 Both sites are in close proximity to areas which have been developed for housing in recent years.
- 2.4 To the south of the sites, permission was granted at appeal for the redevelopment of the former area of Golf Course for 95 dwellings which has been subsequently completed.
- 2.5 The application was submitted in 2013 (13/02994/OUT) and refused at local level before being allowed at appeal in 2014 (ref APP/D3830/A/2215289)



Figure 2 – Riverdale Homes site layout

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



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

- 2.7 The site provides an access to the further parcels at the rear of the site (SHELAA ref 219 and 818)
- 2.8 The Proposals Map for the SADPD shows the significant growth forecasted in Pease Pottage in the lifetime of the plan.

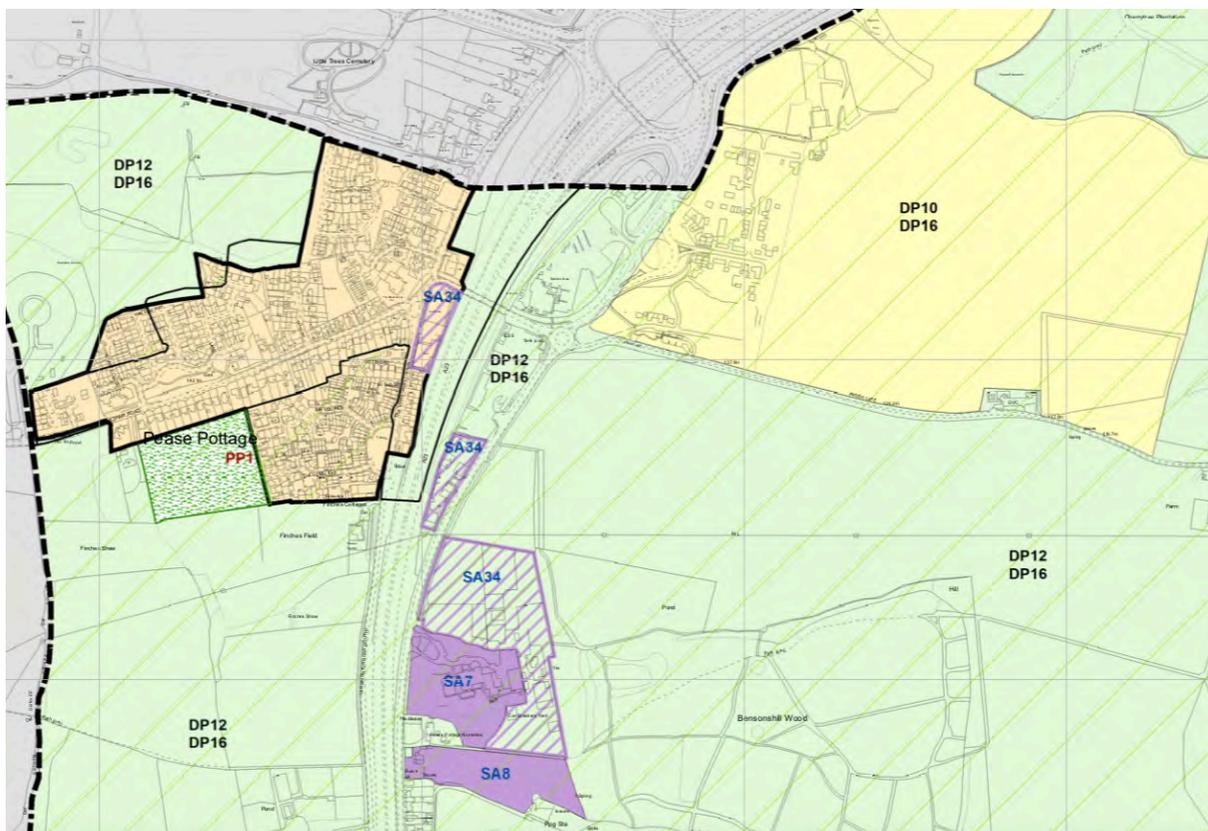


Figure 4 – SADPD Proposals Map

- 2.9 The large development to the East of Pease Pottage is being brought forward by Thakeham Homes and will deliver a substantial portion of housing together with new facilities for the Village including a new Primary School, Village Shop, Village Café and areas of open space.
- 2.10 The site was dismissed within the Site Selection Process for its lack of proximity to services

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

- 2.11 This may be the case at present but will substantially improve with the development of the Thakeham site.
- 2.12 Sites SA7 Cedars (Former Crawley Forest School) and SA8 Pease Pottage Nurseries are allocated within the SADPD for B1, B2 and B8 employment.

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

3. Housing Site Allocation Process

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

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

Figure 5 – Extract from MSDC Housing Land Supply Position Statement

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

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

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

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

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

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

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

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

Deliverability of Sites

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

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

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

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

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

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

Paragraph: 019 Reference ID: 3-019-20190722

Revision date: 22 07 2019

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

Historic Environment

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

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

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

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

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

- 3.15 The council has sought in their assessment of sites to grade the level of harm within the category of less than substantial harm. This is not appropriate way to suggest that this harm could be mitigated if it is at the lower end of ‘less than substantial harm’ is an incorrect interpretation of planning policy, legislation and guidance. The most recent authority on this matter is in the high court decision for *James Hall and Company Limited v City of Bradford Metropolitan District Council & Co-operative Group Limited & Dalehead Properties Limited* in a judgement handed down on 22 October 2019 ([2019] EWHC 2899) where the ruling confirmed that ‘negligible’ or ‘minimal’ harm still equates to ‘harm’ for the purposes of the heritage tests in the NPPF.
- 3.16 It is not considered that the harm caused to heritage assets has been adequately assessed within the Sustainability Appraisal for many of the proposed sites and further consideration is required of the sites in this regard. This would include assessing sites which would not have an impact on heritage assets through a robust application of reasonable alternatives within the Sustainability Appraisal.

4. Sustainability Appraisal

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

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

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

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

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

Paragraph: 018 Reference ID: 11-018-20140306

Revision date: 06 03 2014

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

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

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

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

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

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

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

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

4.8 Paragraph 6.52 of the SA concludes that:

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

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

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

5. Assessment of Proposed Sites.

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

SA 12 Land South of 96 Folders Lane, Burgess Hill

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

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

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

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

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

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

SA 15 Land South of Southway, Burgess Hill

- 5.11 The SADPD describes the site as *overgrown and inaccessible land designated as a Local Green Space in the Burgess Hill Neighbourhood Plan*. It is unclear whether this site was ever previously in use as playing pitches and whether re-provision of this space would be required under Sport England policies.
- 5.12 Appendix B of the reg 18 SADPD points towards issues with relocation of existing parking on the site and states that:

Private parking areas would need to be removed to provide a suitable access point with sufficient visibility. The parking spaces are visitor spaces over which the owners/developers of the subject land have rights to access it to serve new development onto Linnet Lane. Accordingly, a new access into the site can be provided any new development would include two visitor spaces as close as reasonably possible to the existing visitor spaces.

- 5.13 It is clear that there are substantial issues with deliverability and availability of this site given these constraints and the site should be deleted as a proposed allocation until this can be adequately demonstrated.

SA 16 St. Wilfrids Catholic Primary School, School Close, Burgess Hill

- 5.14 The SADPD sets out that the satisfactory relocation of St Wilfrid's Primary School to St Paul's Catholic College site is required before development can commence on the school part of the site. There is also a requirement to re-provide the emergency services accommodation in a new emergency service centre either on this site or elsewhere in the town.
- 5.15 Given that the allocation is for 300 dwellings and requires this relocation first, it is considered that there is insufficient evidence to justify delivery of development of this site in the 6-10 year time period as set out.

SA 17 Woodfield House, Isaacs Lane, Burgess Hill

- 5.16 The SADPD sets out some significant landscape features on site which require retention and it is stated that:

There is a group Tree Preservation Order in the southern and western areas of the site. High quality substantial new planting of native trees is required, should these be lost to provide access from Isaac's Lane. All other TPO trees on the site are to be retained.

Retain and enhance important landscape features, mature trees, hedgerows and the pond at the south of the site and incorporate these into the landscape structure and Green Infrastructure proposals for the development. Open space is to be provided as an integral part of this landscape structure and should be prominent and accessible within the scheme.

- 5.17 Given that the site is only 1.4 hectares in size it is questionable whether there is adequate space on the site for 30 dwellings after retention of these landscape features.
- 5.18 It is clear from the Sites DPD that access to site is envisaged to be from the Northern Arc where it is stated that:

Integrated access with the Northern Arc Development is strongly preferred, the details of which will need to be investigated further.

5.19 This is also set out in appendix B of the reg 18 SADPD where it is stated that:

Entrance drive to house. Access on bend with limited visibility. 50 mph road. Would involve removal of trees that are subject to TPO. Objection for tree officer. However, future access is anticipated to be provided via the Northern Arc. Whilst the specific details of this remain uncertain on the basis that the enabling development is still at an early stage, it is considered that the identified constraints will no longer apply.

5.20 Given the uncertainty of the deliverability of the land immediately adjoining the site as part of the Northern Arc it is considered that the deliverability of this site is not clear enough to justify allocation within the sites DPD. The uncertainty of this deliverability also has an implication of the sustainability of the site and proximity to adequate services. This is highlighted within the SA where it is stated that:

The impact of option (h) on these objectives (Health/Retail/Education) is uncertain; currently the site is a long distance from local services, however, this will change once the Northern Arc is built out.

5.21 Overall it is not considered that this site is suitable for allocation and should be removed from the Sites DPD

SA 18 East Grinstead Police Station, College Lane, East Grinstead

5.22 We have no comments to make in relation to this allocation.

SA 19 Land south of Crawley Down Road, Felbridge

5.23 As set out, this allocation is directly to the west of the land under the control of Vanderbilt Homes which is also adjoined to the east by land with the benefit of planning permission for 62 dwellings.

5.24 Given that the entire area will be included within the revised Built Up Area Boundary, then it is considered logical that the adjoining sites are also identified for allocation within the SADPD.

SA 20 Land south and west of Imberhorne Upper School, Imberhorne Lane, East Grinstead

5.25 There is a requirement in the SADPD for this site to provide a detailed phasing plan with agreement from key stakeholders to secure:

- Land for early years and primary school (2FE) provision – 2.2 ha
- A land exchange agreement between WSCC and the developer to secure 6 ha (gross) land to create new playing field facilities in association with Imberhorne Secondary School (c.4 ha net - excluding land for provision of a new vehicular access onto Imberhorne Lane).

5.26 It is unclear when these requirements are to be provided by within the development of any site and whether it is considered that the site would be suitable for allocation should these uses not come forward.

5.27 There are clear concerns over the suitability of this site in terms of ecology as set out in appendix B of the reg 18 SADPD which states:

Natural England have concerns over the high density of housing south of Felbridge. Hedgecourt SSSI is accessible from the proposed site allocations via a network of Public Rights of Way. In

line with paragraph 175 of the NPPF, Mid Sussex District Council should determine if allocations are likely to have an adverse effect (either individually or in combination) on SSSI's. The NPPF states that "if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused." We would be happy to provide further advice if requested, although this may need to be on a cost recovery basis. The LWS adjacent to the site is an important recreational route and therefore consideration needs to be given to additional recreational disturbance to its habitats. We are unable to advise you on specific impacts as we have no details of the scale or type of proposed development consider further impacts of disturbance of the LWS and Ancient woodland arising from people and domestic pets, connectivity, light and noise pollution, appropriate buffer and cumulative impact. This site is adjacent to the Worth Way. The SHELAA should be redrawn to remove the section of LWS. The site is an important recreational route and therefore consideration needs to be given to additional recreational disturbance to its habitats. Further consideration be given to impacts of disturbance on LWS and Ancient Woodland from people and pets, impacts on connectivity, impacts of light and noise pollution, need for Ancient Woodland buffer. Cumulative impact with SHELAA 686 and 561.

- 5.28 It is clear that the impacts upon ecology and the SSSI have not been adequately addressed.
- 5.29 As with other sites there is potential for impact upon local heritage assets of Gullege Farm, Imberhorne Farm and Imberhorne Cottages as set out below. The harm in terms of less than strategic harm is inappropriately weighted in the assessment as a means for justification of allocation.

APPENDIX B : Gullege Farm, Imberhorne Lane

This isolated farmstead has historically had a rural setting and continues to do so today. The introduction of a substantial housing development to the north, east and south of the listed manor house would have a fundamental impact on the character of that setting and would detract from the way in which the special interest of this Grade II listed rural manor house and the of the historic farmstead is appreciated.

NPPF: LSH, high

Imberhorne Farm and Imberhorne Cottages

In its original incarnation Imberhorne Cottages was probably constructed as a dwelling providing accommodation between London and Lewes, on Lewes Priory lands. It may have acted as the manor house to the substantial manor of Imberhorne, which was owned by the Priory. It seems likely that the building became farm cottages when the new farmhouse (Imberhorne) was constructed in the early 19th century. The currently rural setting of both buildings within the Imberhorne farmstead informs an understanding of their past function and therefore contributes positively to their special interest.

The proposed development site would engulf the farmstead to the west, north and east and would have a fundamental impact on the character of the greater part of its existing of rural setting and on views from both listed buildings. It would adversely affect the manner in which the special interest of the two listed buildings within their rural setting is appreciated, including by those passing along the PROW to the north of the farmstead.

NPPF: LSH, high

- 5.30 The potential harm to heritage is also referred to in the SA which states that:

option (e) which is not constrained by a conservation area, but would have a less than substantial harm (high) on Gullege Farm (Grade II listed) and Imberhorne Farm and Imberhorne Cottages (Grade II listed). As this is a large site, there is potential to still achieve the yield whilst providing necessary mitigation to lower the impact on these heritage assets.*

- 5.31 Notwithstanding the significant constraints to delivery from this site it is notable that the delivery of 550 in 6-10 years as set out in the SADPD is particularly optimistic and would need to be revised in order to be realistic on the constraints to delivery including the requirement for provision of education on the site.

SA 21 Rogers Farm, Fox Hill, Haywards Heath

- 5.32 This site is also significantly constrained by the presence of heritage assets. This is referenced in the SA which states that:

Site option (b) is constrained in terms of impact upon a listed building; it would have a less than substantial harm (medium) on Cleavewater (Grade II listed) and The Old Cottage (Grade II listed).

- 5.33 Appendix B also references these heritage assets together with an assessment of the likely impact as follows:

*Cleavewaters, Fox Hill there would be a fundamental impact not only on views from the building and associated farmstead but on the context and manner in which the farmhouse and farmstead are appreciated by those travelling along the road which runs between the farmstead and the site. **NPPF: LSH, MID***

*Olde Cottage, there would be some potential impact on views from the Cottage and its garden setting. The belt of woodland between the asset and the site is relatively narrow and development on the site is likely to be visible, particularly in winter. There would also be an impact on the setting in which the Cottage is appreciated by those approaching along the access drive from Ditchling Road. **NPPF: LSH, MID***

- 5.34 The impact on heritage assets and character of the area has been assessed in an appeal decision on the site (APP/D3830/W/17/3187318) issued in January 2019 following an application for up to 37 dwellings on the site (DM/16/3998).

15 The combination of the buffer and local topography would mean that any development would be clearly visible on the approach down Lunce's Hill and perceived as a separate and distinct residential development. I am not persuaded that it would be seen within the context of an urban fringe setting as the appellant suggests. On the contrary it would be a harmful encroachment into the countryside and the rural character of the approach into the settlement would be irrevocably changed and harmed through the loss of this open land.

16 Overall, the proposal would result in an unacceptable suburbanisation of the appeal site that would fundamentally change the character and appearance of the rural setting of the settlement. The effects would also be exacerbated somewhat by the loss of part of the existing mature hedgerow for the access. Proposed mitigation, in the form of additional landscaping would restrict the visibility of the proposal from a number of viewpoints. However, it would take a substantial amount of time to mature and be dependent on a number of factors to be successful. Moreover, I am not persuaded that it would fully mitigate the visual impacts.

17 For these reasons, the proposal would not be a suitable site for housing in terms of location and would cause significant harm to the character and appearance of the area. It would therefore conflict with Policy C1 of the LP and Policies E5 and E9 of the HHNP. In addition to the requirements set out above, these policies also require new development to be permitted where it would protect, reinforce and not unduly erode the landscape character of the area. There would also be some conflict with Policies DP10 and DP24 which, seek to protect the countryside in recognition of its intrinsic character and beauty and promote well located and designed development.

- 5.35 Overall it is not considered that the site represents a logical, justified or deliverable site and should not be considered for allocation within the Sites DPD.

SA 22 Land north of Burleigh Lane, Crawley Down

- 5.36 As with other proposed sites, it has been identified that the development of this site would cause harm to adjoining heritage assets. Appendix B of the reg 18 SADPD sets out the following:

Burleigh Cottage is a Grade II listed 17th century building faced with weatherboarding and painted brick. Previously the building was the farmhouse for Sandhillgate Farm, and was renamed Burleigh Cottage in the mid 20th century. An outbuilding shown on historic maps dating from the mid 19th century appears to survive to the north east of the house, but otherwise the former farm buildings appear to have been lost. If in fact pre-dating 1948 this outbuilding may be regarded as curtilage listed. Sandhillgate Farm is recorded in the West Sussex Historic Farmstead and Landscape Character assessment, which is part of the HER, as an historic farmstead dating from the 19th century.

*Burleigh Cottage is in a semi-rural location on the southern edge of Crawley Down.
NPPF: LSH, MEDIUM*

- 5.37 Conclusions in relation to heritage made for other proposed allocations apply equally to this site.

SA 23 Land at Hanlye Lane to the east of Ardingly Road, Cuckfield

- 5.38 No comments.

SA 24 Land to the north of Shepherds Walk, Hassocks

- 5.39 The access for this site is through an adjacent parcel of land which has a ransom strip over this land. The deliverability of this site is therefore in doubt unless a right of access can be confirmed by the site owners.

SA 25 Land west of Selsfield Road, Ardingly

- 5.40 No comments.

SA 26 Land south of Hammerwood Road, Ashurst Wood

- 5.41 The site is within the AONB and it is considered it is inappropriate to allocate this site for development without thorough appraisal of reasonable alternatives as previously set out.

SA 27 Land at St. Martin Close, Handcross

- 5.42 No comments.

SA28 Land South of The Old Police House, Birchgrove Road, Horsted Keynes

5.43 No comments.

SA 29 Land south of St. Stephens Church, Hamsland, Horsted Keynes

5.44 No comments.

SA 30 Land to the north Lyndon, Reeds Lane, Sayers Common

5.45 The sustainability of this site has been considered in the SA which sets out that the site is more than 20 minutes away from services such as GP and the School. It is therefore not considered that the development of this site would be justified in sustainability terms.

5.46 The site is located within the Brick Clay (Weald) Mineral Safeguarding Area. No further evidence has been provided which demonstrates that the site is required for further mineral extraction.

SA 31 Land to the rear Firlands, Church Road, Scaynes Hill

5.47 The site is located within the Building Stone (Cuckfield) Mineral safeguarding Area. No further evidence has been provided which demonstrates that the site is required for further mineral extraction.

SA 32 Withypitts Farm, Selsfield Road, Turners Hill

5.48 No comments.

5.49 The site is located within the Brick Clay (Weald) Mineral Safeguarding Area. No further evidence has been provided which demonstrates that the site is required for further mineral extraction.

SA 33 Ansty Cross Garage, Cuckfield Road, Ansty

5.50 This site is not considered to be a sustainable location. A total of four separate sites were considered within Ansty with this being the only one accepted. The only difference between this and the other sites was that this scored slightly higher in the SA due to it being PDL. Whilst this is correct it is not considered that the PDL nature of this site makes it appropriate for allocation within the Sites DPD.

6. Conclusions

- 6.1 Detailed consideration of the sites identified for allocation within the SADPD show that there are some significant technical constraints and policy issues with many of the sites. These are matters which have been previously raised as part of regulation 18 representations and the council has done nothing to address these matters.
- 6.2 The analysis of the proposed allocations demonstrates there are some significant failings in the deliverability of the sites which requires reconsideration of the appropriateness of these allocations and selection of alternative sites.
- 6.3 The assessment of reasonable alternatives is significantly lacking and requires further retesting which would logically include this site. As a result, it is not considered that the SADPD is positively prepared or justified and therefore fails the test as set out in the NPPF as a result.
- 6.4 It is clear that the adoption of the SADPD is of significance importance to Mid Sussex in demonstrating a robust and deliverable five year housing land supply. It is therefore suggested that consideration is given to the allocation of the site as set out within these representations which can deliver much needed housing in the early part of the plan period.

7. Appendix 1 – SHELAA Extract – February 2020

Stage 1 Site Pro-Forma – All Sites		
SHELAA Ref	219	
Parish	Slaugham	
Site Location	Land at former Driving Range, Horsham Road, Pease Pottage	
		
Site uses	Sports Facilities and Grounds	
Gross Site Area (ha)	3.97	
Potential Yield	75	
Site History		
Absolute Constraint	Flood Zone 2 or 3	✘
	Site of Special Scientific Interest	✘
Other Constraints	Ancient Woodland	✓
	Area of Outstanding Natural Beauty	✓
	Local Nature Reserve	✘
	Conservation Area	Development would not have a negative impact on Conservation area and/or Area of Townscape Character
	Scheduled Monument	✘
	Listed Buildings	Development will not affect listed building/s
	Access	Safe access to site already exists
Suitable	Relatively unconstrained - assessed as Suitable at Stage 1, progress to Stage 2 assessment	
Availability	Site submitted by site proponent to the SHELAA for assessment - considered available	
Achievability	There is a reasonable prospect that site could be developed within the Plan period	
Timescale	Medium-Long Term	

Stage 1 Site Pro-Forma – All Sites

SHELAA Ref 818		Parish Slaugham
Site Location Land north of the Former Golf House, Horsham Road, Pease Pottage		
Site uses	Car Parks	
Gross Site Area (ha)	1.7	
Potential Yield	41	
Site History		
Absolute Constraint	Flood Zone 2 or 3	✗
	Site of Special Scientific Interest	✗
Other Constraints	Ancient Woodland	✗
	Area of Outstanding Natural Beauty	✓
	Local Nature Reserve	✗
	Conservation Area	Development would not have a negative impact on Conservation area and/or Area of Townscape Character
	Scheduled Monument	✗
	Listed Buildings	Development will not affect listed building/s
	Access	Safe access to site already exists
Suitable	Relatively unconstrained - assessed as Suitable at Stage 1, progress to Stage 2 assessment	
Availability	Site submitted by site proponent to the SHELAA for assessment - considered available	
Achievability	There is a reasonable prospect that site could be developed within the Plan period	
Timescale	Medium-Long Term	

8. Appendix 2 – Site Selection Paper Extract

Site Selection - Housing

Pease Pottage

ID 818 Land north of the Former Golf House, Horsham Road, Pease Pottage



Site Details

Units: 41 Site Area (ha): 1.4

Part 1 - Planning Constraints

1 - AONB	Wholly within – Moderate Impact	Moderate impact on AONB due to potential impact on Ancient Woodland. Impact may be low for apartments on site of existing buildings. Pond within Ancient Woodland to the north of the site and a drain to the east of the site. On western edge of the main village of Pease Pottage, currently occupied by an office and car parking. Offices within the Golf House immediately to the east with modern in depth development beyond. Horsham Road is a historic routeway. Ancient Woodland surrounds the site on three sides and may reduce capacity due to need to retain 15m buffers. Twentieth century clearance of woodland. Site not visible from public vantage points.
2 - Flood Risk	None	The site lies entirely within Flood Zone 1, the area of lowest fluvial flood risk.
3 - Ancient Woodland	Adjacent	
4 - SSSI/SNCI/LNR	None	This site is not adjacent to any Sites of Special Scientific Interest or Local Wildlife Site
5 - Listed Buildings	None	There are no listed buildings within or adjacent to the site
6 - Conservation Area	None	There are no conservation areas within or adjacent to the site
7 - Archaeology	None	
8 - Landscape	AONB	Site is within the High Weald AONB (assessed under criterion 1)
9 - Trees/TPOs	Low/Medium	Trees along the south eastern boundary of the site.

Part 2 - Deliverability Considerations

818 Land north of the Former Golf House, Horsham Road, Pease Pottage

Site Selection - Housing

10 - Highways

11 - Local Road/Access None Safe access to site already exists.

12 - Deliverability Reasonable prospect developability Housebuilder in an option agreement with the landowner. Intend to submit an application if the site is given a draft allocation in the Site Allocations Document.

13 - Infrastructure Infrastructure capacity Developer Questionnaire - normal contributions apply.

Part 3 - Sustainability / Access to Services

14 - Education More than 20 Minute Walk

15 - Health More than 20 Minute Walk

16 - Services 10-15 Minute Walk

17 - Public Transport Poor

Part 4 - Other Considerations

Neighbourhood Plan

Policy 1 Protecting AONB
 Policy 2 Protection of landscape
 Policy 3 Protection of the open countryside
 Aim 1 Preventing coalescence

Minerals

Minerals considerations unnecessary as site does not progress past detailed assessment stage.

Waste

Water and wastewater considerations unnecessary as site does not progress past detailed assessment stage.

Environmental Health

Environmental health considerations unnecessary as site does not progress past detailed assessment stage.

Sustainability Appraisal

Assessment indicates site is not a reasonable alternative and is therefore not tested through the SA.

Notes

Part 5 - Conclusion

Summary The assessment finds that the site is not suitable for allocation.

Recommendation Site is not proposed for allocation.

2067

Site Allocations DPD: Regulation 19 Consultation Response

Policy:

ID:	2067
Response Ref:	Reg19/2067/3
Respondent:	Mr A Black
Organisation:	Andrew Black consulting
On Behalf Of:	Denton Homes - Butlers green
Category:	Promoter
Appear at Examination?	x

From: Andrew Black <andrew@andrewblackconsulting.co.uk>
Sent: 28 September 2020 14:41
To: ldfconsultation
Subject: Site Allocations DPD (Regulation 19) Consultation
Attachments: Draft Site Allocations DPD (Reg 19) Consultation - Land North of Horsham Road - ABC obo Denton Homes.pdf; Draft Site Allocations DPD (Reg 19) Consultation - Land North of Butlers Green Road - ABC obo Denton Homes.docx

Follow Up Flag: Follow up
Flag Status: Completed

Categories: TBC

Dear Sir / Madam

I attach two separate representations on behalf of my client, Denton Homes, in respect of the Site Allocations DPD (Regulation 19) Consultation.

With thanks

Andrew Black

Andrew Black

07775 912 653

www.andrewblackconsulting.co.uk





Mid Sussex District Council

Draft Site Allocations DPD (Regulation 19)
Consultation

Representation on behalf of Denton Homes – Land
North of Butlers Green Road, Haywards Heath

September 2020

Project MSDC Draft Site Allocations DPD

ABC Reference ABC/0075/07

Local Authority Mid Sussex District Council

Client Denton Homes

Issue Final

Author Andrew Black

Date September 2020

Disclaimer: This report has been prepared for the above named client for the purpose agreed in Andrew Black Consulting's (ABC) terms of engagement. Whilst every effort has been made to ensure the accuracy and suitability of the information contained in this report, the results and recommendations presented should not be used as the basis of design, management or implementation of decisions unless the client has first discussed with ABC their suitability for these purposes and ABC has confirmed their suitability in writing to the client. ABC does not warrant, in any way whatsoever, the use of information contained in this report by parties other than the above named client.

Contents

1. **Introduction**
Error! Bookmark not defined.
2. **Site and Surroundings**
Error! Bookmark not defined.
3. **Built up Area Boundary Review**
Error! Bookmark not defined.
4. **Housing Site Allocation Process**
Error! Bookmark not defined.
5. **Sustainability Appraisal**
Error! Bookmark not defined.
6. **Assessment of Proposed Sites.**
Error! Bookmark not defined.
7. **Conclusions**
Error! Bookmark not defined.
8. **Appendix 1 – SHELAA Extract – February 2020**
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1. Introduction

- 1.1 These representations for the Draft Site Allocations DPD (Regulation 19) Consultation (Herein referred to as the 'SADPD') are submitted by Andrew Black Consulting on behalf of Denton Homes regarding a within their control in Haywards Heath.
- 1.2 The site is known as *Land north of Butlers Green Road, Haywards Heath* (SHELAA ID 673).
- 1.3 It is understood that the SADPD has been produced in accordance with the Planning and Compulsory Purchase Act 2004, and other relevant regulations.
- 1.4 The NPPF states that Development Plan Documents should be prepared in accordance with the legal and procedural requirements. To be found to be 'sound', plans must be:
 - a) *positively prepared*
 - b) *justified*
 - c) *effective, and*
 - d) *consistent with national policy.*
- 1.5 It is with this in mind that these representations are made.
- 1.6 The draft SADPD has been prepared using an extensive and legally compliant evidence base including a Sustainability Appraisal, Habitat Regulations Assessment, Community Involvement Plan, Equalities Impact Assessment, and various technical reports and studies. Of particular note is the Built Up Area Boundary and Policies Map Topic Paper (TP1) produced in August 2020.
- 1.7 The Site Allocations DPD proposes to allocate 22 sites to meet this residual necessary to meet the overall agreed housing requirement for the plan period as reflected in the 'stepped trajectory' and in accordance with the District Plan.
- 1.8 These representations set out the detail of the Site and Surroundings and a response to the detailed parts of the SADPD.

2. Site and Surroundings

2.1 The site is located to the North of Butlers Green Road in Haywards Heath.



Figure 1 – SHELAA Extract

2.2 The site was assessed as Suitable, Available and Achievable in the Medium to Long Term (The full extract of the SHELAA is set out in Appendix 1).

3. Housing Site Allocation Process

- 3.1 The District Plan 2014-2031 sets out the housing requirement for the district for the plan period of 16,390 dwellings. This meets the Objectively Assessed Need (OAN) for the district of 14,892 dwellings in full and makes provision for the agreed quantum of unmet housing need for the Northern West Sussex Housing Market Area, to be addressed within Mid Sussex, of 1,498 dwellings.
- 3.2 The District Plan 2014-2031 established a ‘stepped’ trajectory for housing delivery with an average of 876 dwellings per annum (dpa) between 2014/15 and 2023/24 and thereafter an average of 1,090 dpa between 2024/25 and 2030/31. This represents a significant increase in housing supply compared with historical rates within the district.
- 3.3 The latest data on completions from MSDC was published in *MSDC Housing Land Supply Position Statement* was published in August 2020 (Document H1) and shows a significant shortfall in delivery against the housing requirement since the start of the plan:

Category		Number of Dwellings
Housing Requirement for the full plan period (April 2014 to March 2031)		16,390
Housing Completions (April 2014 to March 2020)		4,917
Completions 2014/15		630
Completions 2015/16		868
Completions 2016/17		912
Completions 2017/18		843
Completions 2018/19		661
Completions 2019/20		1003
Housing Supply (April 2014 to March 2031)	Commitments (including District Plan Allocations)	9,689
	Site Allocations DPD - Allocations	1,764
	Windfalls	504
Total Supply (at 1 April 2019)		16,874

Figure 5 – Extract from MSDC Housing Land Supply Position Statement

- 3.4 The Housing Delivery Test was introduced in the July 2018 update to the NPPF. The Housing Delivery Test is an annual measurement of housing delivery for each local authority and the first results were published in February 2019 by the Ministry of Housing, Communities and Local Government (MHCLG). Where the Housing Delivery Test indicates that delivery has fallen below 95% of the local planning authority’s housing requirement over the previous 3 years then it is required to prepare an action plan. Where delivery has fallen below 85% of the housing requirement a 20% buffer should be added to the five year supply of deliverable sites.
- 3.5 The result for Mid Sussex produced in February 2020 was 95%. This result is based on monitoring years 2016-17, 2017-18 and 2018-19. Mid Sussex is therefore not required to add 20% buffer for significant under delivery, or prepare an Action Plan. However, it is clear that under current performance the council will struggle when the housing target steps up to 1,090 in 2024.
- 3.6 Para 4.10 of the previous MSDC Housing Land Supply Position Statement (2019) sets out how the identified to the shortfall to calculate the five year supply requirement for the district:

Annual Requirement As set out in District Plan	876 x 5 years =	4,380
Shortfall spread over remaining plan period	466 divided by 12 remaining years x 5 years	194
Total		4,574
Buffer (see paras 2.4,4.9 above)	10%	457
Total five year supply requirement		5,032

Figure6 – Total Five Year Housing Requirement taken from MSDC Housing Land Supply Position Statement

3.7 MSDC is seeking to confirm the five year housing land supply under the terms of paragraph 74 of the NPPF through submission of the annual position statement to the secretary of state. Paragraph 74 of the framework states:

A five year supply of deliverable housing sites, with the appropriate buffer, can be demonstrated where it has been established in a recently adopted plan, or in a subsequent annual position statement which:

- a) has been produced through engagement with developers and others who have an impact on delivery, and been considered by the Secretary of State; and*
- b) incorporates the recommendation of the Secretary of State, where the position on specific sites could not be agreed during the engagement process.*

3.8 The report on the Annual Position Statement was issues by the Planning Inspectorate on 13 January 2020. It was confirmed that as the council did not have a recently adopted plan in conformity with the definition of the NPPF then the correct process had not been followed and the inspector was unable to confirm that the council had a five year housing land supply.

3.9 It is therefore clear that the council does not currently have a five year housing land supply and the demonstration of sufficiently deliverable sites within the SADPD is of critical importance for MSDC.

Deliverability of Sites

- 3.10 Any sites that have been included in the final Sites DPD will need to pass the tests of deliverability as set out in the NPPF. This is defined within the glossary of the framework as follows:

Deliverable: *To be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years. In particular:*

- a) *sites which do not involve major development and have planning permission, and all sites with detailed planning permission, should be considered deliverable until permission expires, unless there is clear evidence that homes will not be delivered within five years (for example because they are no longer viable, there is no longer a demand for the type of units or sites have long term phasing plans).*
- b) *where a site has outline planning permission for major development, has been allocated in a development plan, has a grant of permission in principle, or is identified on a brownfield register, it should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years.*

- 3.11 The Planning Practice Guidance provides a further explanation on how the deliverability of sites should be considered:

A site can be considered available for development, when, on the best information available (confirmed by the call for sites and information from land owners and legal searches where appropriate), there is confidence that there are no legal or ownership impediments to development. For example, land controlled by a developer or landowner who has expressed an intention to develop may be considered available.

The existence of planning permission can be a good indication of the availability of sites. Sites meeting the definition of deliverable should be considered available unless evidence indicates otherwise. Sites without permission can be considered available within the first five years, further guidance to this is contained in the 5 year housing land supply guidance. Consideration can also be given to the delivery record of the developers or landowners putting forward sites, and whether the planning background of a site shows a history of unimplemented permissions.

Paragraph: 019 Reference ID: 3-019-20190722

Revision date: 22 07 2019

- 3.12 It is with this in mind that the proposed sites within the Sites DPD are scrutinised within subsequent sections of this document. It is considered that many of the proposed sites do not fully accord with the definition of delivery and consideration of alternative sites is required.

4. Sustainability Appraisal

- 4.1 The SADPD is accompanied by a Sustainability Appraisal (SA) report which is a legal requirement derived from the Planning and Compulsory Purchase Act 2004 (Section 19). Section 39 of the Act requires documents such as the SADPD to be prepared with a view to contributing to the achievement of sustainable development.
- 4.2 The requirement for Strategic Environmental Assessment, in addition to the SA, is set out in the European Directive 2001/42/EC adopted into UK law as the “Environmental Assessment of Plans or Programmes Regulations 2004”.
- 4.3 In line with best practice the SEA has been incorporated into the SA of the SADPD.
- 4.4 The planning practice guidance sets out detailed consideration as to how any sustainability should assess alternatives and identify likely significant effects:

The sustainability appraisal needs to consider and compare all reasonable alternatives as the plan evolves, including the preferred approach, and assess these against the baseline environmental, economic and social characteristics of the area and the likely situation if the plan were not to be adopted. In doing so it is important to:

- *outline the reasons the alternatives were selected, and identify, describe and evaluate their likely significant effects on environmental, economic and social factors using the evidence base (employing the same level of detail for each alternative option). Criteria for determining the likely significance of effects on the environment are set out in [schedule 1 to the Environmental Assessment of Plans and Programmes Regulations 2004](#);*
- *as part of this, identify any likely significant adverse effects and measures envisaged to prevent, reduce and, as fully as possible, offset them;*
- *provide conclusions on the reasons the rejected options are not being taken forward and the reasons for selecting the preferred approach in light of the alternatives.*

Any assumptions used in assessing the significance of the effects of the plan will need to be documented. Reasonable alternatives are the different realistic options considered by the plan-maker in developing the policies in the plan. They need to be sufficiently distinct to highlight the different sustainability implications of each so that meaningful comparisons can be made.

The development and appraisal of proposals in plans needs to be an iterative process, with the proposals being revised to take account of the appraisal findings.

Paragraph: 018 Reference ID: 11-018-20140306

Revision date: 06 03 2014

- 4.5 In response to this guidance and requirement, paragraph 6.16 of the Sustainability Appraisal states that:

The Site Selection Paper 2 (paras 6.2 - 6.3) also recognises that, in order to meet the District Plan strategy, conclusions will be compared on a settlement-by-settlement basis with the most suitable sites at each settlement chosen in order to meet the residual needs of that settlement. This may result in some sites being chosen for allocation which have higher negative impact across all the objectives because this will be on the basis that the aim is to distribute allocations according to the District Plan strategy in the first instance; as opposed to simply selecting only

the most sustainable sites in the district (as this may not accord with the spatial strategy and would lead to an unequal distribution of sites across settlements). 20 sites that perform well individually and on a settlement basis, the residual housing need of 1,507 would be met with a small over-supply of 112 units.

4.6 Paragraph 6.45 recognises that this small over-supply may not be a sufficient buffer should sites fall out of the allocations process between now and adoption (for example, due to delivery issues, reduction in yield, or any other reasons identified during consultation or the evidence base).

4.7 The SA therefore considers reasonable alternatives of option A, B and C as follows:

Option A – 20 ‘Constant Sites’ – 1,619 dwellings

Option B – 20 ‘Constant Sites’ + Folders Lane, Burgess Hill (x3 sites) – 1,962 dwellings.

Option C – 20 ‘Constant Sites’ + Haywards Heath Golf Court – 2,249 dwellings

4.8 Paragraph 6.52 of the SA concludes that:

Following the assessment of all reasonable alternative options for site selection, the preferred option is option B. Although option A would meet residual housing need, option B proposes a sufficient buffer to allow for non-delivery, therefore provides more certainty that the housing need could be met. Whilst option C also proposes a sufficient buffer, it is at the expense of negative impacts arising on environmental objectives. The level of development within option C is approximately 50% above the residual housing need, the positives of delivering an excess of this amount within the Site Allocations DPD is outweighed by the negative environmental impacts associated with it.

4.9 It is not considered that this assessment of Option A, B and C is a sufficient enough assessment of reasonable alternatives as required by guidance and legislation. All of the options contain the ‘20 Constant Sites’ with no derivation of alternative options such as those which seek to divert housing growth away from the AONB or designated heritage assets.

4.10 It is apparent that other sites other than the 20 Constant Sites will need to be assessed if the council is to adequately demonstrate that reasonable alternatives have been considered as required.

5. Assessment of Proposed Sites.

- 5.1 This section analyses each of the proposed allocations against the tests of deliverability as set out in the NPPF and the potential shortcomings of several of the sites which require significant consideration. The findings of *Appendix B: Housing Site Proformas* of the *Site Selection Paper 3* (Appendix B) and the conclusions of the Sustainability Appraisal (SA) are considered in detail.

SA 12 Land South of 96 Folders Lane, Burgess Hill

- 5.2 Appendix B of the reg 18 SADPD set out that this site has *moderate landscape sensitivity and moderate landscape value. This site could be visible from the South Downs National Park*. The SA states that an LVIA is required to determine any impact on the national park. Given the weight that the NPPF requires to be placed on the protection of the national park, any impact must be measured prior to allocation. If it is deemed that mitigation would not minimise the harm caused, then the proposed allocation must fall away.
- 5.3 Appendix B of the reg 18 SADPD also set out that a TPO area lines the norther border and potential access route. It should be noted that an application was submitted in 2019 for the *erection of 43 dwellings and associated works* (DM/19/0276) but was withdrawn in September 2019 due to concerns over highways. The deliverability of this site is therefore not considered to be in accordance with the guidance set out in the framework.
- 5.4 Finally, whilst the priority for sites higher in the settlement hierarchy is acknowledged, this is site is very remote from the services offered by Burgess Hill. This is highlighted within the sustainability appraisal for the site which states that it is more than a 20 minute walk from the site to schools, GP and shops.

SA 13 Land East of Keymer Road and South of Folders Lane, Burgess Hill.

- 5.5 As with SA12, this site is in close proximity to the national park and the conclusions as set out above apply equally to this site.
- 5.6 The SA sets out that this is the only site within Burgess Hill to have any impact on listed buildings where it is stated that development of this site would cause *less than substantial harm (medium) on High Chimneys (Grade II listed)*. This is not mentioned within appendix B and this therefore calls into question the consistency of assessment of the sites in this regard.
- 5.7 Given that site SA12 and SA13 are in close proximity to one another it is notable that the cumulative impact of the development of both of these sites has not been assessed for a number of ‘in-combination’ impacts such as highways and landscape impact.

SA 14 Land to the south of Selby Close, Hammonds Ridge, Burgess Hill

- 5.8 There is a TPO at the front of this site which is potentially why access is proposed through the CALA Homes site (DM/17/0205). No evidence is submitted to suggest that this form of access is agreed or available. The section relating to Highways and Access within the SADPD simply states that this access *will need to be investigated further*.
- 5.9 The SA and appendix B both point towards the Southern Water Infrastructure which crosses the site. The wording in the DPD recommends that the layout of the development is considered to *ensure future access for maintenance and/or improvement work, unless diversion of the sewer is possible*. Given that the site is only 0.16ha it is therefore questionable whether there would be adequate space to develop the site for housing and provide accommodation for the sewage infrastructure crossing the site. The deliverability of this site has therefore not been adequately demonstrated.

- 5.10 As with SA12 and SA13 there are questions of the sustainability of the site given that the SA notes that it is more than a 20 minute walk to the school and GP.

SA 15 Land South of Southway, Burgess Hill

- 5.11 The SADPD describes the site as *overgrown and inaccessible land designated as a Local Green Space in the Burgess Hill Neighbourhood Plan*. It is unclear whether this site was ever previously in use as playing pitches and whether re-provision of this space would be required under Sport England policies.
- 5.12 Appendix B of the reg 18 SADPD points towards issues with relocation of existing parking on the site and states that:

Private parking areas would need to be removed to provide a suitable access point with sufficient visibility. The parking spaces are visitor spaces over which the owners/developers of the subject land have rights to access it to serve new development onto Linnet Lane. Accordingly, a new access into the site can be provided any new development would include two visitor spaces as close as reasonably possible to the existing visitor spaces.

- 5.13 It is clear that there are substantial issues with deliverability and availability of this site given these constraints and the site should be deleted as a proposed allocation until this can be adequately demonstrated.

SA 16 St. Wilfrids Catholic Primary School, School Close, Burgess Hill

- 5.14 The SADPD sets out that the satisfactory relocation of St Wilfrid's Primary School to St Paul's Catholic College site is required before development can commence on the school part of the site. There is also a requirement to re-provide the emergency services accommodation in a new emergency service centre either on this site or elsewhere in the town.
- 5.15 Given that the allocation is for 300 dwellings and requires this relocation first, it is considered that there is insufficient evidence to justify delivery of development of this site in the 6-10 year time period as set out.

SA 17 Woodfield House, Isaacs Lane, Burgess Hill

- 5.16 The SADPD sets out some significant landscape features on site which require retention and it is stated that:

There is a group Tree Preservation Order in the southern and western areas of the site. High quality substantial new planting of native trees is required, should these be lost to provide access from Isaac's Lane. All other TPO trees on the site are to be retained.

Retain and enhance important landscape features, mature trees, hedgerows and the pond at the south of the site and incorporate these into the landscape structure and Green Infrastructure proposals for the development. Open space is to be provided as an integral part of this landscape structure and should be prominent and accessible within the scheme.

- 5.17 Given that the site is only 1.4 hectares in size it is questionable whether there is adequate space on the site for 30 dwellings after retention of these landscape features.
- 5.18 It is clear from the Sites DPD that access to site is envisaged to be from the Northern Arc where it is stated that:

Integrated access with the Northern Arc Development is strongly preferred, the details of which will need to be investigated further.

5.19 This is also set out in appendix B of the reg 18 SADPD where it is stated that:

Entrance drive to house. Access on bend with limited visibility. 50 mph road. Would involve removal of trees that are subject to TPO. Objection for tree officer. However, future access is anticipated to be provided via the Northern Arc. Whilst the specific details of this remain uncertain on the basis that the enabling development is still at an early stage, it is considered that the identified constraints will no longer apply.

5.20 Given the uncertainty of the deliverability of the land immediately adjoining the site as part of the Northern Arc it is considered that the deliverability of this site is not clear enough to justify allocation within the sites DPD. The uncertainty of this deliverability also has an implication of the sustainability of the site and proximity to adequate services. This is highlighted within the SA where it is stated that:

The impact of option (h) on these objectives (Health/Retail/Education) is uncertain; currently the site is a long distance from local services, however, this will change once the Northern Arc is built out.

5.21 Overall it is not considered that this site is suitable for allocation and should be removed from the Sites DPD

SA 18 East Grinstead Police Station, College Lane, East Grinstead

5.22 We have no comments to make in relation to this allocation.

SA 19 Land south of Crawley Down Road, Felbridge

5.23 As set out, this allocation is directly to the west of the land under the control of Vanderbilt Homes which is also adjoined to the east by land with the benefit of planning permission for 62 dwellings.

5.24 Given that the entire area will be included within the revised Built Up Area Boundary, then it is considered logical that the adjoining sites are also identified for allocation within the SADPD.

SA 20 Land south and west of Imberhorne Upper School, Imberhorne Lane, East Grinstead

5.25 There is a requirement in the SADPD for this site to provide a detailed phasing plan with agreement from key stakeholders to secure:

- Land for early years and primary school (2FE) provision – 2.2 ha
- A land exchange agreement between WSCC and the developer to secure 6 ha (gross) land to create new playing field facilities in association with Imberhorne Secondary School (c.4 ha net - excluding land for provision of a new vehicular access onto Imberhorne Lane).

5.26 It is unclear when these requirements are to be provided by within the development of any site and whether it is considered that the site would be suitable for allocation should these uses not come forward.

5.27 There are clear concerns over the suitability of this site in terms of ecology as set out in appendix B of the reg 18 SADPD which states:

Natural England have concerns over the high density of housing south of Felbridge. Hedgecourt SSSI is accessible from the proposed site allocations via a network of Public Rights of Way. In

line with paragraph 175 of the NPPF, Mid Sussex District Council should determine if allocations are likely to have an adverse effect (either individually or in combination) on SSSI's. The NPPF states that "if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused." We would be happy to provide further advice if requested, although this may need to be on a cost recovery basis. The LWS adjacent to the site is an important recreational route and therefore consideration needs to be given to additional recreational disturbance to its habitats. We are unable to advise you on specific impacts as we have no details of the scale or type of proposed development consider further impacts of disturbance of the LWS and Ancient woodland arising from people and domestic pets, connectivity, light and noise pollution, appropriate buffer and cumulative impact. This site is adjacent to the Worth Way. The SHELAA should be redrawn to remove the section of LWS. The site is an important recreational route and therefore consideration needs to be given to additional recreational disturbance to its habitats. Further consideration be given to impacts of disturbance on LWS and Ancient Woodland from people and pets, impacts on connectivity, impacts of light and noise pollution, need for Ancient Woodland buffer. Cumulative impact with SHELAA 686 and 561.

- 5.28 It is clear that the impacts upon ecology and the SSSI have not been adequately addressed.
- 5.29 As with other sites there is potential for impact upon local heritage assets of Gullege Farm, Imberhorne Farm and Imberhorne Cottages as set out below. The harm in terms of less than strategic harm is inappropriately weighted in the assessment as a means for justification of allocation.

APPENDIX B : Gullege Farm, Imberhorne Lane

This isolated farmstead has historically had a rural setting and continues to do so today. The introduction of a substantial housing development to the north, east and south of the listed manor house would have a fundamental impact on the character of that setting and would detract from the way in which the special interest of this Grade II listed rural manor house and the of the historic farmstead is appreciated.

NPPF: LSH, high

Imberhorne Farm and Imberhorne Cottages

In its original incarnation Imberhorne Cottages was probably constructed as a dwelling providing accommodation between London and Lewes, on Lewes Priory lands. It may have acted as the manor house to the substantial manor of Imberhorne, which was owned by the Priory. It seems likely that the building became farm cottages when the new farmhouse (Imberhorne) was constructed in the early 19th century. The currently rural setting of both buildings within the Imberhorne farmstead informs an understanding of their past function and therefore contributes positively to their special interest.

The proposed development site would engulf the farmstead to the west, north and east and would have a fundamental impact on the character of the greater part of its existing of rural setting and on views from both listed buildings. It would adversely affect the manner in which the special interest of the two listed buildings within their rural setting is appreciated, including by those passing along the PROW to the north of the farmstead.

NPPF: LSH, high

- 5.30 The potential harm to heritage is also referred to in the SA which states that:

option (e) which is not constrained by a conservation area, but would have a less than substantial harm (high) on Gullege Farm (Grade II listed) and Imberhorne Farm and Imberhorne Cottages (Grade II listed). As this is a large site, there is potential to still achieve the yield whilst providing necessary mitigation to lower the impact on these heritage assets.*

- 5.31 Notwithstanding the significant constraints to delivery from this site it is notable that the delivery of 550 in 6-10 years as set out in the SADPD is particularly optimistic and would need to be revised in order to be realistic on the constraints to delivery including the requirement for provision of education on the site.

SA 21 Rogers Farm, Fox Hill, Haywards Heath

- 5.32 This site is also significantly constrained by the presence of heritage assets. This is referenced in the SA which states that:

Site option (b) is constrained in terms of impact upon a listed building; it would have a less than substantial harm (medium) on Cleavewater (Grade II listed) and The Old Cottage (Grade II listed).

- 5.33 Appendix B also references these heritage assets together with an assessment of the likely impact as follows:

*Cleavewaters, Fox Hill there would be a fundamental impact not only on views from the building and associated farmstead but on the context and manner in which the farmhouse and farmstead are appreciated by those travelling along the road which runs between the farmstead and the site. **NPPF: LSH, MID***

*Olde Cottage, there would be some potential impact on views from the Cottage and its garden setting. The belt of woodland between the asset and the site is relatively narrow and development on the site is likely to be visible, particularly in winter. There would also be an impact on the setting in which the Cottage is appreciated by those approaching along the access drive from Ditchling Road. **NPPF: LSH, MID***

- 5.34 The impact on heritage assets and character of the area has been assessed in an appeal decision on the site (APP/D3830/W/17/3187318) issued in January 2019 following an application for up to 37 dwellings on the site (DM/16/3998).

15 The combination of the buffer and local topography would mean that any development would be clearly visible on the approach down Lunce's Hill and perceived as a separate and distinct residential development. I am not persuaded that it would be seen within the context of an urban fringe setting as the appellant suggests. On the contrary it would be a harmful encroachment into the countryside and the rural character of the approach into the settlement would be irrevocably changed and harmed through the loss of this open land.

16 Overall, the proposal would result in an unacceptable suburbanisation of the appeal site that would fundamentally change the character and appearance of the rural setting of the settlement. The effects would also be exacerbated somewhat by the loss of part of the existing mature hedgerow for the access. Proposed mitigation, in the form of additional landscaping would restrict the visibility of the proposal from a number of viewpoints. However, it would take a substantial amount of time to mature and be dependent on a number of factors to be successful. Moreover, I am not persuaded that it would fully mitigate the visual impacts.

17 For these reasons, the proposal would not be a suitable site for housing in terms of location and would cause significant harm to the character and appearance of the area. It would therefore conflict with Policy C1 of the LP and Policies E5 and E9 of the HHNP. In addition to the requirements set out above, these policies also require new development to be permitted where it would protect, reinforce and not unduly erode the landscape character of the area. There would also be some conflict with Policies DP10 and DP24 which, seek to protect the countryside in recognition of its intrinsic character and beauty and promote well located and designed development.

- 5.35 Overall it is not considered that the site represents a logical, justified or deliverable site and should not be considered for allocation within the Sites DPD.

SA 22 Land north of Burleigh Lane, Crawley Down

- 5.36 As with other proposed sites, it has been identified that the development of this site would cause harm to adjoining heritage assets. Appendix B of the reg 18 SADPD sets out the following:

Burleigh Cottage is a Grade II listed 17th century building faced with weatherboarding and painted brick. Previously the building was the farmhouse for Sandhillgate Farm, and was renamed Burleigh Cottage in the mid 20th century. An outbuilding shown on historic maps dating from the mid 19th century appears to survive to the north east of the house, but otherwise the former farm buildings appear to have been lost. If in fact pre-dating 1948 this outbuilding may be regarded as curtilage listed. Sandhillgate Farm is recorded in the West Sussex Historic Farmstead and Landscape Character assessment, which is part of the HER, as an historic farmstead dating from the 19th century.

*Burleigh Cottage is in a semi-rural location on the southern edge of Crawley Down.
NPPF: LSH, MEDIUM*

- 5.37 Conclusions in relation to heritage made for other proposed allocations apply equally to this site.

SA 23 Land at Hanlye Lane to the east of Ardingly Road, Cuckfield

- 5.38 No comments.

SA 24 Land to the north of Shepherds Walk, Hassocks

- 5.39 The access for this site is through an adjacent parcel of land which has a ransom strip over this land. The deliverability of this site is therefore in doubt unless a right of access can be confirmed by the site owners.

SA 25 Land west of Selsfield Road, Ardingly

- 5.40 No comments.

SA 26 Land south of Hammerwood Road, Ashurst Wood

- 5.41 The site is within the AONB and it is considered it is inappropriate to allocate this site for development without thorough appraisal of reasonable alternatives as previously set out.

SA 27 Land at St. Martin Close, Handcross

- 5.42 No comments.

SA28 Land South of The Old Police House, Birchgrove Road, Horsted Keynes

5.43 No comments.

SA 29 Land south of St. Stephens Church, Hamsland, Horsted Keynes

5.44 No comments.

SA 30 Land to the north Lyndon, Reeds Lane, Sayers Common

5.45 The sustainability of this site has been considered in the SA which sets out that the site is more than 20 minutes away from services such as GP and the School. It is therefore not considered that the development of this site would be justified in sustainability terms.

5.46 The site is located within the Brick Clay (Weald) Mineral Safeguarding Area. No further evidence has been provided which demonstrates that the site is required for further mineral extraction.

SA 31 Land to the rear Firlands, Church Road, Scaynes Hill

5.47 The site is located within the Building Stone (Cuckfield) Mineral safeguarding Area. No further evidence has been provided which demonstrates that the site is required for further mineral extraction.

SA 32 Withypitts Farm, Selsfield Road, Turners Hill

5.48 No comments.

5.49 The site is located within the Brick Clay (Weald) Mineral Safeguarding Area. No further evidence has been provided which demonstrates that the site is required for further mineral extraction.

SA 33 Ansty Cross Garage, Cuckfield Road, Ansty

5.50 This site is not considered to be a sustainable location. A total of four separate sites were considered within Ansty with this being the only one accepted. The only difference between this and the other sites was that this scored slightly higher in the SA due to it being PDL. Whilst this is correct it is not considered that the PDL nature of this site makes it appropriate for allocation within the Sites DPD.

6. Conclusions

- 6.1 Detailed consideration of the sites identified for allocation within the SADPD show that there are some significant technical constraints and policy issues with many of the sites. These are matters which have been previously raised as part of regulation 18 representations and the council has done nothing to address these matters.
- 6.2 The analysis of the proposed allocations demonstrates there are some significant failings in the deliverability of the sites which requires reconsideration of the appropriateness of these allocations and selection of alternative sites.
- 6.3 The assessment of reasonable alternatives is significantly lacking and requires further retesting which would logically include this site. As a result, it is not considered that the SADPD is positively prepared or justified and therefore fails the test as set out in the NPPF as a result.
- 6.4 It is clear that the adoption of the SADPD is of significance importance to Mid Sussex in demonstrating a robust and deliverable five year housing land supply. It is therefore suggested that consideration is given to the allocation of the site as set out within these representations which can deliver much needed housing in the early part of the plan period.

7. Appendix 1 – SHELAA Extract – February 2020

Stage 1 Site Pro-Forma – All Sites		
SHELAA Ref	673	Parish Haywards Heath
Site Location	Land north of Butlers Green Road, Haywards Heath	
		
Site uses	Agriculture	
Gross Site Area (ha)	1.5	
Potential Yield	5	
Site History		
Absolute Constraint	Flood Zone 2 or 3	✘
	Site of Special Scientific Interest	✘
Other Constraints	Ancient Woodland	✘
	Area of Outstanding Natural Beauty	✘
	Local Nature Reserve	✘
	Conservation Area	Development would not have a negative impact on Conservation area and/or Area of Townscape Character
	Scheduled Monument	✘
	Listed Buildings	Development may potentially affect listed building/s - mitigation may be necessary
	Access	Safe access is not available but potential exists to easily gain access
Suitable	No known constraints - assessed as Suitable at Stage 1, progress to Stage 2 assessment	
Availability	Site submitted by site proponent to the SHELAA for assessment - considered available	
Achievability	There is a reasonable prospect that site could be developed within the Plan period	
Timescale	Medium-Long Term	

8. Appendix 2 – Site Selection Paper Extract

Site Selection - Housing

Haywards Heath

ID 673 **Land north of Butlers Green Road, Haywards Heath**



Site Details

Units: **Site Area (ha):**

Part 1 - Planning Constraints

1 - AONB	N/A	The site is remote from the High Weald AONB
2 - Flood Risk	None	The site lies entirely within Flood Zone 1, the area of lowest fluvial flood risk.
3 - Ancient Woodland	None	The site is not affected by Ancient Woodland
4 - SSSI/SNCI/LNR	Local Wildlife Site - SWT Mitigation	
5 - Listed Buildings	Listed Building - Less Than Substantial Harm (High)	Butlers Green House, Grade II* Development would have a fundamental impact on the currently rural character of the setting of the house and listed structures. The existing degree of separation between the heritage assets and the eastern edge of the Cuckfield would be reduced, and the open and verdant nature of the house's setting eroded. NPPF:LSH, HIGH
6 - Conservation Area	None	There are no conservation areas within or adjacent to the site
7 - Archaeology	None	
8 - Landscape	Low/Medium	
9 - Trees/TPOs	None	Site is not affected by trees

Part 2 - Deliverability Considerations

10 - Highways		
11 - Local Road/Access	Moderate - Improve	Safe access likely to be gained from Butlers Green road either from the roundabout or from the road itself.

673 Land north of Butlers Green Road, Haywards Heath

Site Selection - Housing		
12 - Deliverability	Developable	Site is owned by housebuilder. Outline application March 2019.
13 - Infrastructure	Infrastructure capacity	Developer Questionnaire - normal contributions apply.
Part 3 - Sustainability / Access to Services		
14 - Education	15-20 Minute Walk	
15 - Health	Less Than 10 Minute Walk	
16 - Services	10-15 Minute Walk	
17 - Public Transport	Fair	
Part 4 - Other Considerations		
Neighbourhood Plan		Notes

2079

Site Allocations DPD: Regulation 19 Consultation Response

Policy:

ID:	2079
Response Ref:	Reg19/2079/4
Respondent:	Mr A Black
Organisation:	Andrew Black consulting
On Behalf Of:	Vanderbilt Homes - Hurstwood HH
Category:	Promoter
Appear at Examination?	✘

From: Andrew Black <andrew@andrewblackconsulting.co.uk>
Sent: 28 September 2020 14:24
To: Idfconsultation
Subject: Site Allocations DPD (Regulation 19) Consultation
Attachments: Draft Site Allocations DPD (Reg 19) Consultation - Land at Hurstwood Lane - ABC obo Vanderbilt Homes.pdf; Draft Site Allocations DPD (Reg 19) Consultation - Land South of 61 CDR - ABC obo Vanderbilt Homes.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Categories: TBC

Dear Sir / Madam

I attach two separate representations on behalf of my client, Vanderbilt Homes, in respect of the Site Allocations DPD (Regulation 19) Consultation.

With thanks

Andrew Black

Andrew Black

07775 912 653

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Mid Sussex District Council

Draft Site Allocations DPD (Regulation 19)
Consultation

Representation on behalf of Vanderbilt Homes –
Land at Junction of Hurstwood Lane and Colwell
Lane, Haywards Heath

September 2020

Project MSDC Draft Site Allocations DPD

ABC Reference ABC/0072/07b

Local Authority Mid Sussex District Council

Client Vanderbilt Homes

Issue Final

Author Andrew Black

Date September 2020

Disclaimer: This report has been prepared for the above named client for the purpose agreed in Andrew Black Consulting's (ABC) terms of engagement. Whilst every effort has been made to ensure the accuracy and suitability of the information contained in this report, the results and recommendations presented should not be used as the basis of design, management or implementation of decisions unless the client has first discussed with ABC their suitability for these purposes and ABC has confirmed their suitability in writing to the client. ABC does not warrant, in any way whatsoever, the use of information contained in this report by parties other than the above named client.

Contents

1. Introduction	4
2. Site and Surroundings	5
3. Housing Site Allocation Process	9
4. Sustainability Appraisal	13
5. Assessment of Proposed Sites	15
6. Conclusions	21
7. Appendix 1 – SHELAA Extract – February 2020	22
8. Appendix 2 – Site Selection Paper 3: Housing (SSP3) Extract	23

1. Introduction

- 1.1 These representations for the Draft Site Allocations DPD (Regulation 19) Consultation (Herein referred to as the ‘SADPD’) are submitted by Andrew Black Consulting on behalf of Vanderbilt Homes regarding a site within their control in Haywards Heath.
- 1.2 The site under the control of Vanderbilt Homes is Land at Junction of Hurstwood Lane and Colwell Lane, Haywards Heath and was previously considered in the SHELAA (ref 508) as Available, Achievable and Deliverable.
- 1.3 It is understood that the SADPD has been produced in accordance with the Planning and Compulsory Purchase Act 2004, and other relevant regulations.
- 1.4 The NPPF states that Development Plan Documents should be prepared in accordance with the legal and procedural requirements. To be found to be ‘sound’, plans must be:
 - a) *positively prepared*
 - b) *justified*
 - c) *effective, and*
 - d) *consistent with national policy.*
- 1.5 It is with this in mind that the representations are made.
- 1.6 The draft SADPD has been prepared using an extensive and legally compliant evidence base including a Sustainability Appraisal, Habitat Regulations Assessment, Community Involvement Plan, Equalities Impact Assessment, and various technical reports and studies. Of particular note is the Built Up Area Boundary and Policies Map Topic Paper (TP1) produced in August 2020.
- 1.7 The Site Allocations DPD proposes to allocate 22 sites to meet this residual necessary to meet the overall agreed housing requirement for the plan period as reflected in the ‘stepped trajectory’ and in accordance with the District Plan.
- 1.8 These representations set out the detail of the Site and Surroundings and a response to the detailed parts of the SADPD.

2. Site and Surroundings

- 2.1 The site is located to the at the Junction of Hurstwood Lane and Colwell Lane in Haywards Heath.



Figure 1 – SHELAA Extract

- 2.2 The site was assessed in the most recent SHELAA (Ref 508) as Suitable, Available and Achievable in the Medium to Long Term (The full extract of the SHELAA is set out in Appendix 1). Several constraints were note within the HELAA form which are addressed below.
- 2.3 The SHELAA Appraisal of the site confirms that there are no constraints to the development of the site in terms of Flooding, SSSIs, Ancient Woodland, AONB, Local Nature Reserves, Heritage Assets or Access.

Planning History

- 2.4 The site does not have any planning history.
- 2.5 The site is in close proximity to a site which was allocated under the District Plan (H1) and has a current application for a substantial application. An application was submitted in 2017 (DM/17/2739) with the following description:
- Outline application for development of up to 375 new homes, a 2 form entry primary school with Early Years provision, a new burial ground, allotments, Country Park, car parking, 'Green Way', new vehicular accesses and associated parking and landscaping. All matters are to be reserved except for access.*
- 2.6 A resolution to grant planning permission was made by planning committee in August 2018. A formal planning decision is yet to be issued as further negotiations are taking place regarding the s106 agreement. However, the allocation of the site and the resolution to grant planning

permission is considered as a strong indicator that development of the site is highly likely to take place and will result in substantial change in the immediate context of the area.

- 2.7 The proximity of the site to the site under control of Vanderbilt Homes (shown in red) is set out below:

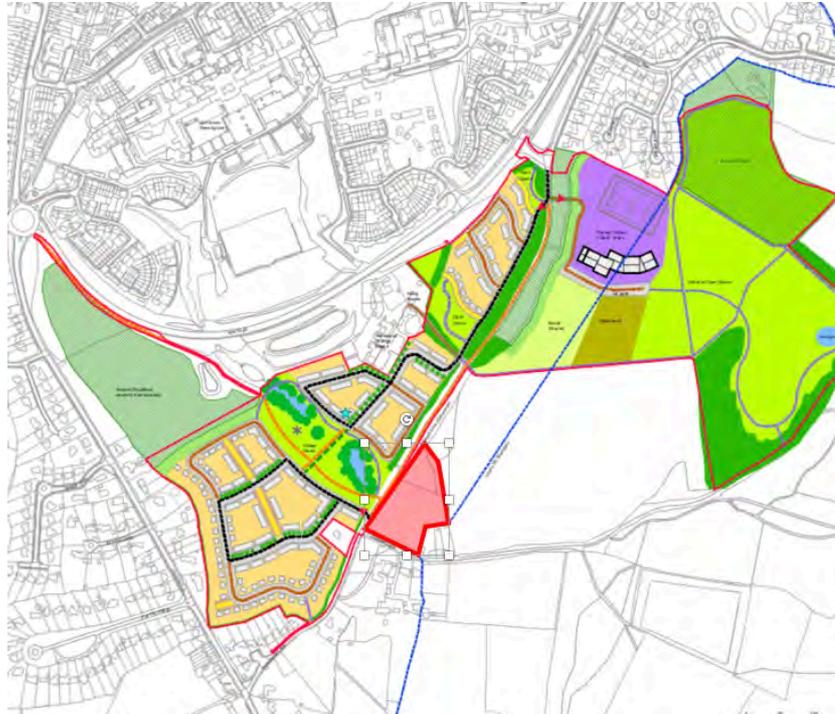


Figure 2 – Proximity of Site to significant application

- 2.8 The proposed policies map shows the extent of the built up area boundary, the proposed allocation of the site to the north (H1) and the proposed allocated site SA21 to the south-west.

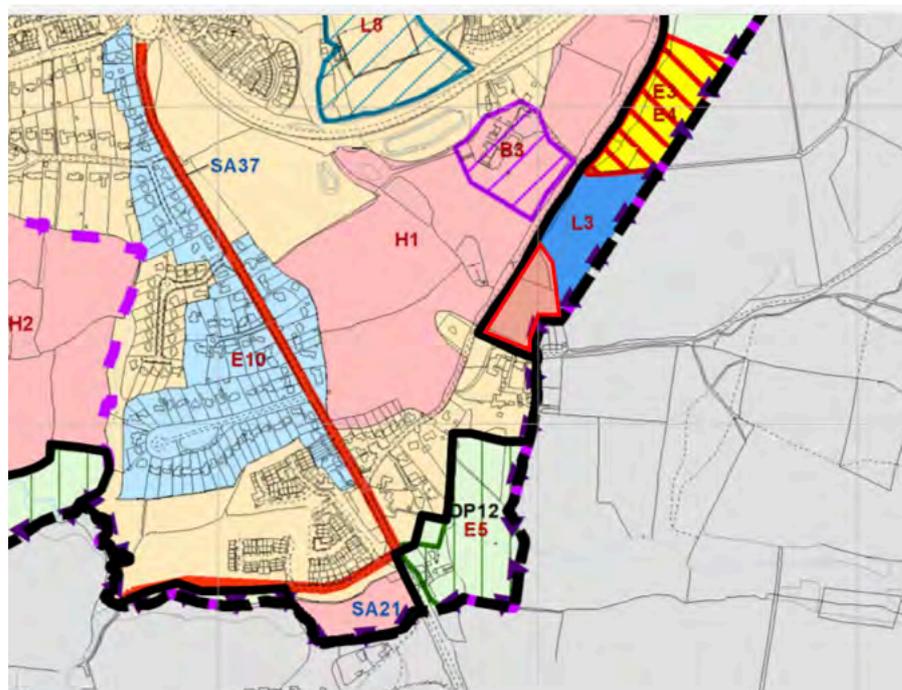


Figure 3 – Proposed Site Allocations Proposals Map

- 2.9 Specific representations are made against each of the allocated sites in subsequent sections of these representations. However, of specific focus is the allocation of Rogers Farm on Fox Hill in Haywards Heath. Significant concerns are raised as part of these representations as to why the Rogers Farm site has been allocated instead of the more obvious site under the control of Vanderbilt Homes at Hurstwood Lane.

SA 21 Rogers Farm, Fox Hill, Haywards Heath

- 2.10 This site is significantly constrained by the presence of heritage assets. This is referenced in the SA which states that:

Site option (b) is constrained in terms of impact upon a listed building; it would have a less than substantial harm (medium) on Cleavewater (Grade II listed) and The Old Cottage (Grade II listed).

- 2.11 Appendix B of the reg 18 SADPD also references these heritage assets together with an assessment of the likely impact as follows:

*Cleavewaters, Fox Hill there would be a fundamental impact not only on views from the building and associated farmstead but on the context and manner in which the farmhouse and farmstead are appreciated by those travelling along the road which runs between the farmstead and the site. **NPPF: LSH, MID***

*Olde Cottage, there would be some potential impact on views from the Cottage and its garden setting. The belt of woodland between the asset and the site is relatively narrow and development on the site is likely to be visible, particularly in winter. There would also be an impact on the setting in which the Cottage is appreciated by those approaching along the access drive from Ditchling Road. **NPPF: LSH, MID***

- 2.12 The impact on heritage assets and character of the area has been assessed in an appeal decision on the site (APP/D3830/W/17/3187318) issued in January 2019 following an application for up to 37 dwellings on the site (DM/16/3998).

15 The combination of the buffer and local topography would mean that any development would be clearly visible on the approach down Lunce's Hill and perceived as a separate and distinct residential development. I am not persuaded that it would be seen within the context of an urban fringe setting as the appellant suggests. On the contrary it would be a harmful encroachment into the countryside and the rural character of the approach into the settlement would be irrevocably changed and harmed through the loss of this open land.

16 Overall, the proposal would result in an unacceptable suburbanisation of the appeal site that would fundamentally change the character and appearance of the rural setting of the settlement. The effects would also be exacerbated somewhat by the loss of part of the existing mature hedgerow for the access. Proposed mitigation, in the form of additional landscaping would restrict the visibility of the proposal from a number of viewpoints. However, it would take a substantial amount of time to mature and be dependent on a number of factors to be successful. Moreover, I am not persuaded that it would fully mitigate the visual impacts.

17 For these reasons, the proposal would not be a suitable site for housing in terms of location and would cause significant harm to the character and appearance of the area. It would therefore conflict with Policy C1 of the LP and Policies E5 and E9 of the HHNP. In addition to the requirements set out above, these policies also require new development to be

permitted where it would protect, reinforce and not unduly erode the landscape character of the area. There would also be some conflict with Policies DP10 and DP24 which, seek to protect the countryside in recognition of its intrinsic character and beauty and promote well located and designed development.

2.13 In addition to consideration of heritage matters it would appear that the consideration of Sustainability / Access to Services is inconsistent between the Site Selection Paper (SSP3) and the Sustainability Appraisal.

2.14 In the Site Selection Paper (SSP3) the Sustainability / Access to Services of Rogers Farm is assessed as follows:

Part 3 - Sustainability / Access to Services	
14 - Education	More than 20 Minute Walk
15 - Health	15-20 Minute Walk
16 - Services	15-20 Minute Walk
17 - Public Transport	Fair

2.15 However, this differs from the assessment of these matters within the Sustainability Appraisal where the following conclusions are reached.

Objective	A - Oaklands	B - Rogers Farm	C - HH Golf Course	D - N. Old Wickham	Assessment
1 - Housing	+	+	++	+	All site options have demonstrated their deliverability; options (a), (b) and (d) make a contribution to the residual housing need, while (c) makes a significant contribution to the need.
2 - Health	+	0	++	-	Site options (a) and (c) are located a 10-15 minute walk from the nearest GP surgery, while option (b) is a 15-20 minute walk. Option (d) is more than a 20 minute walk.
3 - Education	+	-	++	+	Site option (c) is located less than a 10 minute walk from the nearest primary school, options (a) and (d) are a 10-15 minute walk, while option (b) is more than a 20 minute walk.
4 - Retail	+	+	++	+	Site options (a) and (c) is located less than a 10 minute walk from the nearest convenience store, while options (b) and (d) are a 10-15 minute walk.

2.16 The site is assessed positively for its access to retail and it is stated that they are a 10-15 minute walk when the SA correctly identifies that they are a 15-20 minute walk.

2.17 The Site Selection Paper (SSP3) for the Land at Hurstwood Lane makes it clear that whilst connectivity is currently poor, facilities will be provided at the Hurst Farm development and it is therefore considered that the SA would rate these as positive.

2.18 It is therefore clear that the Hurstwood Lane site has been overlooked in favour of the less suitable site at Rogers Farm.

2.19 It is apparent that the heritage constraints and poor sustainability for Rogers Farm weigh heavily against the allocation of the site and this should be readdressed within the final version of the SADPD.

3. Housing Site Allocation Process

- 3.1 The District Plan 2014-2031 sets out the housing requirement for the district for the plan period of 16,390 dwellings. This meets the Objectively Assessed Need (OAN) for the district of 14,892 dwellings in full and makes provision for the agreed quantum of unmet housing need for the Northern West Sussex Housing Market Area, to be addressed within Mid Sussex, of 1,498 dwellings.
- 3.2 The District Plan 2014-2031 established a ‘stepped’ trajectory for housing delivery with an average of 876 dwellings per annum (dpa) between 2014/15 and 2023/24 and thereafter an average of 1,090 dpa between 2024/25 and 2030/31. This represents a significant increase in housing supply compared with historical rates within the district.
- 3.3 The latest data on completions from MSDC was published in *MSDC Housing Land Supply Position Statement* was published in August 2020 (Document H1) and shows a significant shortfall in delivery against the housing requirement since the start of the plan:

Category		Number of Dwellings
Housing Requirement for the full plan period (April 2014 to March 2031)		16,390
Housing Completions (April 2014 to March 2020)		4,917
Completions 2014/15		630
Completions 2015/16		868
Completions 2016/17		912
Completions 2017/18		843
Completions 2018/19		661
Completions 2019/20		1003
Housing Supply (April 2014 to March 2031)	Commitments (including District Plan Allocations)	9,689
	Site Allocations DPD - Allocations	1,764
	Windfalls	504
Total Supply (at 1 April 2019)		16,874

Figure 4 – Extract from MSDC Housing Land Supply Position Statement

- 3.4 The Housing Delivery Test was introduced in the July 2018 update to the NPPF. The Housing Delivery Test is an annual measurement of housing delivery for each local authority and the first results were published in February 2019 by the Ministry of Housing, Communities and Local Government (MHCLG). Where the Housing Delivery Test indicates that delivery has fallen below 95% of the local planning authority’s housing requirement over the previous 3 years then it is required to prepare an action plan. Where delivery has fallen below 85% of the housing requirement a 20% buffer should be added to the five year supply of deliverable sites.
- 3.5 The result for Mid Sussex produced in February 2020 was 95%. This result is based on monitoring years 2016-17, 2017-18 and 2018-19. Mid Sussex is therefore not required to add 20% buffer for significant under delivery, or prepare an Action Plan. However, it is clear that under current performance the council will struggle when the housing target steps up to 1,090 in 2024.
- 3.6 Para 4.10 of the previous MSDC Housing Land Supply Position Statement (2019) sets out the five year supply requirement for the district as follows:

Annual Requirement As set out in District Plan	876 x 5 years =	4,380
Shortfall spread over remaining plan period	466 divided by 12 remaining years x 5 years	194
Total		4,574
Buffer (see paras 2.4,4.9 above)	10%	457
Total five year supply requirement		5,032

Figure 5 – Total Five Year Housing Requirement taken from MSDC Housing Land Supply Position Statement

3.7 MSDC is seeking to confirm the five year housing land supply under the terms of paragraph 74 of the NPPF through submission of the annual position statement to the secretary of state. Paragraph 74 of the framework states:

A five year supply of deliverable housing sites, with the appropriate buffer, can be demonstrated where it has been established in a recently adopted plan, or in a subsequent annual position statement which:

- a) has been produced through engagement with developers and others who have an impact on delivery, and been considered by the Secretary of State; and*
- b) incorporates the recommendation of the Secretary of State, where the position on specific sites could not be agreed during the engagement process.*

3.8 The report on the Annual Position Statement was issued by the Planning Inspectorate on 13 January 2020. It was confirmed that as the council did not have a recently adopted plan in conformity with the definition of the NPPF then the correct process had not been followed and the inspector was unable to confirm that the council had a five year housing land supply.

3.9 It is therefore clear that the council does not currently have a five year housing land supply and the demonstration of sufficiently deliverable sites within the SADPD is of critical importance for MSDC.

Deliverability of Sites

- 3.10 Any sites that have been included in the final Sites DPD will need to pass the tests of deliverability as set out in the NPPF. This is defined within the glossary of the framework as follows:

Deliverable: *To be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years. In particular:*

- a) *sites which do not involve major development and have planning permission, and all sites with detailed planning permission, should be considered deliverable until permission expires, unless there is clear evidence that homes will not be delivered within five years (for example because they are no longer viable, there is no longer a demand for the type of units or sites have long term phasing plans).*
- b) *where a site has outline planning permission for major development, has been allocated in a development plan, has a grant of permission in principle, or is identified on a brownfield register, it should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years.*

- 3.11 The Planning Practice Guidance provides a further explanation on how the deliverability of sites should be considered:

A site can be considered available for development, when, on the best information available (confirmed by the call for sites and information from land owners and legal searches where appropriate), there is confidence that there are no legal or ownership impediments to development. For example, land controlled by a developer or landowner who has expressed an intention to develop may be considered available.

The existence of planning permission can be a good indication of the availability of sites. Sites meeting the definition of deliverable should be considered available unless evidence indicates otherwise. Sites without permission can be considered available within the first five years, further guidance to this is contained in the 5 year housing land supply guidance. Consideration can also be given to the delivery record of the developers or landowners putting forward sites, and whether the planning background of a site shows a history of unimplemented permissions.

Paragraph: 019 Reference ID: 3-019-20190722

Revision date: 22 07 2019

- 3.12 It is with this in mind that the proposed sites within the Sites DPD are scrutinised within subsequent sections of this document. It is considered that many of the proposed sites do not fully accord with the definition of delivery and consideration of alternative sites is required.

Area of Outstanding Natural Beauty

- 3.13 A significant number of the proposed sites are located within, or close to, the High Weald AONB. Paragraph 172 sets out the significant protection which should be afforded to the AONB in planning terms and states that:

Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife

and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads. The scale and extent of development within these designated areas should be limited. Planning permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:

a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;

b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and

c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

3.14 It is part b of paragraph 172 that is of particular importance in this instance. It is not considered that MSDC has considered sites outside of the AONB which could be used to meet the identified residual housing requirement. It would appear that sites have been selected because of their conformity to the spatial strategy and hierarchy without the proper application of the ‘great weight’ required to protect the AONB.

3.15 The approach of allocating sites within the AONB as opposed to ‘outside the designated area’ should have been tested through a robust analysis of reasonable alternatives within the Sustainability Appraisal. The failure to do this adequately is a matter of soundness and it is considered that the Sites DPD fails the tests within the NPPF on this basis alone.

Historic Environment

3.16 Several of the allocations within the DPD are in close proximity to heritage assets. Paragraph 193 of the framework sets out the approach to heritage assets as follows:

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

3.17 In many instances the council themselves suggest that the development of housing on the sites is likely to have ‘less than significant harm’ on the heritage assets in question. Paragraph 196 of the framework sets out the approach which should be taken in this instance:

Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the

3.18 It is not considered that the harm caused to heritage assets has been adequately assessed within the Sustainability Appraisal for many of the proposed sites and further consideration is required of the sites in this regard. This would include assessing sites which would not have an impact on heritage assets through a robust application of reasonable alternatives within the Sustainability Appraisal.

4. Sustainability Appraisal

- 4.1 The SADPD is accompanied by a Sustainability Appraisal (SA) report which is a legal requirement derived from the Planning and Compulsory Purchase Act 2004 (Section 19). Section 39 of the Act requires documents such as the SADPD to be prepared with a view to contributing to the achievement of sustainable development.
- 4.2 The requirement for Strategic Environmental Assessment, in addition to the SA, is set out in the European Directive 2001/42/EC adopted into UK law as the “Environmental Assessment of Plans or Programmes Regulations 2004”.
- 4.3 In line with best practice the SEA has been incorporated into the SA of the SADPD.
- 4.4 The planning practice guidance sets out detailed consideration as to how any sustainability should assess alternatives and identify likely significant effects:

The sustainability appraisal needs to consider and compare all reasonable alternatives as the plan evolves, including the preferred approach, and assess these against the baseline environmental, economic and social characteristics of the area and the likely situation if the plan were not to be adopted. In doing so it is important to:

- *outline the reasons the alternatives were selected, and identify, describe and evaluate their likely significant effects on environmental, economic and social factors using the evidence base (employing the same level of detail for each alternative option). Criteria for determining the likely significance of effects on the environment are set out in [schedule 1 to the Environmental Assessment of Plans and Programmes Regulations 2004](#);*
- *as part of this, identify any likely significant adverse effects and measures envisaged to prevent, reduce and, as fully as possible, offset them;*
- *provide conclusions on the reasons the rejected options are not being taken forward and the reasons for selecting the preferred approach in light of the alternatives.*

Any assumptions used in assessing the significance of the effects of the plan will need to be documented. Reasonable alternatives are the different realistic options considered by the plan-maker in developing the policies in the plan. They need to be sufficiently distinct to highlight the different sustainability implications of each so that meaningful comparisons can be made.

The development and appraisal of proposals in plans needs to be an iterative process, with the proposals being revised to take account of the appraisal findings.

Paragraph: 018 Reference ID: 11-018-20140306

Revision date: 06 03 2014

- 4.5 In response to this guidance and requirement, paragraph 6.16 of the Sustainability Appraisal states that:

The Site Selection Paper 2 (paras 6.2 - 6.3) also recognises that, in order to meet the District Plan strategy, conclusions will be compared on a settlement-by-settlement basis with the most suitable sites at each settlement chosen in order to meet the residual needs of that settlement. This may result in some sites being chosen for allocation which have higher negative impact across all the objectives because this will be on the basis that the aim is to distribute allocations according to the District Plan strategy in the first instance; as opposed to simply selecting only

the most sustainable sites in the district (as this may not accord with the spatial strategy and would lead to an unequal distribution of sites across settlements). 20 sites that perform well individually and on a settlement basis, the residual housing need of 1,507 would be met with a small over-supply of 112 units.

4.6 Paragraph 6.45 recognises that this small over-supply *may not be a sufficient buffer should sites fall out of the allocations process between now and adoption (for example, due to delivery issues, reduction in yield, or any other reasons identified during consultation or the evidence base).*

4.7 The SA therefore considers reasonable alternatives of option A, B and C as follows:

Option A – 20 ‘Constant Sites’ – 1,619 dwellings

Option B – 20 ‘Constant Sites’ + Folders Lane, Burgess Hill (x3 sites) – 1,962 dwellings.

Option C – 20 ‘Constant Sites’ + Haywards Heath Golf Court – 2,249 dwellings

4.8 Paragraph 6.52 of the SA concludes that:

Following the assessment of all reasonable alternative options for site selection, the preferred option is option B. Although option A would meet residual housing need, option B proposes a sufficient buffer to allow for non-delivery, therefore provides more certainty that the housing need could be met. Whilst option C also proposes a sufficient buffer, it is at the expense of negative impacts arising on environmental objectives. The level of development within option C is approximately 50% above the residual housing need, the positives of delivering an excess of this amount within the Site Allocations DPD is outweighed by the negative environmental impacts associated with it.

4.9 It is not considered that this assessment of Option A, B and C is a sufficient enough assessment of reasonable alternatives as required by guidance and legislation. All of the options contain the ‘20 Constant Sites’ with no derivation of alternative options such as those which seek to divert housing growth away from the AONB or designated heritage assets.

4.10 It is apparent that other sites other than the 20 Constant Sites will need to be assessed if the council is to adequately demonstrate that reasonable alternatives have been considered as required.

5. Assessment of Proposed Sites.

- 5.1 This section analyses each of the proposed allocations against the tests of deliverability as set out in the NPPF and the potential shortcomings of several of the sites which require significant consideration. The findings of *Appendix B: Housing Site Proformas* of the *Site Selection Paper 3* (Appendix B) and the conclusions of the Sustainability Appraisal (SA) are considered in detail.

SA 12 Land South of 96 Folders Lane, Burgess Hill

- 5.2 Appendix B of the reg 18 SADPD set out that this site has *moderate landscape sensitivity and moderate landscape value. This site could be visible from the South Downs National Park*. The SA states that an LVIA is required to determine any impact on the national park. Given the weight that the NPPF requires to be placed on the protection of the national park, any impact must be measured prior to allocation. If it is deemed that mitigation would not minimise the harm caused, then the proposed allocation must fall away.
- 5.3 Appendix B of the reg 18 SADPD also set out that a TPO area lines the norther border and potential access route. It should be noted that an application was submitted in 2019 for the *erection of 43 dwellings and associated works* (DM/19/0276) but was withdrawn in September 2019 due to concerns over highways. The deliverability of this site is therefore not considered to be in accordance with the guidance set out in the framework.
- 5.4 Finally, whilst the priority for sites higher in the settlement hierarchy is acknowledged, this is site is very remote from the services offered by Burgess Hill. This is highlighted within the sustainability appraisal for the site which states that it is more than a 20 minute walk from the site to schools, GP and shops.

SA 13 Land East of Keymer Road and South of Folders Lane, Burgess Hill.

- 5.5 As with SA12, this site is in close proximity to the national park and the conclusions as set out above apply equally to this site.
- 5.6 The SA sets out that this is the only site within Burgess Hill to have any impact on listed buildings where it is stated that development of this site would cause *less than substantial harm (medium) on High Chimneys (Grade II listed)*. This is not mentioned within appendix B and this therefore calls into question the consistency of assessment of the sites in this regard.
- 5.7 Given that site SA12 and SA13 are in close proximity to one another it is notable that the cumulative impact of the development of both of these sites has not been assessed for a number of ‘in-combination’ impacts such as highways and landscape impact.

SA 14 Land to the south of Selby Close, Hammonds Ridge, Burgess Hill

- 5.8 There is a TPO at the front of this site which is potentially why access is proposed through the CALA Homes site (DM/17/0205). No evidence is submitted to suggest that this form of access is agreed or available. The section relating to Highways and Access within the SADPD simply states that this access *will need to be investigated further*.
- 5.9 The SA and appendix B both point towards the Southern Water Infrastructure which crosses the site. The wording in the DPD recommends that the layout of the development is considered to *ensure future access for maintenance and/or improvement work, unless diversion of the sewer is possible*. Given that the site is only 0.16ha it is therefore questionable whether there would be adequate space to develop the site for housing and provide accommodation for the sewage infrastructure crossing the site. The deliverability of this site has therefore not been adequately demonstrated.

- 5.10 As with SA12 and SA13 there are questions of the sustainability of the site given that the SA notes that it is more than a 20 minute walk to the school and GP.

SA 15 Land South of Southway, Burgess Hill

- 5.11 The SADPD describes the site as *overgrown and inaccessible land designated as a Local Green Space in the Burgess Hill Neighbourhood Plan*. It is unclear whether this site was ever previously in use as playing pitches and whether re-provision of this space would be required under Sport England policies.
- 5.12 Appendix B of the reg 18 SADPD points towards issues with relocation of existing parking on the site and states that:

Private parking areas would need to be removed to provide a suitable access point with sufficient visibility. The parking spaces are visitor spaces over which the owners/developers of the subject land have rights to access it to serve new development onto Linnet Lane. Accordingly, a new access into the site can be provided any new development would include two visitor spaces as close as reasonably possible to the existing visitor spaces.

- 5.13 It is clear that there are substantial issues with deliverability and availability of this site given these constraints and the site should be deleted as a proposed allocation until this can be adequately demonstrated.

SA 16 St. Wilfrids Catholic Primary School, School Close, Burgess Hill

- 5.14 The SADPD sets out that the satisfactory relocation of St Wilfrid's Primary School to St Paul's Catholic College site is required before development can commence on the school part of the site. There is also a requirement to re-provide the emergency services accommodation in a new emergency service centre either on this site or elsewhere in the town.
- 5.15 Given that the allocation is for 300 dwellings and requires this relocation first, it is considered that there is insufficient evidence to justify delivery of development of this site in the 6-10 year time period as set out.

SA 17 Woodfield House, Isaacs Lane, Burgess Hill

- 5.16 The SADPD sets out some significant landscape features on site which require retention and it is stated that:

There is a group Tree Preservation Order in the southern and western areas of the site. High quality substantial new planting of native trees is required, should these be lost to provide access from Isaac's Lane. All other TPO trees on the site are to be retained.

Retain and enhance important landscape features, mature trees, hedgerows and the pond at the south of the site and incorporate these into the landscape structure and Green Infrastructure proposals for the development. Open space is to be provided as an integral part of this landscape structure and should be prominent and accessible within the scheme.

- 5.17 Given that the site is only 1.4 hectares in size it is questionable whether there is adequate space on the site for 30 dwellings after retention of these landscape features.
- 5.18 It is clear from the Sites DPD that access to site is envisaged to be from the Northern Arc where it is stated that:

Integrated access with the Northern Arc Development is strongly preferred, the details of which will need to be investigated further.

5.19 This is also set out in appendix B of the reg 18 SADPD where it is stated that:

Entrance drive to house. Access on bend with limited visibility. 50 mph road. Would involve removal of trees that are subject to TPO. Objection for tree officer. However, future access is anticipated to be provided via the Northern Arc. Whilst the specific details of this remain uncertain on the basis that the enabling development is still at an early stage, it is considered that the identified constraints will no longer apply.

5.20 Given the uncertainty of the deliverability of the land immediately adjoining the site as part of the Northern Arc it is considered that the deliverability of this site is not clear enough to justify allocation within the sites DPD. The uncertainty of this deliverability also has an implication of the sustainability of the site and proximity to adequate services. This is highlighted within the SA where it is stated that:

The impact of option (h) on these objectives (Health/Retail/Education) is uncertain; currently the site is a long distance from local services, however, this will change once the Northern Arc is built out.

5.21 Overall it is not considered that this site is suitable for allocation and should be removed from the Sites DPD

SA 18 East Grinstead Police Station, College Lane, East Grinstead

5.22 We have no comments to make in relation to this allocation.

SA 19 Land south of Crawley Down Road, Felbridge

5.23 As set out, this allocation is directly to the west of the land under the control of Vanderbilt Homes which is also adjoined to the east by land with the benefit of planning permission for 63 dwellings.

5.24 Given that the entire area will be included within the revised Built Up Area Boundary, then it is considered logical that the adjoining sites are also identified for allocation within the SADPD.

SA 20 Land south and west of Imberhorne Upper School, Imberhorne Lane, East Grinstead

5.25 There is a requirement in the SADPD for this site to provide a detailed phasing plan with agreement from key stakeholders to secure:

- Land for early years and primary school (2FE) provision – 2.2 ha
- A land exchange agreement between WSCC and the developer to secure 6 ha (gross) land to create new playing field facilities in association with Imberhorne Secondary School (c.4 ha net - excluding land for provision of a new vehicular access onto Imberhorne Lane).

5.26 It is unclear when these requirements are to be provided by within the development of any site and whether it is considered that the site would be suitable for allocation should these uses not come forward.

5.27 There are clear concerns over the suitability of this site in terms of ecology as set out in appendix B of the reg 18 SADPD which states:

Natural England have concerns over the high density of housing south of Felbridge. Hedgecourt SSSI is accessible from the proposed site allocations via a network of Public Rights of Way. In

line with paragraph 175 of the NPPF, Mid Sussex District Council should determine if allocations are likely to have an adverse effect (either individually or in combination) on SSSI's. The NPPF states that "if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused." We would be happy to provide further advice if requested, although this may need to be on a cost recovery basis. The LWS adjacent to the site is an important recreational route and therefore consideration needs to be given to additional recreational disturbance to its habitats. We are unable to advise you on specific impacts as we have no details of the scale or type of proposed development consider further impacts of disturbance of the LWS and Ancient woodland arising from people and domestic pets, connectivity, light and noise pollution, appropriate buffer and cumulative impact. This site is adjacent to the Worth Way. The SHELAA should be redrawn to remove the section of LWS. The site is an important recreational route and therefore consideration needs to be given to additional recreational disturbance to its habitats. Further consideration be given to impacts of disturbance on LWS and Ancient Woodland from people and pets, impacts on connectivity, impacts of light and noise pollution, need for Ancient Woodland buffer. Cumulative impact with SHELAA 686 and 561.

- 5.28 It is clear that the impacts upon ecology and the SSSI have not been adequately addressed.
- 5.29 As with other sites there is potential for impact upon local heritage assets of Gullege Farm, Imberhorne Farm and Imberhorne Cottages as set out below. The harm in terms of less than strategic harm is inappropriately weighted in the assessment as a means for justification of allocation.

APPENDIX B : Gullege Farm, Imberhorne Lane

This isolated farmstead has historically had a rural setting and continues to do so today. The introduction of a substantial housing development to the north, east and south of the listed manor house would have a fundamental impact on the character of that setting and would detract from the way in which the special interest of this Grade II listed rural manor house and the of the historic farmstead is appreciated.

NPPF: LSH, high

Imberhorne Farm and Imberhorne Cottages

In its original incarnation Imberhorne Cottages was probably constructed as a dwelling providing accommodation between London and Lewes, on Lewes Priory lands. It may have acted as the manor house to the substantial manor of Imberhorne, which was owned by the Priory. It seems likely that the building became farm cottages when the new farmhouse (Imberhorne) was constructed in the early 19th century. The currently rural setting of both buildings within the Imberhorne farmstead informs an understanding of their past function and therefore contributes positively to their special interest.

The proposed development site would engulf the farmstead to the west, north and east and would have a fundamental impact on the character of the greater part of its existing of rural setting and on views from both listed buildings. It would adversely affect the manner in which the special interest of the two listed buildings within their rural setting is appreciated, including by those passing along the PROW to the north of the farmstead.

NPPF: LSH, high

- 5.30 The potential harm to heritage is also referred to in the SA which states that:

option (e) which is not constrained by a conservation area, but would have a less than substantial harm (high) on Gullege Farm (Grade II listed) and Imberhorne Farm and Imberhorne Cottages (Grade II listed). As this is a large site, there is potential to still achieve the yield whilst providing necessary mitigation to lower the impact on these heritage assets.*

- 5.31 Notwithstanding the significant constraints to delivery from this site it is notable that the delivery of 550 in 6-10 years as set out in the SADPD is particularly optimistic and would need to be revised in order to be realistic on the constraints to delivery including the requirement for provision of education on the site.

SA 22 Land north of Burleigh Lane, Crawley Down

- 5.32 No comments.

SA 23 Land at Hanlye Lane to the east of Ardingly Road, Cuckfield

- 5.33 The site is within close proximity to the High Weald AONB. Previous comments made in relation to the requirements of the NPPF in relation to AONB for other allocations apply equally to this site.

SA 24 Land to the north of Shepherds Walk, Hassocks

- 5.34 The access for this site is through an adjacent parcel of land which has a ransom strip over this land. The deliverability of this site is therefore in doubt unless a right of access can be confirmed by the site owners.

SA 25 Land west of Selsfield Road, Ardingly

- 5.35 This site is located within the AONB and comments made in this regard to other proposed allocations apply to this site. The SA references this impact as follows:

There is a 'Very Negative' impact against objective (9) due to its location within the High Weald AONB, however the AONB unit have concluded that there is Moderate Impact as opposed to High Impact

- 5.36 The conclusions of the AONB unit have not been provided as part of the evidence base and requires further scrutiny in order to assess the impact of development of this site in this regard.

SA 26 Land south of Hammerwood Road, Ashurst Wood

- 5.37 The site is within the AONB and it is considered it is inappropriate to allocate this site for development without thorough appraisal of reasonable alternatives as previously set out.

SA 27 Land at St. Martin Close, Handcross

- 5.38 No comments.

SA28 Land South of The Old Police House, Birchgrove Road, Horsted Keynes

- 5.39 No comments.

SA 29 Land south of St. Stephens Church, Hamsland, Horsted Keynes

- 5.40 The site is within the AONB and it is considered it is inappropriate to allocate this site for development without thorough appraisal of reasonable alternatives as previously set out.

SA 30 Land to the north Lydon, Reeds Lane, Sayers Common

- 5.41 The sustainability of this site has been considered in the SA which sets out that the site is more than 20 minutes away from services such as GP and the School. It is therefore not considered that the development of this site would be justified in sustainability terms.
- 5.42 The site is located within the Brick Clay (Weald) Mineral Safeguarding Area. No further evidence has been provided which demonstrates that the site is required for further mineral extraction.

SA 31 Land to the rear Firlands, Church Road, Scaynes Hill

- 5.43 The site is located within the Building Stone (Cuckfield) Mineral safeguarding Area. No further evidence has been provided which demonstrates that the site is required for further mineral extraction.

SA 32 Withypitts Farm, Selsfield Road, Turners Hill

- 5.44 The site is within the AONB and it is considered it is inappropriate to allocate this site for development without thorough appraisal of reasonable alternatives as previously set out.
- 5.45 The site is located within the Brick Clay (Weald) Mineral Safeguarding Area. No further evidence has been provided which demonstrates that the site is required for further mineral extraction.

SA 33 Ansty Cross Garage, Cuckfield Road, Ansty

- 5.46 This site is not considered to be a sustainable location. A total of four separate sites were considered within Ansty with this being the only one accepted. The only difference between this and the other sites was that this scored slightly higher in the SA due to it being PDL. Whilst this is correct it is not considered that the PDL nature of this site makes it appropriate for allocation within the Sites DPD.

6. Conclusions

- 6.1 Detailed consideration of the sites identified for allocation within the SADPD show that there are some significant technical constraints and policy issues with many of the sites. These are matters which have been previously raised as part of regulation 18 representations and the council has done nothing to address these matters.
- 6.2 The analysis of the proposed allocations demonstrates there are some significant failings in the deliverability of the sites which requires reconsideration of the appropriateness of these allocations and selection of alternative sites.
- 6.3 The selection of sites with significant heritage constraints and also location within the AONB is not considered to be a sound approach. The assessment of reasonable alternatives is significantly lacking and requires further retesting which would logically include this site. As a result, it is not considered that the SADPD is positively prepared or justified and therefore fails the test as set out in the NPPF as a result.
- 6.4 It is clear that the adoption of the SADPD is of significance importance to Mid Sussex in demonstrating a robust and deliverable five year housing land supply. It is therefore suggested that consideration is given to the allocation of the site as set out within these representations which can deliver much needed housing in the early part of the plan period.

7. Appendix 1 – SHELAA Extract – February 2020

Stage 1 Site Pro-Forma – All Sites

SHELAA Ref 508		Parish Haywards Heath
Site Location Land at Junction of Hurstwood Lane and Colwell Lane, Haywards Heath		
		
Site uses Agriculture		
Gross Site Area (ha)	1	
Potential Yield	30	
Site History		
Absolute Constraint	Flood Zone 2 or 3	x
	Site of Special Scientific Interest	x
Other Constraints	Ancient Woodland	x
	Area of Outstanding Natural Beauty	x
	Local Nature Reserve	x
	Conservation Area	Development would not have a negative impact on Conservation Area and Areas of Townscape Character
	Scheduled Monument	x
	Listed Buildings	Development will not affect listed building/s
	Access	Safe access to site already exists
Suitable	No known constraints - assessed as Suitable at Stage 1, progress to Stage 2 assessment	
Availability	Controller of site has expressed intention to make the site available	
Achievability	There is a reasonable prospect that site could be developed within the Plan period	
Timescale	Medium-Long Term	

8. Appendix 2 – Site Selection Paper 3: Housing (SSP3) Extract

Site Selection - Housing

Haywards Heath

ID 508 Land at Junction of Hurstwood Lane and Colwell Lane, Haywards Heath



Site Details

Units: 25 **Site Area (ha):** 0.85

Part 1 - Planning Constraints

1 - AONB	N/A	The site is remote from the High Weald AONB
2 - Flood Risk	None	The site lies entirely within Flood Zone 1, the area of lowest fluvial flood risk.
3 - Ancient Woodland	None	The site is not affected by Ancient Woodland
4 - SSSI/SNCI/LNR	None	This site is not adjacent to any Sites of Special Scientific Interest or Local Wildlife Site
5 - Listed Buildings	None	There are no listed buildings within or adjacent to the site
6 - Conservation Area	None	There are no conservation areas within or adjacent to the site
7 - Archaeology	None	
8 - Landscape	Low/Medium	Development would have a significant and detrimental effect on the character of the landscape as a whole
9 - Trees/TPOs	None	Site is not affected by trees

Part 2 - Deliverability Considerations

10 - Highways		
11 - Local Road/Access	None	Safe access to site already exists
12 - Deliverability	Reasonable prospect developability	No householder in control of site. Advanced discussions with potential developers/Contractors. Pre application submission within a couple of months.
13 - Infrastructure	Infrastructure capacity	Developer Questionnaire - normal contributions apply.

Site Selection - Housing

Part 3 - Sustainability / Access to Services

14 - Education	More than 20 Minute Walk	Note: facilities are likely to be provided at Hurst Farm
15 - Health	More than 20 Minute Walk	
16 - Services	15-20 Minute Walk	
17 - Public Transport	Poor	

Part 4 - Other Considerations

Neighbourhood Plan None	Minerals Minerals considerations unnecessary as site does not progress past detailed assessment stage.
Waste Water and wastewater considerations unnecessary as site does not progress past detailed assessment stage.	Environmental Health Environmental health considerations unnecessary as site does not progress past detailed assessment stage.
Sustainability Appraisal Assessment indicates site is not a reasonable alternative and is therefore not tested through the SA.	Notes

Part 5 - Conclusion

Summary	The assessment finds that the site is not suitable for allocation.
Recommendation	Site is not proposed for allocation.

2080

Site Allocations DPD: Regulation 19 Consultation Response

Policy:

ID:	2080
Response Ref:	Reg19/2080/5
Respondent:	Mr A Black
Organisation:	Andrew Black consulting
On Behalf Of:	Vanderbilt homes - CDR
Category:	Promoter
Appear at Examination?	x

From: Andrew Black <andrew@andrewblackconsulting.co.uk>
Sent: 28 September 2020 14:24
To: Idfconsultation
Subject: Site Allocations DPD (Regulation 19) Consultation
Attachments: Draft Site Allocations DPD (Reg 19) Consultation - Land at Hurstwood Lane - ABC obo Vanderbilt Homes.pdf; Draft Site Allocations DPD (Reg 19) Consultation - Land South of 61 CDR - ABC obo Vanderbilt Homes.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Categories: TBC

Dear Sir / Madam

I attach two separate representations on behalf of my client, Vanderbilt Homes, in respect of the Site Allocations DPD (Regulation 19) Consultation.

With thanks

Andrew Black

Andrew Black

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Mid Sussex District Council

Draft Site Allocations DPD (Regulation 19)
Consultation

Representation on behalf of Vanderbilt Homes –
Land South of 61 Crawley Down Road, Felbridge

September 2020

Project MSDC Draft Site Allocations DPD

ABC Reference ABC/0072/07

Local Authority Mid Sussex District Council

Client Vanderbilt Homes

Issue Final

Author Andrew Black

Date September 2020

Disclaimer: This report has been prepared for the above named client for the purpose agreed in Andrew Black Consulting's (ABC) terms of engagement. Whilst every effort has been made to ensure the accuracy and suitability of the information contained in this report, the results and recommendations presented should not be used as the basis of design, management or implementation of decisions unless the client has first discussed with ABC their suitability for these purposes and ABC has confirmed their suitability in writing to the client. ABC does not warrant, in any way whatsoever, the use of information contained in this report by parties other than the above named client.

Contents

1. Introduction	4
2. Site and Surroundings	5
3. Built up Area Boundary Review	12
4. Housing Site Allocation Process	14
5. Sustainability Appraisal	18
6. Assessment of Proposed Sites	20
7. Conclusions	27
8. Appendix 1 – SHELAA Extract – February 2020	28

1. Introduction

- 1.1 These representations for the Draft Site Allocations DPD (Regulation 19) Consultation (Herein referred to as the ‘SADPD’) are submitted by Andrew Black Consulting on behalf of Vanderbilt Homes regarding a site within their control at Crawley Down Road in Felbridge.
- 1.2 The site under the control of Vanderbilt Homes is known as Land South of 61 Crawley Down Road, Felbridge and was previously considered in the SHELAA as Available, Achievable and Deliverable.
- 1.3 It is understood that the SADPD has been produced in accordance with the Planning and Compulsory Purchase Act 2004, and other relevant regulations.
- 1.4 The NPPF states that Development Plan Documents should be prepared in accordance with the legal and procedural requirements. To be found to be ‘sound’, plans must be:
 - a) *positively prepared*
 - b) *justified*
 - c) *effective, and*
 - d) *consistent with national policy.*
- 1.5 It is with this in mind that these representations are made.
- 1.6 The draft SADPD has been prepared using an extensive and legally compliant evidence base including a Sustainability Appraisal, Habitat Regulations Assessment, Community Involvement Plan, Equalities Impact Assessment, and various technical reports and studies. Of particular note is the Built Up Area Boundary and Policies Map Topic Paper (TP1) produced in August 2020.
- 1.7 The Site Allocations DPD proposes to allocate 22 sites to meet this residual necessary to meet the overall agreed housing requirement for the plan period as reflected in the ‘stepped trajectory’ and in accordance with the District Plan.
- 1.8 These representations set out the detail of the Site and Surroundings and a response to the detailed parts of the SADPD.

2. Site and Surroundings

- 2.1 The Site is located to the South of Crawley Down Road and is in an area that has experienced significant housing growth in recent years.



Figure 1 – SHELAA Extract

- 2.2 The site was assessed in the most recent SHELAA (Ref 676) as Suitable, Available and Achievable in the Medium to Long Term (The full extract of the SHELAA is set out in Appendix 1). Each of the constraints within the SHELAA for are taken in turn below:

Flood Risk

- 2.3 Whilst the location of the site in flood zone 2/3 is noted within the SHELAA Proforma, the extract from the Environment Agency Flood Risk Map shows this to be negligible. It is only the very southern extent of the site that is potentially within an area of flood risk. In any event, the site can clearly demonstrate the ability to provide a safe access and egress to any housing on site which can equally be located well outside of any areas prone to flooding.

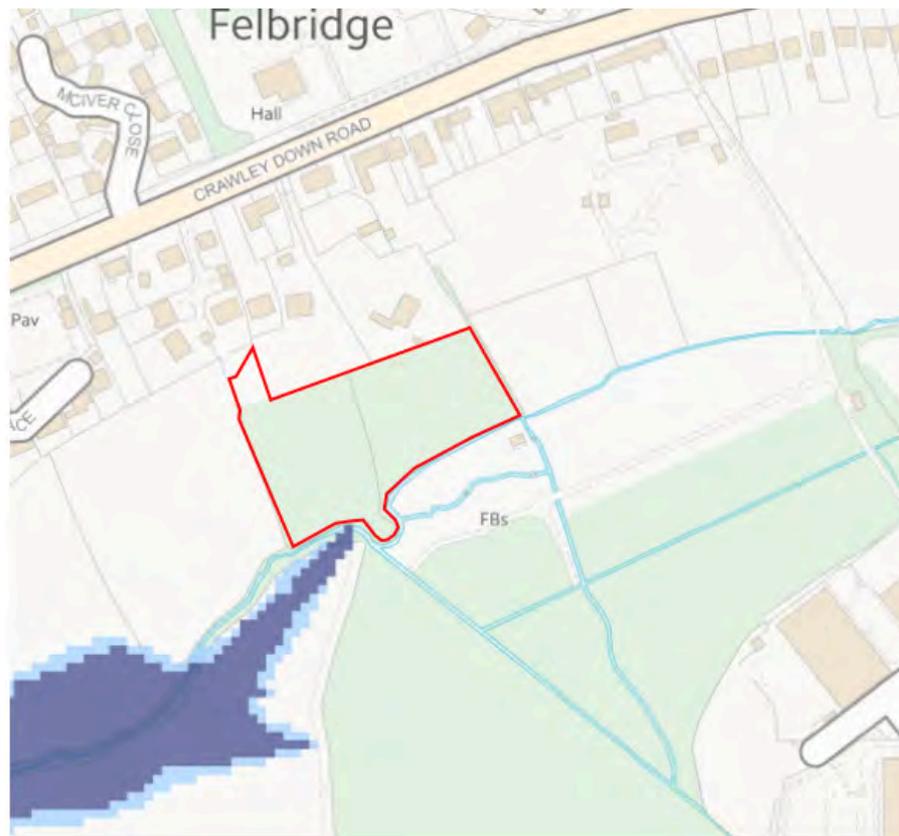


Figure 2 – Extract from Environment Agency Flood Risk Map

Ancient Woodland

2.4 The SHELAA report also makes reference to proximity to Ancient Woodland. The map below shows the extent of the nearby ancient woodland which is to the south of the existing site.

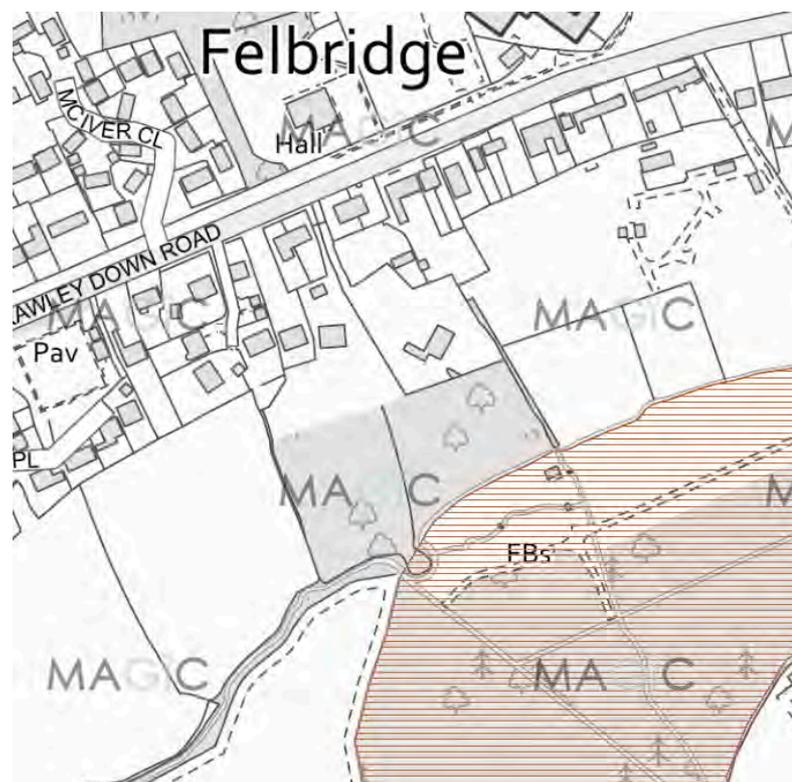


Figure 3 – Location of Ancient Woodland

2.5 It is evident that development could be incorporated on the site without any impact on the Ancient Woodland and that an adequate buffer could be provided between any proposed houses and the ancient woodland to the south.

Site of Special Scientific Interest

2.6 The site is not within, nor in proximity to, a SSSI

Area of Outstanding Natural Beauty

2.7 The site is not within, nor in proximity to, an AONB

Local Nature Reserve

2.8 The site is not within, nor in proximity to, a Local Nature Reserve

Conservation Area

2.9 The SHELAA specifically states that *development would not have a negative impact on Conservation area and /or Area of Townscape*

Scheduled Monument

2.10 There are no scheduled monuments in proximity to the site.

Listed Buildings

2.11 The SHELAA confirms that *development will not affect listed buildings.*

Access

2.12 The SHELAA sets out that *safe access to the site already exists.*

2.13 As set out the site directly adjoins the land to the east which has the benefit of outline planning permission for residential development. This land is also in the control of Vanderbilt Homes and it is possible that access could be provided through this land into this site as indicated below:



Figure 4 – Potential Access.

- 2.14 If the site was assessed against the criteria for Reasonable Alternatives as set out in the Sustainability Appraisal then it would perform identically to the adjoining allocated site. Furthermore it performs better against each of the criteria than the sites at ‘Land south and west of Imberhorne Upper School, Imberhorne Lane’ for 550 dwellings and ‘East Grinstead Police Station, College Lane’ for 12 dwellings. It is therefore entirely logically that this site should be allocated for development within the Site Allocations DPD.

Planning History

- 2.15 The site itself has been subject to a number of previous applications which are set out below:

App Ref	App Date	Description of Development	Decision
12/02577	Jul 2012	Residential development comprising 7 dwellings (3 detached properties and 2 pairs of semi-detached houses) with associated garaging, new road layout and landscaping.	Refused / Appeal Withdrawn
13/02528	Jul 2013	Residential development comprising 5 detached dwellings with associated garaging, new road layout and landscaping	Refused / Appeal Dismissed
16/5662	Dec 2016	Residential development comprising 4 no. detached dwellings.	Refused / Appeal Dismissed.

- 2.16 The previous applications were refused on the basis of the site being outside of the settlement boundary and therefore any development would have been considered to be in direct conflict with the adopted District Plan at the time of determination. The outcome of these applications would clearly have been different had the sites been within the Built Up Area Boundary
- 2.17 No other issues were identified which would warrant refusal of an application if the site was within the Built Up Area Boundary as proposed within the draft SADPD.

Surrounding Developments and Proposed Allocations

- 2.18 The site located directly to the east has the benefit of an outline planning permission for the *erection of 63 dwellings and new vehicular access onto Crawley Down Road required [sic] the demolition of existing buildings and structures at no's 15 and 39 Crawley Down Road (DM/17/2570)*
- 2.19 The access to the site is located within Tandridge District Council which was granted under application TA/2017/1290.



Figure 5 – Approved Parameters Plan of adjoining site – Outline Planning Application

- 2.20 Reserved matters applications have been made against both of the outline applications. The reserved matters application for the access was approved by Tandridge Council in July 2020 (TA/2020/555).
- 2.21 At the time of submission of these representations, the reserved matters application for the housing within the Mid Sussex element of the site for the housing is still under determination (DM/20/1078).
- 2.22 It is therefore highly likely that the development of the land directly adjoining the site subject to these representations will come forward in the immediate short term.



Figure 6 – Reserved Matters Plan for adjoining site.

2.23 The site (yellow) is therefore directly between the allocated site SA19 for 196 dwellings to the east (pink) and the site subject to approval for 63 dwellings (blue).

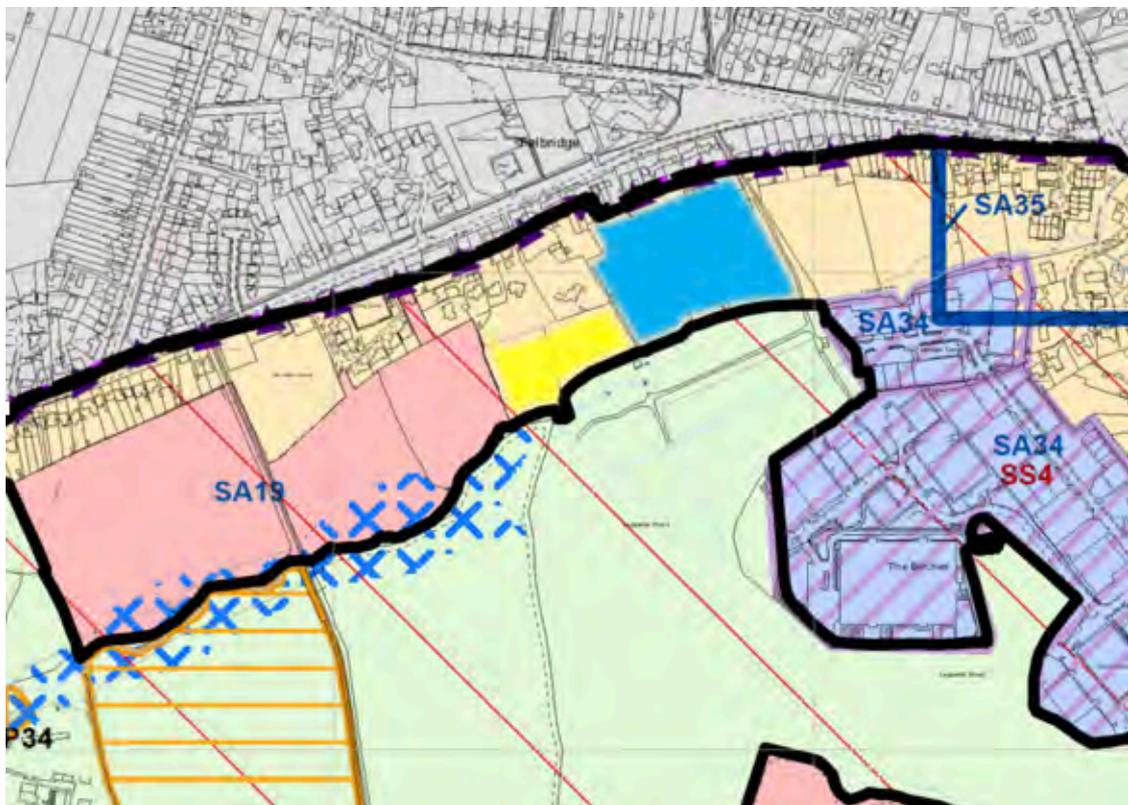


Figure 7 – Map of proposed allocation SA19, BUAB, Consented Land and Proposed Site

2.24 Overall, it is considered that the immediate context of this site makes it highly appropriate for allocations within the SADPD.

3. Built up Area Boundary Review

3.1 In addition to the allocation of sites for development the SADPD seeks to make changes to the existing Built Up Area Boundary (BUAB) as established under the District Plan Process. The Built Up Area Boundary and Policies Map Topic Paper (TP1) produced in August 2020 forms a vital part of the evidence base for the SADPD.

3.2 Paragraph 2.4 of TP1 sets out that the purpose of the review as part of the SADPD is to:

- *Assess areas that have been built since the last review, which logically could be included within the BUA.*
- *Assess areas that have planning permission which have not yet commenced/completed, which logically could be included within the BUA.*

3.3 TP1 goes on to set out the criteria for consideration of changes to the boundary.

3.4 Within the adopted District Plan proposals map, the site is outside of the Built Up Area Boundary as illustrated in the extract below:



Figure 8 – Existing District Plan Proposals Map

3.5 Within the draft SADPD, it is proposed that the site, and all adjoining land will be now set within the BUAB as highlighted below.

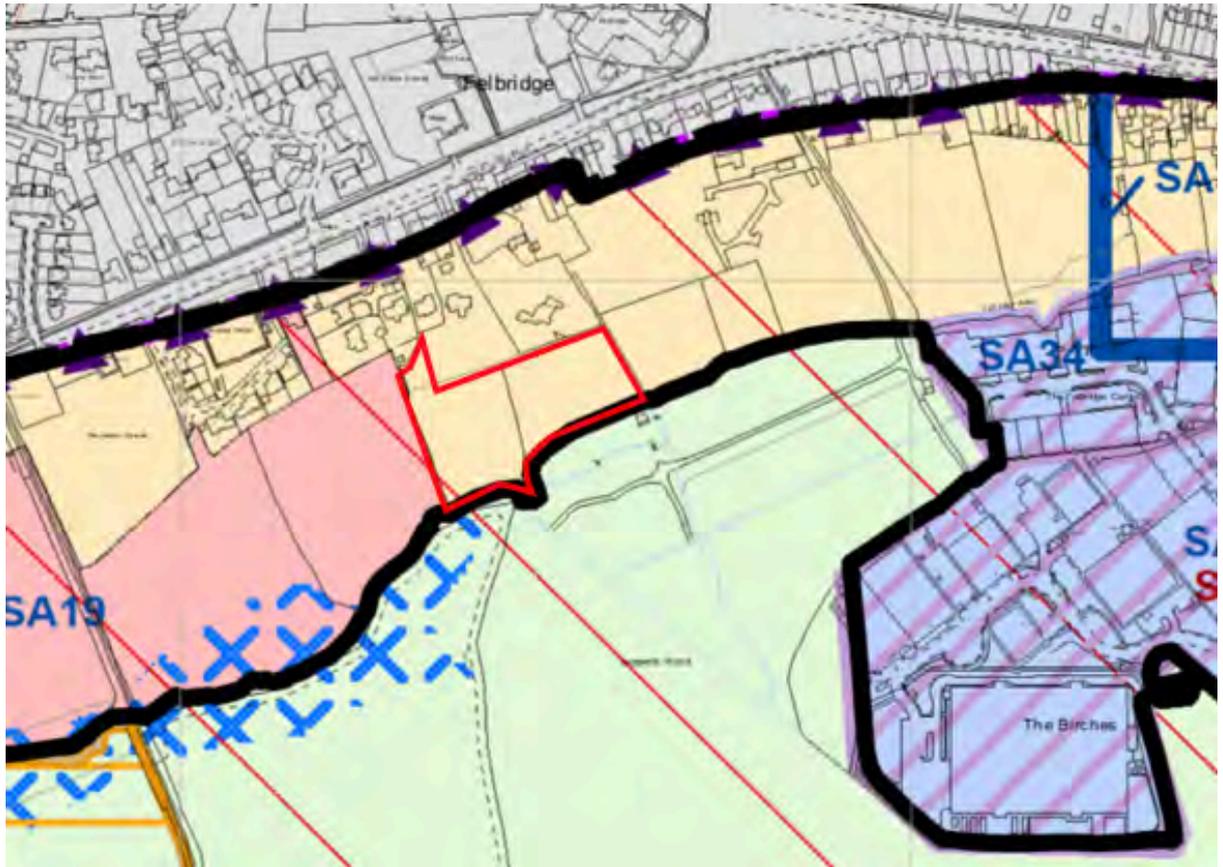


Figure 9 – Proposed BUAB

- 3.6 The principle of including this site within the BUAB is logical and supported. However, for reasons as set out in subsequent sections of these representations, it is considered that it would be appropriate for the site to be allocated for development.

4. Housing Site Allocation Process

- 4.1 The District Plan 2014-2031 sets out the housing requirement for the district for the plan period of 16,390 dwellings. This meets the Objectively Assessed Need (OAN) for the district of 14,892 dwellings in full and makes provision for the agreed quantum of unmet housing need for the Northern West Sussex Housing Market Area, to be addressed within Mid Sussex, of 1,498 dwellings.
- 4.2 The District Plan 2014-2031 established a ‘stepped’ trajectory for housing delivery with an average of 876 dwellings per annum (dpa) between 2014/15 and 2023/24 and thereafter an average of 1,090 dpa between 2024/25 and 2030/31. This represents a significant increase in housing supply compared with historical rates within the district.
- 4.3 The latest data on completions from MSDC was published in *MSDC Housing Land Supply Position Statement* was published in August 2020 (Document H1) and shows a significant shortfall in delivery against the housing requirement since the start of the plan:

Category		Number of Dwellings
Housing Requirement for the full plan period (April 2014 to March 2031)		16,390
Housing Completions (April 2014 to March 2020)		4,917
Completions 2014/15		630
Completions 2015/16		868
Completions 2016/17		912
Completions 2017/18		843
Completions 2018/19		661
Completions 2019/20		1003
Housing Supply (April 2014 to March 2031)	Commitments (including District Plan Allocations)	9,689
	Site Allocations DPD - Allocations	1,764
	Windfalls	504
Total Supply (at 1 April 2019)		16,874

Figure 10 – Extract from MSDC Housing Land Supply Position Statement

- 4.4 The Housing Delivery Test was introduced in the July 2018 update to the NPPF. The Housing Delivery Test is an annual measurement of housing delivery for each local authority and the first results were published in February 2019 by the Ministry of Housing, Communities and Local Government (MHCLG). Where the Housing Delivery Test indicates that delivery has fallen below 95% of the local planning authority’s housing requirement over the previous 3 years then it is required to prepare an action plan. Where delivery has fallen below 85% of the housing requirement a 20% buffer should be added to the five year supply of deliverable sites.
- 4.5 The result for Mid Sussex produced in February 2020 was 95%. This result is based on monitoring years 2016-17, 2017-18 and 2018-19. Mid Sussex is therefore not required to add 20% buffer for significant under delivery, or prepare an Action Plan. However, it is clear that under current performance the council will struggle when the housing target steps up to 1,090 in 2024.
- 4.6 Para 4.10 of the previous MSDC Housing Land Supply Position Statement (2019) sets out the five year supply requirement for the district as follows:

Annual Requirement As set out in District Plan	876 x 5 years =	4,380
Shortfall spread over remaining plan period	466 divided by 12 remaining years x 5 years	194
Total		4,574
Buffer (see paras 2.4,4.9 above)	10%	457
Total five year supply requirement		5,032

Figure 11 – Total Five Year Housing Requirement taken from MSDC Housing Land Supply Position Statement

4.7 MSDC is seeking to confirm the five year housing land supply under the terms of paragraph 74 of the NPPF through submission of the annual position statement to the secretary of state. Paragraph 74 of the framework states:

A five year supply of deliverable housing sites, with the appropriate buffer, can be demonstrated where it has been established in a recently adopted plan, or in a subsequent annual position statement which:

- a) has been produced through engagement with developers and others who have an impact on delivery, and been considered by the Secretary of State; and*
- b) incorporates the recommendation of the Secretary of State, where the position on specific sites could not be agreed during the engagement process.*

4.8 The report on the Annual Position Statement was issues by the Planning Inspectorate on 13 January 2020. It was confirmed that as the council did not have a recently adopted plan in conformity with the definition of the NPPF then the correct process had not been followed and the inspector was unable to confirm that the council had a five year housing land supply.

4.9 It is therefore clear that the council does not currently have a five year housing land supply and the demonstration of sufficiently deliverable sites within the SADPD is of critical importance for MSDC.

Deliverability of Sites

- 4.10 Any sites that have been included in the final Sites DPD will need to pass the tests of deliverability as set out in the NPPF. This is defined within the glossary of the framework as follows:

***Deliverable:** To be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years. In particular:*

- a) sites which do not involve major development and have planning permission, and all sites with detailed planning permission, should be considered deliverable until permission expires, unless there is clear evidence that homes will not be delivered within five years (for example because they are no longer viable, there is no longer a demand for the type of units or sites have long term phasing plans).*
- b) where a site has outline planning permission for major development, has been allocated in a development plan, has a grant of permission in principle, or is identified on a brownfield register, it should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years.*

- 4.11 The Planning Practice Guidance provides a further explanation on how the deliverability of sites should be considered:

A site can be considered available for development, when, on the best information available (confirmed by the call for sites and information from land owners and legal searches where appropriate), there is confidence that there are no legal or ownership impediments to development. For example, land controlled by a developer or landowner who has expressed an intention to develop may be considered available.

The existence of planning permission can be a good indication of the availability of sites. Sites meeting the definition of deliverable should be considered available unless evidence indicates otherwise. Sites without permission can be considered available within the first five years, further guidance to this is contained in the 5 year housing land supply guidance. Consideration can also be given to the delivery record of the developers or landowners putting forward sites, and whether the planning background of a site shows a history of unimplemented permissions.

Paragraph: 019 Reference ID: 3-019-20190722

Revision date: 22 07 2019

- 4.12 It is with this in mind that the proposed sites within the Sites DPD are scrutinised within subsequent sections of this document. It is considered that many of the proposed sites do not fully accord with the definition of delivery and consideration of alternative sites is required.

Area of Outstanding Natural Beauty

- 4.13 A significant number of the proposed sites are located within, or close to, the High Weald AONB. Paragraph 172 sets out the significant protection which should be afforded to the AONB in planning terms and states that:

Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife

and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads. The scale and extent of development within these designated areas should be limited. Planning permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:

a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;

b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and

c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

4.14 It is part b of paragraph 172 that is of particular importance in this instance. It is not considered that MSDC has considered sites outside of the AONB should be used to meet the identified residual housing requirement. It would appear that sites have been selected because of their conformity to the spatial strategy and hierarchy without the proper application of the ‘great weight’ required to protect the AONB.

4.15 The approach of allocating sites within the AONB as opposed to ‘outside the designated area’ should have been tested through a robust analysis of reasonable alternatives within the Sustainability Appraisal. The failure to do this adequately is a matter of soundness and it is considered that the Sites DPD fails the tests within the NPPF on this basis alone.

Historic Environment

4.16 Several of the allocations within the DPD are in close proximity to heritage assets. Paragraph 193 of the framework sets out the approach to heritage assets as follows:

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

4.17 In many instances the council themselves suggest that the development of housing on the sites is likely to have ‘less than significant harm’ on the heritage assets in question. Paragraph 196 of the framework sets out the approach which should be taken in this instance:

Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable

4.18 It is not considered that the harm caused to heritage assets has been adequately assessed within the Sustainability Appraisal for many of the proposed sites and further consideration is required of the sites in this regard. This would include assessing sites which would not have an impact on heritage assets through a robust application of reasonable alternatives within the Sustainability Appraisal.

5. Sustainability Appraisal

- 5.1 The SADPD is accompanied by a Sustainability Appraisal (SA) report which is a legal requirement derived from the Planning and Compulsory Purchase Act 2004 (Section 19). Section 39 of the Act requires documents such as the SADPD to be prepared with a view to contributing to the achievement of sustainable development.
- 5.2 The requirement for Strategic Environmental Assessment, in addition to the SA, is set out in the European Directive 2001/42/EC adopted into UK law as the “Environmental Assessment of Plans or Programmes Regulations 2004”.
- 5.3 In line with best practice the SEA has been incorporated into the SA of the SADPD.
- 5.4 The planning practice guidance sets out detailed consideration as to how any sustainability should assess alternatives and identify likely significant effects:

The sustainability appraisal needs to consider and compare all reasonable alternatives as the plan evolves, including the preferred approach, and assess these against the baseline environmental, economic and social characteristics of the area and the likely situation if the plan were not to be adopted. In doing so it is important to:

- *outline the reasons the alternatives were selected, and identify, describe and evaluate their likely significant effects on environmental, economic and social factors using the evidence base (employing the same level of detail for each alternative option). Criteria for determining the likely significance of effects on the environment are set out in [schedule 1 to the Environmental Assessment of Plans and Programmes Regulations 2004](#);*
- *as part of this, identify any likely significant adverse effects and measures envisaged to prevent, reduce and, as fully as possible, offset them;*
- *provide conclusions on the reasons the rejected options are not being taken forward and the reasons for selecting the preferred approach in light of the alternatives.*

Any assumptions used in assessing the significance of the effects of the plan will need to be documented. Reasonable alternatives are the different realistic options considered by the plan-maker in developing the policies in the plan. They need to be sufficiently distinct to highlight the different sustainability implications of each so that meaningful comparisons can be made.

The development and appraisal of proposals in plans needs to be an iterative process, with the proposals being revised to take account of the appraisal findings.

Paragraph: 018 Reference ID: 11-018-20140306

Revision date: 06 03 2014

- 5.5 In response to this guidance and requirement, paragraph 6.16 of the Sustainability Appraisal states that:

The Site Selection Paper 2 (paras 6.2 - 6.3) also recognises that, in order to meet the District Plan strategy, conclusions will be compared on a settlement-by-settlement basis with the most suitable sites at each settlement chosen in order to meet the residual needs of that settlement. This may result in some sites being chosen for allocation which have higher negative impact across all the objectives because this will be on the basis that the aim is to distribute allocations according to the District Plan strategy in the first instance; as opposed to simply selecting only

the most sustainable sites in the district (as this may not accord with the spatial strategy and would lead to an unequal distribution of sites across settlements). 20 sites that perform well individually and on a settlement basis, the residual housing need of 1,507 would be met with a small over-supply of 112 units.

5.6 Paragraph 6.45 recognises that this small over-supply *may not be a sufficient buffer should sites fall out of the allocations process between now and adoption (for example, due to delivery issues, reduction in yield, or any other reasons identified during consultation or the evidence base).*

5.7 The SA therefore considers reasonable alternatives of option A, B and C as follows:

Option A – 20 ‘Constant Sites’ – 1,619 dwellings

Option B – 20 ‘Constant Sites’ + Folders Lane, Burgess Hill (x3 sites) – 1,962 dwellings.

Option C – 20 ‘Constant Sites’ + Haywards Heath Golf Court – 2,249 dwellings

5.8 Paragraph 6.52 of the SA concludes that:

Following the assessment of all reasonable alternative options for site selection, the preferred option is option B. Although option A would meet residual housing need, option B proposes a sufficient buffer to allow for non-delivery, therefore provides more certainty that the housing need could be met. Whilst option C also proposes a sufficient buffer, it is at the expense of negative impacts arising on environmental objectives. The level of development within option C is approximately 50% above the residual housing need, the positives of delivering an excess of this amount within the Site Allocations DPD is outweighed by the negative environmental impacts associated with it.

5.9 It is not considered that this assessment of Option A, B and C is a sufficient enough assessment of reasonable alternatives as required by guidance and legislation. All of the options contain the ‘20 Constant Sites’ with no derivation of alternative options such as those which seek to divert housing growth away from the AONB or designated heritage assets.

5.10 It is apparent that other sites other than the 20 Constant Sites will need to be assessed if the council is to adequately demonstrate that reasonable alternatives have been considered as required.

6. Assessment of Proposed Sites.

- 6.1 This section analyses each of the proposed allocations against the tests of deliverability as set out in the NPPF and the potential shortcomings of several of the sites which require significant consideration. The findings of *Appendix B: Housing Site Proformas* of the *Site Selection Paper 3* (Appendix B) and the conclusions of the Sustainability Appraisal (SA) are considered in detail.

SA 12 Land South of 96 Folders Lane, Burgess Hill

- 6.2 Appendix B of the reg 18 SADPD set out that this site has *moderate landscape sensitivity and moderate landscape value. This site could be visible from the South Downs National Park*. The SA states that an LVIA is required to determine any impact on the national park. Given the weight that the NPPF requires to be placed on the protection of the national park, any impact must be measured prior to allocation. If it is deemed that mitigation would not minimise the harm caused, then the proposed allocation must fall away.
- 6.3 Appendix B of the reg 18 SADPD also set out that a TPO area lines the norther border and potential access route. It should be noted that an application was submitted in 2019 for the *erection of 43 dwellings and associated works* (DM/19/0276) but was withdrawn in September 2019 due to concerns over highways. The deliverability of this site is therefore not considered to be in accordance with the guidance set out in the framework.
- 6.4 Finally, whilst the priority for sites higher in the settlement hierarchy is acknowledged, this is site is very remote from the services offered by Burgess Hill. This is highlighted within the sustainability appraisal for the site which states that it is more than a 20 minute walk from the site to schools, GP and shops.

SA 13 Land East of Keymer Road and South of Folders Lane, Burgess Hill.

- 6.5 As with SA12, this site is in close proximity to the national park and the conclusions as set out above apply equally to this site.
- 6.6 The SA sets out that this is the only site within Burgess Hill to have any impact on listed buildings where it is stated that development of this site would cause *less than substantial harm (medium) on High Chimneys (Grade II listed)*. This is not mentioned within appendix B and this therefore calls into question the consistency of assessment of the sites in this regard.
- 6.7 Given that site SA12 and SA13 are in close proximity to one another it is notable that the cumulative impact of the development of both of these sites has not been assessed for a number of ‘in-combination’ impacts such as highways and landscape impact.

SA 14 Land to the south of Selby Close, Hammonds Ridge, Burgess Hill

- 6.8 There is a TPO at the front of this site which is potentially why access is proposed through the CALA Homes site (DM/17/0205). No evidence is submitted to suggest that this form of access is agreed or available. The section relating to Highways and Access within the SADPD simply states that this access *will need to be investigated further*.
- 6.9 The SA and appendix B both point towards the Southern Water Infrastructure which crosses the site. The wording in the DPD recommends that the layout of the development is considered to *ensure future access for maintenance and/or improvement work, unless diversion of the sewer is possible*. Given that the site is only 0.16ha it is therefore questionable whether there would be adequate space to develop the site for housing and provide accommodation for the sewage infrastructure crossing the site. The deliverability of this site has therefore not been adequately demonstrated.

- 6.10 As with SA12 and SA13 there are questions of the sustainability of the site given that the SA notes that it is more than a 20 minute walk to the school and GP.

SA 15 Land South of Southway, Burgess Hill

- 6.11 The SADPD describes the site as *overgrown and inaccessible land designated as a Local Green Space in the Burgess Hill Neighbourhood Plan*. It is unclear whether this site was ever previously in use 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

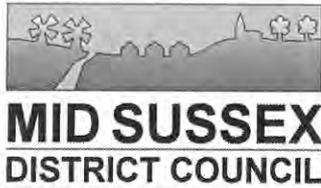
SHELAA Ref	676	Parish	East Grinstead
Site Location	Land south of 61 Crawley Down Road, Felbridge		
			
Site uses	Dwellings		
Gross Site Area (ha)	1.6		
Potential Yield	6		
Site History	Planning Application - Refused		
Absolute Constraint	Flood Zone 2 or 3	✓	
	Site of Special Scientific Interest	✗	
Other 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		

2218

Site Allocations DPD: Regulation 19 Consultation Response

Policy:

ID:	2218
Response Ref:	Reg19/2218/2
Respondent:	Mr R Andrew
Organisation:	Hargreaves Management
On Behalf Of:	Hargreaves Management
Category:	Promoter
Appear at Examination?	✓



**Site Allocations Development Plan Document
Regulation 19
Submission Draft Consultation Form**

The District Council is seeking representations on the Submission Draft Site Allocations Development Plan Document, which supports the strategic framework for development in Mid Sussex until 2031.

The Site Allocations DPD, has four main aims, which are:

- i) to allocate sufficient housing sites to address the residual necessary to meet the identified housing requirement for the district up to 2031 in accordance with the Spatial Strategy set out in the District Plan;
- ii) to allocate sufficient employment land to meet the residual need and in line with policy requirements set out in District Plan Policy DP1: Sustainable Economic Development;
- iii) to allocate a site for a Science and Technology Park west of Burgess Hill in line with policy requirements set out in District Plan Policy DP1: Sustainable Economic Development, and
- iv) to set out additional Strategic Policies necessary to deliver sustainable development.

All comments submitted will be considered by a Planning Inspector, appointed by the Secretary of State, at a public examination to determine whether the plan is sound.

The Site Allocations DPD is available to view at:

www.midsussex.gov.uk/planning-building/development-plan-documents/

A number of documents have been prepared to provide evidence for the Site Allocations DPD and these can be viewed on the Council's website at the above address.

Paper copies will also be at the Council offices (see address below) and your local library and available to view if the buildings are able to open during the consultation period.

Please return to Mid Sussex District Council by midnight on 28th September 2020

How can I respond to this consultation?

Online: A secure e-form is available online at:

www.midsussex.gov.uk/planning-building/development-plan-documents/

The online form has been prepared following the guidelines and standard model form provided by the Planning Inspectorate. To enable the consultation responses to be processed efficiently, it would be helpful to submit a response using the online form, however, it is not necessary to do so. Consultation responses can also be submitted by:

Post: Mid Sussex District Council
Planning Policy
Oaklands Road
Haywards Heath
West Sussex
RH16 1SS

E-mail: LDFconsultation@midsussex.gov.uk

A guidance note accompanies this form and can be used to help fill this form in.

Part A – Your Details (You only need to complete this once)

1. Personal Details

Title	<input type="text" value="Mr"/>
First Name	<input type="text" value="Richard"/>
Last Name	<input type="text" value="Andrew"/>
Job Title (where relevant)	<input type="text" value="Chairman"/>
Organisation (where relevant)	<input type="text" value="Hargreaves Management"/>
Respondent Ref. No. (if known)	<input type="text"/>
On behalf of (where relevant)	<input type="text" value="Hargreaves Management"/>
Address Line 1	<input type="text" value="Rustington House"/>
Line 2	<input type="text" value="Worthing Road"/>
Line 3	<input type="text" value="Rustington"/>
Line 4	<input type="text" value="West Sussex"/>
Post Code	<input type="text" value="BN16 3PS"/>
Telephone Number	<input type="text" value="01903 777775"/>
E-mail Address	<input type="text" value="rra@hprop.co.uk"/>



Information will only be used by Mid Sussex District Council and its employees in accordance with the Data Protection Act 1998. Mid Sussex District Council will not supply information to any other organisation or individual except to the extent permitted by the Data Protection Act and which is required or permitted by law in carrying out any of its proper functions.

The information gathered from this form will only be used for the purposes described and any personal details given will not be used for any other purpose.

Part B – Your Comments

You can find an explanation of the terms used in the guidance note. Please fill this part of the form out for each representation you make.

Name or Organisation:

Hargreaves Management

3a. Does your comment relate to:

Site Allocations DPD	<input 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 Policy SA Draft Policies Map

4. Do you consider the Site Allocations DPD is:

4a. In accordance with legal and procedural requirements; including the duty to cooperate. Yes No

4b. Sound Yes No

5. With regard to each test, do you consider the Plan to be sound or unsound:

	Sound	Unsound
(1) Positively prepared	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(2) Justified	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(3) Effective	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(4) Consistent with national policy	<input checked="" type="checkbox"/>	<input type="checkbox"/>

6a. If you wish to support the legal compliance or soundness of the Plan, please use this box to set out your comments. If you selected 'No' to either part of question 4 please also complete question **6b.**

The Sustainability Appraisal sets out in Chapter 6 how the final list of sites for inclusion in the DPD was selected through a series of assessments. Some 253 sites were promoted for housing allocation through the SHELAA Call for Sites. Through the various stages of assessment this number was reduced first to 159 sites, then to 51. Those 51 sites were appraised and 22 have been allocated in the Site Allocations DPD. The assessment process has been robust and it is considered that this demonstrates that the sites selected are the most appropriate for development. Consequently, the Plan is considered to have been positively prepared and justified.

The SA includes a summary of the detailed appraisals of each of the 51 potential housing sites considered. Table 15 on page 47 of the SA lists 20 sites which are considered to perform well when assessed against the District Plan strategy. The Land South of Southway, Burgess Hill (the site allocated in draft policy SA15) is listed as one of the 20 sites that performs best when assessed against the District Plan strategy. The specific comments on this site refer to the positive effects in relation to housing and the suite of social sustainability objectives. This confirms the information submitted by the site promoters setting out how the site is considered to be well located for new housing and would provide enhanced footpath and cycle links to the wider area.

A number of the 51 potential housing sites were considered to perform poorly when assessed against the District Plan strategy and those have not been included in the draft Site Allocations DPD. The 20 sites which performed well (of which site SA15 was one) were all included and together they would meet the residual housing need for the District for the remainder of the Development Plan period. However, in order to ensure more certainty that the housing need could be met, additional sites have been included. Consequently, the Site Allocations DPD can meet the residual housing need (which is the minimum requirement) so it is considered to be effective.

The performance of these additional sites had originally been considered to be marginal when assessed against the District Plan strategy. However, upon examining them in more detail and considering potential cumulative effects with other sites that may or may not have been allocated, it was determined that they would be suitable for allocation to boost the housing supply. Consequently, the inclusion of all the sites is consistent with the District Plan strategy which itself is consistent with National Policy. Therefore, the draft Site Allocations DPD is also considered to be consistent with National Policy.

6b. Please give details of why you consider the Site Allocations DPD is not legally compliant or is unsound. Please be as precise as possible.

7. Please set out what change(s) you consider necessary to make the Site Allocations DPD legally compliant or sound, having regard to the reason you have identified at question 5 above where this relates to soundness.

You will need to say why this change will make the Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested change, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.

8. If your representation is seeking a change, do you consider it necessary to attend and give evidence at the hearing part of the examination? (tick below as appropriate)

No, I do not wish to participate at the oral examination

Yes, I wish to participate at the oral examination

9. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

In order to respond if necessary to any objections to the inclusion of site SA15 as a housing allocation within the DPD.

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

10. Please notify me when:

- (i) The Plan has been submitted for Examination
- (ii) The publication of the recommendations from the Examination
- (iii) The Site Allocations DPD is adopted

Signature: 

Date:

Thank you for taking time to respond to this consultation

2382

Site Allocations DPD: Regulation 19 Consultation Response

Policy:

ID:	2382
Response Ref:	Reg19/2382/2
Respondent:	Ms C Boughton-Tucker
Organisation:	
On Behalf Of:	
Category:	Resident
Appear at Examination?	✓

Regulation 19 Consultation Response – Site Allocations DPD

PART A – PERSONAL INFORMATION

Name: Claire Boughton-Tucker

Address: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Email: [REDACTED]

PART B – REPRESENTATION

I am **OBJECTING** to the Site Allocations DPD and Sustainability Appraisal as being unsound in particular reference to:

SA19 – Land south of Crawley Down Road

The overall strategy of the Plan has NOT been **POSITIVELY PREPARED** as it proposes the allocation of 772 new homes in East Grinstead and Felbridge without any new employment space and against a backdrop of unidentified local housing need and declining employment space.

I do NOT consider the Plan to be **JUSTIFIED** in respect of the sites in East Grinstead and particularly the site in Felbridge, which have not been genuinely assessed against prescribed Sustainability Objectives. In the most part they have been poorly applied, unfounded and in conflict with available evidence.

The new homes are required to meet the housing shortage for workers in Crawley but sites such as Crabbett Park, close to the border with Crawley have been discarded without any assessment against the Sustainability Objectives.

I do NOT consider the Plan to be **CONSISTENT WITH NATIONAL POLICY** which requires the delivery of sustainable development. I consider the proposed sites in East Grinstead and Felbridge to be unsustainable. No local evidence has been supplied to justify any departure from national policy.

I therefore request that:

1. Sites closer to the border with Crawley are properly assessed against all Sustainability Objectives. They have the potential to score highly but lack of consideration means that **reasonable alternatives have not been genuinely considered.**
2. Sites proposed in East Grinstead and Felbridge are properly assessed against Sustainability Objectives and not simply given impacts without evidence or explanation in order to justify their inclusion in the Site Allocations DPD

1. Social Sustainability Objective No. 3 – as applied to SA19

Objective

To maintain and improve the opportunities for everyone to acquire the skills needed to find and remain in work and improve access to educational facilities

Indicators

- percentage of population of working age qualified to at least NVQ level 3 (or equivalent)
- percentage of adults with poor literacy and numeracy skills
- number of households within a 15 minute walk (approx. 1.2km) from a Primary School

Stated Impact

Significant positive impact

- 1.1. The selection criteria for housing sites in the '*Site Selection Paper 2 - Methodology for Site Selection*' measures the sustainability objective solely on the distance between the proposed site and the nearest primary school.
- 1.2. NPPF (2018) paragraph 94 is quoted in support of this objective "*It is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should... give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications*".
- 1.3. The location of site SA19 (Land south of Crawley Down Road, Felbridge), is correctly assessed as being a 10 minute walk from the village school. However, the NPPF paragraph highlights the importance of sufficient school places being available.
- 1.4. Other than proximity there is no evidence to indicate that MSDC have assessed the schools ability to provide sufficient places. The school is already oversubscribed. With a capacity of 214 pupils, the school website is advertising only 4 year 5 places on 16/09/2020.
- 1.5. MSDC have already permitted 120 new homes still to be built within a 5 minute walk of the school and now propose to allocate a further 200.
- 1.6. The school has limited capacity for expansion and lies over the border in Tandridge. Even if sufficient capacity could be accommodated Surrey County Council are unlikely to fund an expansion as there is no unmet education need in southern part of Tandridge.
- 1.7. A 'significant positive' impact cannot possibly be justified.

2. Social Sustainability Objective No. 4 – as applied to SA19

Objective

To improve access to retail and community facilities

Indicators

- number of households within a 15 minute walk (approx. 1.2km) from a superstore/town centre/high street shopping facilities)
- number of households within a 15 minute walk (approx. 1.2km) from a convenience store
- number of households within a 15 minute walk (approx. 1.2km) from community facilities (e.g. community hall, place of worship, library)

Stated Impact

Significant positive impact

– number of applications resulting in a loss of community facilities (e.g. shop, pub, place of worship, etc)

- 2.1. In their Sustainability Appraisal conclusions, MSDC simply say that “*All site allocations make a positive contribution towards the sustainability objective to improve access to retail and community facilities; all sites are within a 15 minute walk of the nearest convenience store.*”
- 2.2. There is a small convenience store within a 15 minute walk (approx. 1.2km) of the site; also a ladies hairdressers, a village hall and a pub. However, town centre shopping facilities, restaurants, library and superstore are considerably further way ... a 45 minute walk (approx. 3.6km).
- 2.2. This compares very poorly with allocated site SA18 (Former East Grinstead Police Station) located on the edge of the town. This site benefits from nearby town centre shopping facilities; community facilities including a theatre, library and place of worship; a selection of restaurants and a large superstore ... all within 15 minute walk
- 2.3. Site SA18 could justifiably be assessed at the highest level against the sustainability objective but for some reason falls short and is only rated as a ‘Positive’ impact.
- 2.4. Contrast this with the assessment of Site SA19 (Land south of Crawley Down Road, Felbridge) which has no town centre or superstore facilities but is given the top ‘Significant Positive’ rating. This cannot be correct

3. Environmental Sustainability Objective No. 11 – SA18/SA19/SA20

Objective

To reduce road congestion and pollution levels by improving travel choice, and reducing the need for travel by car, thereby reducing the level of greenhouse gases from private cars and their impact on climate change. (SEA)

Indicators

- number of households within a 5 minute walk (approx. 400m) of a bus stop with frequent service (3+ an hour)
- number of households within a 10 minute walk (approx. 800m) of a bus stop with less frequent service (less than 3 an hour)
- number of households within a 15 minute walk (approx. 1.2km) of a train station
- proportion of journeys to work by public transport
- percentage of residents living and working within Mid Sussex
- monetary investment in sustainable transport schemes (value of s.106 agreements)
- number of Air Quality Management Areas (AQMAs) within the District

Stated Impact

Not known

- 3.1. The site selection criteria for housing sites in *the ‘Site Selection Paper 2 - Methodology for Site Selection’* refers to NPPF (2018 Paragraph 103) in support of the Sustainability Objective ... *“Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health”*

- 3.2. However, as with other sites, SA19 doesn't appear to have been assessed against the Sustainability Objective at all, despite the widely acknowledged highways constraint in East Grinstead.
- 3.3. In October 2019, MSDC's jointly commissioned WSP traffic study reported that "The Felbridge junction has been identified as a constraint to development coming forward in Tandridge and the Felbridge/East Grinstead area. The junction currently operates above capacity leading to congestion during peak periods and at other times of the day"
- 3.4. The declining employment space taken together with the significant levels of committed development will result in further out-commuting. Allocating an additional 722 new homes in East Grinstead will serve only to exacerbate the problem
- 3.5. The nearest train station is a 45minute walk (3.6km) and there is no direct line to Crawley and MSDC rely on census data from 2011 to show that less than 15% of people travel to work by public transport.
- 3.6. Based on available evidence, the proposed allocations for East Grinstead will lead to significant increases in car travel using heavily congested roads.
- 3.7. This indicates that the impact of these sites on the Sustainability Objective will be negative NOT 'Unknown'.

4. Economic Sustainability Objective No. 14 – as applied to SA19

Objective

To encourage the regeneration and prosperity of the District's existing Town Centres and support the viability and vitality of village and neighbourhood centres

Indicators

- Total amount of floorspace for "Town Centre Uses" (A1, A2, B1a, D2)
- number of households within a 15 minute walk (approx. 1.2km) from a town centre superstore/town centre/high street shopping facilities)

Stated Impact

Significant positive impact

- 4.1. Site SA19 (Land south of Crawley Down Road, Felbridge) is located outside the built-up boundary on the edge of the rural village in Felbridge. MSDC regard Felbridge as an extension to East Grinstead and as such does not exist as a separate entity in their settlement hierarchy.
- 4.2. TDC classify Felbridge as a tier 3 medium sized village as it can only demonstrate a basic level of provision.
- 4.3. The proposed site location for the 200 new homes is a 45 minute walk (3.5km) from the town centre facilities in East Grinstead. The nearest superstore and high street shopping facilities are equally distant.
- 4.4. There are no proposals in the Infrastructure Delivery Plan to improve the meagre facilities in the village and any CIL funding will go Mid Sussex and not to Tandridge.
- 4.5. MSDC do not explain or provide evidence to show how 200 houses on the edge of Felbridge will provide a positive sustainability impact but just rely on the general statement that they will *"encourage the regeneration and prosperity of the District's existing Town Centres and support the viability and vitality of village and neighbourhood centres."*

- 4.6. Without evidence to the contrary 200 more homes (in addition to the 120 already committed south of the Crawley Down Roads in Felbridge) can only have a negative effect on the function and character of the village and therefore it cannot possibly be correct to assess the site as having a 'significant positive impact'.

5. Economic Sustainability Objective No. 15 – SA18/SA19/SA20

Objective

To ensure high and stable levels of employment so everyone can benefit from the economic growth of the District

Indicators

- percentage of Mid Sussex residents who are employed
- percentage of Mid Sussex residents who are economically active
- average weekly income (gross) for those who are employed in the District
- percentage of residents living and working within Mid Sussex
- job density (ratio of jobs to working age population)

Stated Impact

Positive impact

- 5.1. MSDC have recommended the allocation of 3 sites in East Grinstead and Felbridge for a total of 722 homes with no proposals for additional employment space.
- 5.2. MSDC's latest monitoring of housing supply to April 2020 shows that a further 984 homes (714 with permission) are already committed for East Grinstead.
- 5.3. There has been a considerable loss of office space to residential development since the start of the plan period. The MSDC 2018 Economic Profile Study reported the stock of commercial office space to be less than 20,000m².
- 5.4. In June 2020, MSDC allowed the last remaining office block in East Grinstead to be converted into residential apartments. 253 new homes and 12,000m² (or 60%) of the remaining stock of office space lost at a stroke. Not only were 1,000 workers displaced from the town centre but the conversion will result in 500 or so extra residents who will struggle to find jobs locally (these 253 new homes are not in the plan and therefore should offset the allocations in East Grinstead).
- 5.5. When asked, MSDC said that they do not monitor the amount of office space lost to residential conversions. Therefore they cannot know how much office space is currently available in East Grinstead in order to inform planning decisions.
- 5.6. All 3 sites in East Grinstead have been assessed to have a 'positive impact' on the Sustainability Objective.
- 5.7. In their Sustainability Appraisal conclusions, MSDC simply say *that "All site allocations have a positive impact on the sustainability objective to ensure high and stable levels of employment so everyone can benefit from the economic growth of the District"*.
- 5.8. No evidence is presented to support this general statement. On the contrary, there is evidence to suggest that allocating yet more sites to East Grinstead without more employment provision will have a negative impact.

6. Economic Sustainability Objective No. 16 – SA18/SA19/SA20

Objective

To sustain economic growth and competitiveness across the District, protect existing employment space, and to provide opportunities for people to live and work within their communities therefore reducing the need for out-commuting

Indicators

- net increase/decrease in commercial (Use Classes B1(b,c), B2, B8) and office (B1(a) and A2) floorspace
- number of businesses within the District
- number of new businesses setting up in the District

Stated Impact

Positive impact

- 6.1. In its key findings, the MSDC 2018 Economic Profile Study says that “There has been a significant loss of office floor space to residential conversions particularly in East Grinstead”. No new employment space was allocated to East Grinstead in the local plan and none is proposed in the Site Allocations DPD.
- 6.2. Therefore the evidence indicates that East Grinstead has suffered a net decrease in employment space and yet as a tier 1 settlement, expected to take a significant proportion of the district’s housing need. 782 homes have already been delivered in East Grinstead since the start of the plan period with 968 more homes with permission still to come, plus a further 270 allocated in the local plan.
- 6.3. The Site Allocations DPD is now proposing to allocate a further 772 homes to contribute towards the shortfall of homes for Crawley workers.
- 6.4. In their Sustainability Appraisal conclusions, MSDC simply say that “*All site allocations have a positive impact on the sustainability objective to sustain economic growth and competitiveness across the District, protect existing employment space, and to provide opportunities for people to live and work within their communities therefore reducing the need for out-commuting.*”
- 6.5. With a lack of new employment space in East Grinstead and a significant increase in the number of new homes and displaced office workers ... more out-commuting is inevitable. Despite this MSDC rate the sites as a ‘Positive Impact’ with no evidence to support their assessment.
- 6.6. The decline in employment space and the rise of out-commuting is contrary to the stated Sustainability Objective so the sites proposed for East Grinstead must qualify for a ‘Significant Negative Impact’.

2383

Site Allocations DPD: Regulation 19 Consultation Response

Policy:

ID:	2383
Response Ref:	Reg19/2383/3
Respondent:	Mr P Tucker
Organisation:	Infrastructure First
On Behalf Of:	Infrastructure First
Category:	Organisation
Appear at Examination?	✓



RESPONSE TO SITES ALLOCATIONS DPD REGULATION 19 REPRESENTATION FORM

Part A – Our Details

Name	Paul Tucker
On behalf of	Infrastructure First
Address	[REDACTED]
Email Address	[REDACTED]

Part B – Our Comments

Organisation	Infrastructure First
---------------------	----------------------

Our comments 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 checked="" type="checkbox"/>	Equalities Impact Assessment	<input type="checkbox"/>	Draft Policies Map	<input type="checkbox"/>

We consider the Site Allocations DPD is ...

In accordance with legal and procedural requirements, including the duty to cooperate?

Yes No

Sound?

Yes No

We consider the Site Allocations DPD to be unsound in the following areas ...

	Sound	Unsound
Positively prepared	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Justified	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Effective	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Consistent with national policy	<input type="checkbox"/>	<input checked="" type="checkbox"/>

No, I do not wish to participate at the oral examination

Yes, I wish to participate at the oral examination

We are seeking a change to the Site Allocations DPD and would like to attend and give evidence at the oral part of the examination.

The Infrastructure First Group takes a responsible attitude to development. It is advised by Wedderburn Transport Planning on highways issues, and, by Mr. Juan Lopez on legal issues.

Given its remit and level of community support, the Infrastructure First Group considers it appropriate that it should be kept informed of the **council's** response to the consultation and should be invited to participate in the public examination.

Continued over ...

The objection to the site Allocations DPD, Sustainability Appraisal and associated documents consists of the formal response form and the professional advice of Wedderburn Transport Planning which is contained in this report and which forms an integral part of the response.

However, given that significant areas of uncertainty exist – particularly though not exclusively in relation to traffic data and their interpretation – as a result of the lack of provision of key information either in full or in part during and before the consultation, the Infrastructure First Group reserves the right to submit additional responses as and when additional information becomes available.

About Infrastructure First

Infrastructure First is a residents group concerned with ensuring that development in East Grinstead and the surrounding villages is sustainable and enhances the various settlements. We do not oppose sustainable development and support the East Grinstead Neighbourhood Plan.

Infrastructure First has built on the experience and legacy of earlier local groups involved in planning notably the East Grinstead Post Referendum Campaign (PRC) which made representations on planning matters following the 2003 referendum against the District **Council's** scheme to build 2,500 homes proposed on a mixed-use development on Imberhorne Farm. This was advanced by MSDC through an Area Action Plan and the PRC was able to assist the Council by exposing the unresolvable flaws in the proposal that led to the Council abandoning it in 2010. Many of the issues evaluated during that process remain valid when considering the latest proposal to develop land at East Grinstead and Felbridge.

In the absence of an effective programme being run by MSDC to inform the local residents of the current consultation Infrastructure First has set up a website and distributed leaflets to households to enable them to make their views known.

<https://www.infrastructurefirst.co.uk>

Firstly this response sets out why **we consider that the Council has not met the Duty-to-Cooperate or its own Statement of Community Involvement. As such the DPD and associated documents are not considered legally compliant and should be withdrawn.**

This response focuses on objections to the site allocations proposed at East Grinstead and Felbridge that will add a further 722 homes to those already committed via the local development plan and through windfall developments.

We consider that these proposed additional allocations at East Grinstead and Felbridge are not sustainable and should be replaced by other sites that are, located nearer to Crawley but which the Council has chosen not to evaluate.

These sites nearer to Crawley are deliverable in the mid-term and would offer flexibility to the District Plan which is due to be reviewed in 2021, when it is likely to be required to accommodate more overspill housing from Crawley following the emerging reviews of the Horsham and Crawley Local Plans.

We consider that the submitted draft DPD is not sound and should be withdrawn for further work to be completed.

MSDC has attempted to develop the broad location between East Grinstead and Felbridge before and their failure to deliver resulted in the Council's failure to deliver the District Plan which was originally due to be adopted in 2010.

We also contend that the Council has not followed due process and so the draft DPD is not legal.

We do not consider that the Council has followed due process in producing this DPD. We consider that it has failed to adequately engage with the public and that it has not adhered to the principle of front-loading consultation.

There is no unmet need to make up in Mid Sussex in general and specifically none at East Grinstead. The allocations proposed at East Grinstead are to meet Crawley's unmet need. Therefore, proposed allocations need to be shown to be i) sustainable in themselves and ii) the best solution to meet the unmet need at Crawley, some 13 km distance from East Grinstead, along the congested A264 corridor.

We argue that neither criteria is met by the proposals in the draft Site Allocations DPD. The sites at East Grinstead are not sustainable and should be removed from the DPD and the Council needs to revisit sites abutting Crawley, that are sustainable, that could be delivered and would better meet the requirement to provide homes to meet Crawley's unmet need.

We also consider the Sustainability Appraisal is superficial, inaccurate in places and fails to consider all reasonable potential sites. We set out our arguments for this in Appendix C.

1. Background

The Site Allocations DPD is necessary because the District Plan, adopted in 2018, was built up from the various Neighbourhood Plans produced across the District, and so did not identify sufficient sites to deliver the share of unmet housing need for Crawley post 2023/24, identified, for Mid Sussex to accommodate, by the Inspector at the District Plan Examination.¹ This DPD is an interim measure being produced ahead of the review of the District Plan in 2021.²

It is clear from the reviews being undertaken by Horsham and Crawley into their Local plans that it is likely that Mid Sussex, like Horsham, will need to accommodate more housing to meet **Crawley's** expansion. The DPD does not address this point since none of the site allocations proposed offer any possibility of further expansion. There is no built-in flexibility.

Since the main objective of this DPD is to meet unmet need at Crawley, it is perplexing that MSDC has chosen to either ignore completely, or dismiss without evaluation, sites that are closer to Crawley which could offer a substantial quantum of development and that would neither require increased car journeys nor overload the existing infrastructure as would sites at East Grinstead and Felbridge, or pose a risk to Ashdown Forest, that needs mitigation.

1.1 High risk strategy

On the evidence available, the quantum of development proposed in the draft Site Allocation DPD between East Grinstead and Felbridge cannot be delivered sustainably and the strategy being put forward is high risk.

Furthermore, these locations are, at best, sub-optimal in addressing the requirement that Mid Sussex must deliver 1,500 additional houses to meet the expected unmet need of Crawley Borough from 2023/24.

Mid Sussex have introduced an unnecessary and unwelcome lack of flexibility to the Mid Sussex spatial plan, that runs contrary to national planning policy by discarding potential sites closer to Crawley without evaluation.

¹ The submitted draft District Plan had underestimated the OAN for Mid Sussex and also failed to recognise or accommodate that unmet need for Crawley. During the Examination the housing requirement was significantly increased.

² Local Development Scheme June 2019, "The Mid Sussex District Plan 2014 – 2031 also includes a commitment (Development Policy 5: Planning to Meet Future Housing Need) to undertake a review of the District Plan commencing in 2021"

Under the current draft Site Allocations DPD the ability to meet the Mid Sussex housing requirement would rely on delivering sites at East Grinstead and Felbridge in the same (or very similar) locations to those that the Council previously failed to deliver under the East Grinstead Area Action Plan DPD [EGAAP] scheme.

The failure to find a way of developing that mixed-use strategic location at **"Imberhorne"** through the EGAAP process, despite the expenditure of considerable resources and the inclusion of an expensive multi-modal transport study [MMTS], led directly to the recently adopted local plan (District Plan) arriving ten years late and the failure of the Council to operate a plan-led planning system from 2008 to 2018 (as is required by national planning policy).

MSDC had argued that to deliver the 2,500 mixed-use strategic development under the East Grinstead AAP, £120m at 2006 prices (£175m today) was needed to fund the necessary infrastructure. For the SA19 and SA20 the Infrastructure Delivery Plan lists infrastructure spending of less than £21m. £21m seems unlikely to be sufficient.

1.2 Relevant History and implications of MSDC proposals for major development between Felbridge and East Grinstead

Until the adoption in 2018 of the Mid Sussex District Plan (20 year period 2011-2031) the local development plan consisted of the old Local Plan modified in 2004 (that was produced before the P&CPA [2004] came into effect) and the Small Scale Housing Allocations DPD. An additional DPD was scheduled to be adopted in 2006 to deliver a mixed use Strategic Development identified to the west/southwest at East Grinstead (between East Grinstead and Crawley) to be fully completed by 2016 but with no site specifically allocated under the revised county Structure Plan.

The replacement of the 2004 modified Mid Sussex Local Plan was delayed from its first scheduled due date of 2010, to 2018. The current need for a Site Allocations DPD resulted from the failure of the Council to allocate sufficient development sites under the submitted draft District Plan (2014-31).

The reason for the decade long delay in adopting an up-to-date spatial plan was due to the Council failing to follow a strategy that was sufficiently flexible, and that relied on major development at East Grinstead that it found impossible to deliver. We now find that the Council is making its delivery of the District Plan housing numbers post 2023/24 dependent on another scheme for mass housing at East Grinstead/Felbridge. It is therefore appropriate to review the reasons for the fate of the earlier plan that was advanced as the EGAAP.

The modified West Sussex Structure Plan (2004) set out a housing quota for Mid Sussex in 2004 and identified a mixed use strategic development site to the west/southwest of East Grinstead. MSDC started the process of developing a new Local Plan to accommodate the increased numbers which it proposed to do through a Small Scale Housing Allocations DPD (providing small sites up until 2010) and an East Grinstead Area Action Plan to deliver a mixed use strategic allocation at East Grinstead to be fully completed by 2016.

Unusually, MSDC chose in their local development scheme to bring forward the spatial strategy *after* the adoption of the SSHA and EGAAP DPDs, and against government advice.

The approach proved to be flawed because it meant that the spatial strategy was entirely reliant on delivering the EGAAP site to meet the housing quota. This ran against the 2004 Planning & Compulsory Purchase Act requirement that the spatial plan should provide sufficient flexibility.

The Council argued that the well-established planning constraints at East Grinstead could be overcome and this ambition was set into the revised West Sussex Structure Plan (WSSP) policy LOC1, with the infrastructure requirements upon which it was made contingent set out in the accompanying appendix B. The Council started to develop the EGAAP in 2004 but was obliged to abandon it in 2010, after it became clear that the scheme could not deliver sustainable development, and could not meet the development conditions the Council agreed to at the WSSP EIP.

It is relevant to note the Council's proposed EGAAP mixed use development was at Imberhorne Farm and included 2,500 homes plus associated employment provision. This scheme included the site currently being advanced as SA20 for 550 homes as well as the site already developed for 100 homes adjacent to Imberhorne Lane.

The information published to support this new strategic development between East Grinstead and Felbridge fails to address the issues that the earlier, much more detailed, work exposed and which at that time the Council and the East Grinstead Developer Consortium concluded could not be overcome to deliver a sustainable and lawful development. Based on the evidence provided it would be reasonable to expect that this new scheme will fail just like the earlier one and will leave the Council unable to meet its obligations with respect to the unmet need at Crawley.

This makes the allocations SA19 and SA20 **unsound** and so undermines the soundness of the Site Allocations DPD itself.

1.3 Relevant reasons for earlier failures to deliver mass development at East Grinstead and how the draft Allocations DPD addresses them

The chief constraints on development at East Grinstead were recognised in the modified Mid Sussex Local Plan (2004) as being down to inadequate traffic infrastructure and environmental factors.

They were thought a sufficiently serious risk to delivery that when a mixed use strategy location was identified south/southwest under Policy LOC1 of the county Structure Plan (2004) the development was made contingent on the Council meeting specific infrastructure conditions set out in the associated Appendix B, in order for the development to meet sustainability criteria and national planning policy. The Council was unable to meet these and so the Council was forced to drop the strategic development.

Since that time the constraints have worsened and so it remains for the Council to demonstrate that, notwithstanding, the new proposal can overcome these constraints and be delivered. It **hasn't**.

It is concerning that now, in this draft DPD, the Council is failing to consider the possibility of a repeat failure when advancing a proposal on sites similar to that of the EGAAP and nonetheless with much less provision for infrastructure, and one that runs counter to national planning policy, and in particular the Planning & Compulsory Purchase Act (2004) and the most recent National Planning Policy Framework.

Below we will set out why these risks remain and that the Council has failed to offer any deliverable resolution to the underlying transport constraint.

2. The Council has failed to consult properly with the wider public

The NPPF requires LPAs to carry out public consultation on plans that is transparent and front-loaded (ie. at the earliest opportunity). Para 16 says that "**Plans** should be shaped by early, proportionate and effective engagement between plan makers and communities, local organisations, businesses, infrastructure providers and operators and statutory **consultees...**"

MSDC say that their consultation process adheres to their Statement of Community Involvement. This requires that "**the** community should be involved as early as possible in the decision making process when there is more potential to make a **difference**" and that "**community** involvement should be accessible to all those who wish to take **part**".

We note that the latest Local Development Scheme, which MSDC say is the way for residents and other interested parties to keep abreast of the timetable for consultation reading planning policy matters, is dated June 2019 and is out-of-date. Anyone relying on this would be unaware of the current consultation.

MSDC claim to have met their obligation to consult residents by:

1. Issuing a press release
2. Email alerts
3. Ad-hoc comments on the **Council's** social media channels
4. Posts on the **Council's** website
5. Exhibition boards in the public library

The evidence shows that these communication channels have been wholly inadequate in reaching ordinary residents or "hard-to-reach groups", and in places the procedure was not followed at all.

2.1 Ineffective Press Release Campaign

MSDC advise that the press release was distributed to the following:

- o **TV outlets** – ITV Meridian News & BBC South East Today
 - o **Radio Stations** – BBC Radio Sussex; BBC Radio Surrey; Burgess Hill Community Radio; Heart Radio; Meridian FM & More Radio
 - o **Newspapers** – East Grinstead Courier; Mid Sussex Times; The Argus & West Sussex County Times
 - o **New Agencies** – Dehaviland; Dods Monitoring & Press Association
 - o **Magazines** – Cuckfield Life; East Grinstead Living; Hurst Life; Lindfield Life; RH Uncovered & Sussex Living
 - o **Websites** – BBC News Online; Burgess Hill Uncovered & Crawley News
- 24

However, MSDC say that they do not actively monitor the coverage given to their press releases and Officers are only "... aware that the Mid Sussex Times ran a story on 30th July regarding the **consultation.**" The single press release for the Consultation resulted in only one entry in a weekly paper servicing the towns of Burgess Hill and Haywards Heath but that is not distributed in East Grinstead or Felbridge.

There has been NO publicity in the local East Grinstead paper despite the DPD proposing over half of the homes to be allocated in East Grinstead and Felbridge.

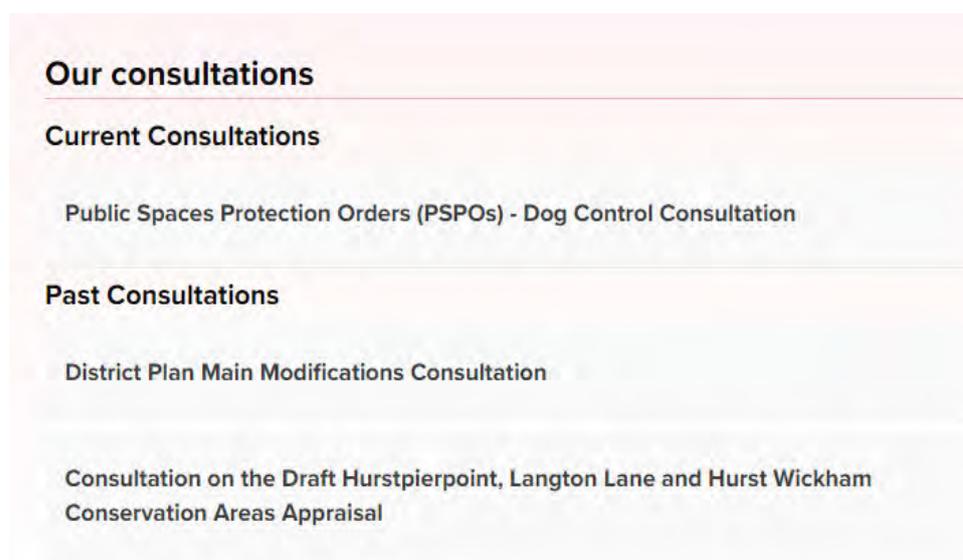
2.2 E-mail alerts

No active actions have been taken to solicit residents to signing up for e-mail alerts (e.g. in Mid Sussex Matters or via the annual Council Tax Bill mailings) so the Council is relying on residents and third parties having been already engaged in the consultation process. E-mail alerts in this instance are limited to the few people with prior knowledge of the consultation and so had registered their email address. No obvious attempts have been made to reach **"hard to reach groups"**.

2.3 No alerts on the Council's website ...

Neither the main landing page nor the main "Planning and Building" page make ANY reference to the consultation. The Council's dedicated "Consultations" page advertises only a "Public Spaces Protection Order – Dog Control Consultation", and says NOTHING about the Site Allocations consultation.

There is no reference to the Sites Allocations consultation on the MSDC website. The dedicated consultations website page fails to notify the public that there is an ongoing Regulation 19 consultation (see screen shot of 20/9/20 below).



2.4 No alerts in Mid Sussex Matters ...

MSDC's own magazine, Mid Sussex Matters, is distributed to all 73,000 households in Mid Sussex, three times a year. MSDC say that **"Wherever possible, details of forthcoming consultations are included within the magazine, this is our preference as it reaches every household in the district. However publication dates and consultation dates do not always coincide."**

The Spring 2020 edition failed to mention the Site Allocations consultation but did alert readers to the review of the local plan not due to start until 2021.

2.5 Exhibition boards in the public library

It is understood that exhibition boards were set up for a few days during the Regulation 18 consultation period but nothing at all was provided to East Grinstead library for the Regulation 19 consultation.

2.6 Failure to engage with other authorities affected by the Site Allocations

MSDC says that Town and Parish Councils were contacted during the formative stages of the DPD. However, we understand that Felbridge Parish Council was not contacted at any point during the development of the DPD, despite site SA19 being variously described in the DPD and supporting documents as “sympathetic extension to Felbridge”, ‘sympathetic to the landscape setting and character of Felbridge ’and ‘maximises connectivity with the existing settlement of Felbridge’.

Further we understand that Tandridge District Council have confirmed to Felbridge Parish Council that they were not informed of the Regulation 19 Consultation and have sought an extension to enable them to prepare a response. This is despite there being a Statement of Common Ground between MSDC and TDC.

It is clear that residents of Felbridge and East Grinstead have not been properly consulted as part of this process and nor have their representative bodies.

It also seems clear that the Duty to Co-operate has not been met since that the Tandridge was not consulted. This raises questions as to the nature of co-operation been undertaken with other authorities adjacent to Mid Sussex. For example, has MSDC engaged with Horsham over the potential allocation of the Mayfield garden village at Sayers Common?

The DPD should be withdrawn as it is not legally compliant and the resultant documents are unsound since the consultation was not carried out in line with national policy (eg. NPPF Para 16) or the MSDC Statement of Community Involvement.

3. Unsound site selection process

National planning policy requires LPAs to follow a pro-active approach when undertaking a comprehensive review of potential development sites to underpin local planning policies, and considering them against consistent criteria in their SHEELA.

In doing this LPAs are required to 'look for **solutions**' to overcome any identified constraints. In producing its SHEELA MSDC has failed to do this and so **the DPD site allocations are not sound.**

At least two significant sites that could offer to meet future need at Crawley, as well as the current quantum, have in the case of Mayfield (around Sayers Common) been omitted from the SHEELA and in the case of Crabbett Park (abutting Crawley to the north of the Pease Pottage strategic site) dismissed without due regard to the District Plan Settlement Hierarchy.

In allocating sites at East Grinstead and Felbridge the Council has not "**sought solutions**" to constraints but rather to ignore those constraints entirely.

3.1 Better Alternatives Not Considered By MSDC

Sites exist closer to Crawley that appear to offer sustainable options for delivering part of **Crawley's** unmet need within Mid Sussex, but MSDC have dismissed them out-of-hand without evaluating these against their sustainability criteria.

These sites would reduce the need to travel by car to jobs at Crawley/Gatwick so avoiding additional congestion on the A264/A22 corridor and avoiding any risk to the Ashdown Forest that would need to be mitigated closer to Ashdown Forest (i.e. at East Grinstead/Felbridge).

3.2 Mayfields

It is common knowledge that Mayfields have been trying to talk to MSDC since the work started to draw up the District Plan to discuss the possibility of a new garden village straddling the Mid Sussex/Horsham border near to Sayers Common.

Whilst Horsham DC has engaged positively with Mayfields and evaluated that part of the site that lies within Horsham in their SHEELA process, the area in Mid Sussex does not even appear in the MSDC SHEELA. The Horsham Local Plan is currently being reviewed and it is understood that HDC are actively considering the Mayfield proposal, on its planning merits, with the possibility of allocation in their revised LP.

It is our understanding that in preparing a plan positively a LPA is expected to pro-actively search out all potential development sites and evaluate them through the SHEELA process. It is clear that for reasons other than planning considerations MSDC has chosen to try and suppress the Mayfields option. This clearly is not following national planning policy and calls into question the legality and soundness of the submitted draft SADPD.

3.3 Crabbett Park

A substantial site at Crabbett Park has been dismissed without a credible reason. This site clearly has the ability to sustainably service Crawley Borough's needs for additional housing, the very unmet needs that the Site Allocations DPD is designed to address. It is considered that a site such as Crabbett Park, adjacent to Crawley but in Mid Sussex, could deliver the Crawley unmet need sustainably and without necessitating the compromises and without the need break to national planning policy that siting the additional homes at East Grinstead would require.

Crabbett Park, at face value, has many things in its favour and shows the potential to site local homes for Crawley workers, sustainably, at Crawley but these have not been explored at all by MSDC because it was ruled out at the first stage of the site-selection process. This mixed-use site could include local employment space on site, whereas there are no proposals for additional employment space at East Grinstead and so new residents would have to commute, in large part to Crawley/Gatwick. Unlike East Grinstead a location such as Crabbett Park will not site new homes 13km from Crawley/Gatwick where new residents are expected to work. Houses at Crabbett Park could quite easily be linked directly to the Fastway network, thus substantially reducing the need to travel to work and further decreasing the likely use of private cars to make such journeys. Sustainable access routes to the mainline station could also be incorporated.

From a planning perspective it is very similar to the site allocated in the District Plan at Pease Pottage (DP10) and the mixed-use site currently under development between Copthorne and Junction 10 of the M25 (MSDC planning ref 13/04127/OUTES) which have established the principle of developing urban extensions of Crawley into Mid Sussex.

The reason given for dismissing Crabbett Park without assessment is that it is more than 150m from a major, or Tier 1, settlement. This is incorrect on two fronts. Firstly, it is located outside the Crawley urban boundary but abutting Crawley (i.e. abutting a settlement larger than any Tier 1 settlement in Mid Sussex) and secondly it is less than 150m distant from Crawley. And to

reiterate, MSDC found the Pease Pottage site entirely consistent with its Settlement Hierarchy policy when it allocated it in the District Plan.

The reason for dismissing the Crabbet Park site before evaluation is false. The site should have been properly evaluated and considered. **The DPD has not been properly prepared and is not justified on this basis and is thus unsound.**

3.4 Sites at East Grinstead & Felbridge

MSDC have chosen to put forward sites SA19 and SA20 that are remote from Crawley and the new jobs that the houses are due to serve and which are sites acknowledged to suffer from serious constraints on development that have been made worse in recent years by "planning by appeal" and a particularly large number of permitted development conversions in East Grinstead.

The primary reason for putting forward the sites allocations SA19/SA20 appears to boil down to the following rationale:

1. "We have to allocate these houses to meet **Crawley's** unmet housing need somewhere in Mid **Sussex**"
2. "We can't put any more at Burgess **Hill**"
3. "For internal party political reasons we cannot allocate a large site at Haywards Heath Golf **Club**"
4. "For unspecified reasons we choose not to consider, at all, sites in Mid Sussex that are adjacent to, or close to Crawley along the A23 corridor - sites that could reasonably be expected to meet **Crawley's** unmet need sustainably, meeting the District Plan spatial strategy, just as the Strategic Site at Pease Pottage allocated under District Plan Policy DP10 **does.**"
5. "Therefore we must have another go at developing the gap between East Grinstead and Felbridge despite previous failures to **deliver**".

This counter intuitive choice, to promote sites at East Grinstead/Felbridge rather than sites close to Crawley, is all the more perplexing when the two principal sites SA19/SA20 are set in a broad location between East Grinstead and Felbridge that the District Council and developers have previously gone to great lengths to try to deliver, but have failed each time, due to the development constraints inherent to that broad location. Sites further away from Ashdown Forest closer to Crawley also eliminate the risk to the SPA/SAC that requires mitigation for sites at East Grinstead/Felbridge, as set out in policy DP17.

Why might MSDC now decide to put forward SA19/SA20 in preference to prima facie better performing sites close to Crawley? Has something changed to make

the Imberhorne/Felbridge location sustainable when previously wasn't? If so, what?

The DPD and Sustainability Appraisal make no attempt to explain what has changed. They simply assume that the sites at East Grinstead/Felbridge are going to be selected "come what may". Indeed, district councillors have told residents that these sites were actually "allocated" by the Inspector in his report into the District Plan examination. But this cannot be correct. If the sites were already allocated as suggested, then there would be no need for this DPD to allocate them again. The District Plan examination had no time to consider these sites in any detail and even if it had allocated specific time they would have been insufficient evidence to make such a decision as the necessary work, such as traffic studies, had not been completed by MSDC.³

There is a fundamental flaw to the procedure followed by MSDC to produce this draft DPD. The Council has failed to consider all possible options, it didn't approach the site selection process positively or with an open mind, the site selection is not justified by the evidence (including the absence of crucial pieces of evidence such as a localised traffic report), it does not offer an effective solution to meet **Crawley's** need, let alone the most effective. Finally it is not consistent with national policy.

4. More homes combined with an ongoing loss of employment space will lead to more out-commuting and undermine the sustainability of East Grinstead

The addition of further housing at East Grinstead and Felbridge with no allocated employment provision, combined with continued loss of existing employment space in recent years, largely due to conversion under permitted rights, will further reduce the opportunities for local residents to work locally. This is **against Policy DP1** which sets out "to provide opportunities for people to live and work in their communities, reducing the need for **commuting**".

The DPD proposes seven new employment sites elsewhere in the district but none in East Grinstead or Felbridge.

The Mid Sussex Economic Profile Study (2018), says that "**There** has been a significant loss of floor space to residential conversions particularly in **East Grinstead.**" This study reports 19,440m² of commercial office space in East Grinstead at the time of publication.

³ An example of this is the failure of the AMEY Mid Sussex Transport Study that supported the District Plan to identify the capacity issues already at Felbridge. **This point is dealt with in the Wedderburn Transport Planning Report Sept 2020 attached as Appendix A**

Since then, East Grinstead's stock of office space has continued to decline, with 12,000m² **(62%) being lost** as a result of a single planning permission for the conversion of East Grinstead House **in June 2020**.

The East Grinstead Business Association objected to that conversion, saying that we have lost "7 existing, long standing, large and well known successful local businesses that have live leases and in combination employ around 1,000 people". The conversion will yield another 253 homes, with potentially double the number of new residents needing to commute out of East Grinstead for work.

MSDC confirm that they do not monitor the amount of office floorspace lost through residential conversions, so have no evidence to show that the 772 homes proposed for East Grinstead and Felbridge are sustainable. Potentially, there could be 1,500 new residents and no new employment space and nowhere for them to work in East Grinstead.

Increasing traffic congestion and loss of employment space act to significantly undermine any economic growth and inward investment, which is **contrary to Policy DP1 "to promote a place which is attractive to a full range of businesses, and where local enterprise thrives" making the Site Allocations DPD unsound.**

5. Incomplete and Inadequate traffic modelling of local junctions and misapplication of the NPPF traffic sustainability test

The Atkins Stage 3 traffic study published in May 2012 assessed five key junctions on the main A22 corridor into East Grinstead. The study proposed a set of 'Do Minimum' network improvements at three junctions to allow the network to operate within capacity to enable up to a maximum of 765 homes, the then committed level of development.

Since then only one of the recommended junction improvements has been implemented. Despite this the MSDC Completions Monitoring shows that 1,098 homes have been delivered in East Grinstead since 2011. There is currently permission for further 968 homes (total 2,066, almost three times the capacity of the Atkins 3 improvements).

Jubb traffic surveys were conducted on the East Grinstead network between 2014 and 2016 and the WSP traffic survey conducted in 2018. Not surprisingly, both show that congestion has increased substantially since the original Atkins Study given the level of actual housebuilding.

The SYSTRA Mid Sussex Transport Study (MSTS) commissioned to support the Site Allocations DPD estimates a significantly less congested network (in its projected baseline 2017 derived from the 2008 West Sussex transport Model) than either Jubb or WSP (actual counts 2014/2016/2018) and even shows less than the Atkins study reported more than 10 years earlier.

Despite significantly understating the 2017 baseline scenario, the MSTS model shows that the junctions in and around East Grinstead will be operating **“over capacity”** by the end of the plan period in 2031 due to housing already allocated in the 2018 District Plan. It then concludes that the additional load due to the allocations proposed in the Site Allocations DPD is of no concern.

The Site Allocations DPD is required to address the housing shortfall identified at the District Plan examination. Therefore the purpose of the MSTS should be to demonstrate that the **cumulative impact** of District Plan and the Site Allocations DPD can be supported over the plan period.

The Wedderburn Transport Planning (WTP) Report 2020 (commissioned by Infrastructure First Group – See Appendix A) shows how MSDC has incorrectly regarded the allocations in the District Plan as an **“existing condition”** and therefore the MSTS misapplies the Residual Cumulative Impact test from NPPF para 109.

It should also be noted that the SYSTRA MSTS uses a higher quantum of housing in its reference case than the District Plan Amey transport assessment. Therefore the SYSTRA MSTS does not give a true and fair representation of the network impact in 2031 from the full quantum of planned development.

Due to inadequacies of the SYSTRA MSTS it does not highlight severe impacts on any of the local primary junctions, although it does report a significant increase in ‘rat running’. This re-routing impact has been dismissed as insignificant although there will be inevitable consequences for environmental, safety and amenity impacts on communities living nearby, whether on East Grinstead residential roads or country lanes through the villages between East Grinstead and Crawley. Increased congestion also depresses economic activity.

The 2018 WSP study was commissioned jointly by MSDC, TDC, WSCC and SCC to investigate capacity and pedestrian safety issues at the A264/A22 junction in Felbridge. The executive summary was published in October 2019 (See Appendix B) but the main report has still not been disclosed.

Requests to see the full WSP report have been refused.

MSDC officers will have read the full WSP report and will have known prior to the publication of the Site Allocations DPD for consultation that the WSP baseline traffic measurements are significantly worse than the SYSTRA MSTs estimates. It is against national and local planning policy to withhold material evidence from the consultation process in this way.

MSDC claim that the proposed site allocations should not be contingent upon any traffic interventions on the local network as they do not contribute to a severe residual cumulative impact. This is not correct as WTP set out.

Despite this conclusion that there are no capacity problems to resolve, MSDC have nonetheless jointly commissioned WSP to come up with options to resolve the capacity problems on the A264/A22 junction. The published executive summary shows that their preferred option (option 3) is an improvement on the 'Do Nothing' scenario but insufficient for the junction to be operating within capacity at the end of the plan period.

Option 3 which the authorities have chosen to study further does not resolve the pedestrian safety issues and requires 3rd party land in order to implement the proposals. WSP report that the preferable Option 4 incorporating pedestrian crossings is not deliverable within the plan period.

We understand that WSCC have raised concerns about the deliverability of either of these two options.

It remains unclear which authority would exercise its CPO powers to acquire the necessary third party land. Officers have in the past stated that MSDC is "not that sort of authority".

Even if the capacity issues at the A22/A264 junction could be resolved in a timely manner, this would only result in even worse congestion further along the A22 corridor towards East Grinstead. This will have the effect of 'choking' the town centre raising the barrier further to economic growth and investment

Unless and until there are firm and deliverable proposals to resolve the current and future traffic congestion in Felbridge and East Grinstead, the proposed site allocations in East Grinstead cannot be regarded as sustainable.

We consider that the five recommendations in the WTP report (attached to this submission as Appendix A) must be followed to establish whether there are any deliverable solutions to the Felbridge and Turners Hill hotspots.

Currently the proposed Site allocations SA19/SA20 are not sustainable and the DPD is unsound as a result.

6. Allocation of sites SA19 & SA20 would be contrary to the NPPF and the Local Development Plan

At a review of Neighbourhood Plan policies on 3rd May 2018, following the adoption of the District Plan, MSDC confirmed that all policies in the East Grinstead Neighbourhood Plan are in conformity with the District Plan and should be given full weight, with the exception of a policy EG5.

Policies EG2 and EG2a are designed to resist development outside the built-up boundary and **"to ensure that development does not result in the gradual accretion of development at the urban fringe"**.

These policies conform to **MSDC's** own policies DP12 and DP13, which say **"The primary objective of the District Plan with respect to the countryside is to secure its protection by minimising the amount of land taken for development and preventing development that does not need to be there."**

The proposed site allocations SA19 and SA20 are outside the East Grinstead & Felbridge built-up boundaries and are **therefore against both Neighbourhood and District Plan policies [EG2, EG2a, DP12 & DP13]**.

The supporting text to policy EG2 (at paragraph 4.9) explicitly calls for development to be refused in the areas of countryside at Imberhorne Farm and south of the Crawley Down Road ... precisely the location of the proposed sites SA19 and SA20.

Policy EG11 was designed to ensure that East Grinstead would not have to take housing allocations without effective compensating improvements to the local highways network being delivered **"Proposals, which cause a severe cumulative impact in terms of road safety and increased congestion, which cannot be ameliorated through appropriate mitigation will be refused"**.

Policy EG11 fully supports policy DP21 which requires that **"development is accompanied by the necessary infrastructure in the right place at the right time that supports development and sustainable communities. This includes the provision of efficient and sustainable transport networks"**.

It is also worth noting that the section of land where the sites are located was until 2004 designated as Green Belt, which has very strong protection under national planning policy. When the Mid Sussex Local Plan was revised in 2004 its policy EG24 resulted in that designation being removed but assurances were given that this would not result in any loss of protection of the former section of Green Belt.

EG24 Areas of Metropolitan Green Belt at East Grinstead as indicated on the Proposals Map shall be removed from the Green Belt and shall instead be included in the Countryside Area of Development Restraint.

s12.96 Following changes to the boundary between West Sussex and Surrey in 1993 five small sections of Metropolitan Green Belt north of East Grinstead were transferred to Mid Sussex District. The Council has considered whether these Green Belt designations should be retained in the new Local Plan, and has concluded that it would be unnecessary and inappropriate to do so. These areas, plus others at Cophorne, would be the only areas of Green Belt in the whole of West Sussex.

The Structure Plan contains no policies relating to the Green Belt and the County Council is opposed to the retention of this designation.

The District Council considers that to retain this designation would be an anomaly in planning policy terms, and that, since other policies in this Local Plan provide equal protection for these areas, its retention would be unnecessary. The Council therefore proposes to seek the deletion of these Green Belt designations at East Grinstead from this draft Local Plan. They will be re-designated as falling within the Countryside Area of Development Restraint.

The proposed site allocations SA19/SA20 are contrary to the local development plan policies and the NPPF and so **the DPD is not sound.**

7. Allocation of SA19 would represent an unacceptable extension to Felbridge village and result in coalescence with East Grinstead

Felbridge is a rural village in Surrey with a small strip of land south of the Crawley Down Road falling within the administrative boundary Mid-Sussex.

TDC acknowledge in its Settlement Hierarchy Addendum 2018 that “**although** the proximity of East Grinstead plays a role in **Felbridge’s** sustainability, the settlement itself can only demonstrate a basic level of provision and as such is categorised as a Tier 3 (rural **settlement**)”

However, MSDC is treating the land south of the Crawley Down Road as an extension to East Grinstead without due regard for its village status or the gap between the two distinct communities.

With no more frontage sites available along the Crawley Down Road, MSDC are already allowing the extension of the village towards East Grinstead, with 120

homes recently approved as back land developments. With a current population of 532 homes, the existing commitments will increase the number of homes by nearly 25%. The village has no **doctor's** surgery, pharmacy, dentist, opticians and only a small convenience store. Infrastructure contributions and subsequent council taxes will go centrally to MSDC in Haywards Heath with no plans to improve meagre services in the village.

Allocating SA19 as an additional back land site for 200 homes south of the Crawley Down Road would result in an increase in the number of homes by a further 30%; without any plans or funding to improve infrastructure that would mitigate the harm to the function and character of the village.

This is **contrary to policy DP6** (Settlement Hierarchy) which allocates a much smaller proportion of housing requirement to Tier 3 medium sized villages. DP6 says..."To promote well located and designed development that reflects the **District's** distinctive towns and villages, retains their separate identity and character and prevents **coalescence**", and "To create and maintain town and village centres that are vibrant, attractive and successful and that meet the needs of the **community**".

SA19 is located outside the built-up boundaries of both Felbridge and East Grinstead. This is **contrary to policy DP12** (Protection and enhancement of countryside) which says that ..."The primary objective of the District Plan with respect to the countryside is to secure its protection by minimising the amount of land taken for development and preventing development that does not need to be **there**".

SA19 is also **contrary to the strategic aim of policy DP13** (Preventing Coalescence) ..."To promote well located and designed development that reflects the **District's** distinctive towns and villages, retains their separate identity and character and prevents **coalescence**."

The East Grinstead Neighbourhood Plan, which officers have confirmed are consistent with the District Plan, expressly lists the land to the south of Crawley Down Road as **contrary to policies EG2 and EG2A** to ensure development "does not result in the *merging or coalescence of settlements and the gradual accretion of development at the urban fringe*".

The proposed allocation of SA19 is contrary to the local development plan strategic policies and therefore not sound

8. Allocation of SA20 would result in loss of valued agricultural land and habitat, harm the setting of heritage assets and result in coalescence of East Grinstead with Felbridge

8.1 Loss of valuable Agricultural land

Site SA20 is surrounded by high yielding agricultural land that justifies an Agricultural Land Classification Grade of 3a (ie. the best and most versatile agricultural land).

District Plan **DP12** says that “**Where** identified, Grade 1, 2 and 3a agricultural land should be protected from development due to its economic importance and geological value. This is the land which is most flexible, productive and efficient and can best deliver future crops for food and non-food **uses.**”

The Sustainability Appraisal report reveals that the Council currently lacks data to distinguish Grade 3 from 3a agricultural land and assumes a default classification of 3 without evidence. We contend that the default should be to assume that the land merits 3a status unless further work disproves this.

The planning assessment proforma rates the SA20 site location as having a ‘**positive impact**’ on the Landscape without any explanation or evidence to support what amounts to the **officers’** opinion. The **officers’** opinions are **not justified.**

8.2 Damage to heritage assets

SA20 is adjacent to the Grade II Listed Gullede Farmhouse and Imberhorne Farm Cottages. English Heritage advise that rural setting of these listed buildings is important to their value as heritage assets and development on the site would overwhelm the buildings and result in significant harm. Allocation is contrary to District Plan policy **DP34** says that “**Special** regard is given to protecting the setting of a listed **building**”.

8.3 Risk to Ancient woodland

SA20 lies adjacent to a substantial area of ancient woodland which is already ‘**hemmed in**’ on two sides by residential and industrial development. Further development would serve to isolate the woodland from the surrounding countryside resulting in unnecessary habitat fragmentation.

Ancient woodland is classified by National Planning Policy as an ‘**unreplaceable habitat**’ and **NPPF para 175** says “**development** resulting in the loss or

deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional **reasons**".

Natural England states that "**Ancient** woodland and the wildlife it supports are particularly vulnerable to various impacts associated with nearby residential areas. These include recreational disturbance, fly tipping, light pollution, introduction of non-native plant species from garden waste, predation of wildlife by pet cats and pollution from dog **faeces**".

These harmful impacts can only be mitigated to a limited degree by the imposition of a buffer zone.

8.4 Displacement of 'Red List' bird species

The farmlands at SA20 provide an important breeding habitat for 'red list' bird species such as the Skylark and Yellowhammer with loss of habitat being the main reason for the sharp population decline nationally.

The **developer's** own Ecological Survey acknowledges that the Skylark "**requires** more specialised ground nesting **provisions**" and that the ability of the SANGS to compensate for the loss of farmland habitat will be limited due to it fulfilling its primary purpose to attract those causing 'recreational disturbance' away from Ashdown Forest.

NPPF para 175 says 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**."

There are alternative sites closer to Crawley that would allow this significant harm to be avoided.

The allocation of site SA20 is contrary to the local development plan and national planning policy and so the allocation is unsound.

9. Potential risk to the Ashdown Forest SPA/SAC

The sites SA19/SA20 are located close to Ashdown Forest which includes sites designated as SPA and SAC is protected under the Habitats Regulations and are within the 7km zone of influence.

Whilst the Habitats Regulations Assessment which recommends mitigation measures to prevent damage to the SPA/SAC sites is supported by Natural England, questions arise as to why these sites have been selected in preference to sites nearer to Crawley which require no such mitigation. The very need for mitigation confirms that there is a significant risk to the Ashdown Forest and as

the effectiveness of the mitigation measures has not been evaluated by MSDC their true effectiveness remains to be seen.

For example, the SANGS policy with its site at East Court in East Grinstead has been in place for almost a decade but MSDC have done no measuring or monitoring of it. The purpose is to divert visitors, especially those walking dogs, away from Ashdown Forest to reduce the 'disturbance' effects. Since no measuring or monitoring has taken place there can be no way of knowing whether the theoretical benefit of the mitigation has been delivered or whether the 'disturbance' on Ashdown Forest that it is designed to mitigate is in fact happening nonetheless.

Similarly, there has been no measurement and monitoring of the effectiveness of the joint SAMM strategy.

In response to comments made in the Regulation 18 consultation MSDC said that they would take the following actions :

- a. Prepare a SANGS topic paper to present evidence on visitor surveys
- b. Prepare a SAMM monitoring strategy

These actions do not appear to have been completed.

The fact that sites SA19 & SA20 require mitigation measures (the effectiveness of which has not been tested) must weigh against their allocation when other sites that do not risk adversely affecting the Ashdown Forest have been discarded without consideration.

It is noted that allocating the additional housing nearer to Crawley and further away from Ashdown Forest can be expected to reduce any likely risks of a negative impact on Ashdown Forest. For example, the Council argues that the impact from disturbance is directly related to the distance from the Ashdown Forest.

There has been no attempt by MSDC to justify the marginal risk to Ashdown Forest that allocations SA19 & SA20 raise when other sites that pose no such risk have been dismissed without evaluation. **This makes the allocations unsound.**

10. We consider the following changes necessary to make the Site Allocations DPD legally compliant and sound

We have set out above our reasons for concluding that the draft Site Allocations DPD is not legally compliant and not sound. We do not see evidence that it has been properly prepared, that the policies have been justified, that the proposals are effective or that they are consistent with national planning policy or the local development plan.

We therefore ask that the Council take the following actions:

1. The Site Allocations DPD was not prepared in accordance with national planning policy or the Council's own Statement of Community Involvement. It is not legally compliant and should be withdrawn.
2. The DPD and associated documents are not sound and should be withdrawn whilst essential further work is completed
3. That further work to include the necessary remedial work to the Mid Sussex Transport Study as set out in the Conclusions and Recommendations of the Wedderburn Transport Planning Report , as detailed in the attachment, but these being in outline:

Recommendation 1: MSDC should update the Strategic Transport Assessment to show the impact of the DPD housing allocations (scenarios 7/8) relative to the original District Plan reference case demand.

Recommendation 2: The commissioning authorities should publish the full WSP Felbridge junction study and the underlying traffic survey data to allow independent scrutiny.

Recommendation 3: The transport assessment framework for the Site Allocations DPD needs to acknowledge that significant re-routing will occur as traffic avoids the most congested junctions and should include a transparent assessment of the impacts on affected communities.

Recommendation 4: MSDC needs to provide evidence that any proposed Felbridge junction improvements are feasible, deliverable, affordable and consistent with District and County transport policies. If a solution with sub-optimal pedestrian facilities is proposed, MSDC and TDC should clarify how this aligns with the transport policy objectives of the relevant authorities and their statutory duties.

Recommendation 5: The current levels of committed development in East Grinstead should be considered as an absolute maximum for the foreseeable future. Ultimately, housing site allocations in MSDC need to be focussed on areas with greater choice of sustainable transport modes.

4. A proper evaluation be undertaken of the Crabbett Park and Sayers Common (Mayfield) sites and any other sites omitted or dismissed from the site selection process, with appropriate Sustainability Appraisal produced.
5. In the event that the DPD is not withdrawn then the proposed allocations SA19 and SA20 should be withdrawn as they cannot be delivered sustainably
6. In the event that the Inspector decides to progress to Examination then the sites at East Grinstead (SA20) & Felbridge (SA19) should be made wholly contingent on the traffic improvements set out in the Atkins 3 study and in Option 4 of the WSP study.

Please notify me when:

- | | |
|------------------------------------------------------------------|-------------------------------------|
| (i) The Plan has been submitted for Examination | <input checked="" type="checkbox"/> |
| (ii) The publication of the recommendations from the Examination | <input checked="" type="checkbox"/> |
| (iii) The Site Allocations DPD is adopted | <input checked="" type="checkbox"/> |

APPENDICES

- A. Impact of new development in East Grinstead Response to Site Allocations DPD - Wedderburn Transport Planning, Sept 2020
- B. **"Felbridge Junction Options Appraisal"** Executive Summary - WSP consultants October 2019
- C. Site SA19 – Analysis of Site Appraisal against Sustainability Objectives

END

InfrastructureFirst Group – Regulation 19 Representation

APPENDIX C

All high performing site allocations have been assessed against the sustainability objectives in the Sustainability Appraisal on a scale of Significant Negative Impact, Negative Impact through to Positive Impact and Significant Positive Impact. In some cases these assessments are clearly not correct.

1. Sustainability Objective No. 3

[As applied to site SA19]

Objective	
To maintain and improve the opportunities for everyone to acquire the skills needed to find and remain in work and improve access to educational facilities	
Indicators	Stated Impact
– percentage of population of working age qualified to at least NVQ level 3 (or equivalent)	Significant positive impact
– percentage of adults with poor literacy and numeracy skills	
– number of households within a 15 minute walk (approx. 1.2km) from a Primary School	

- 1.1. The selection criteria for housing sites in the '*Site Selection Paper 2 - Methodology for Site Selection*' measures the sustainability objective solely on the distance between the proposed site and the nearest primary school.
- 1.2. NPPF (2018) paragraph 94 is quoted in support of this objective "*It is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should... give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications*".
- 1.3. The location of site SA19 (Land south of Crawley Down Road, Felbridge), is correctly assessed as being a 10 minute walk from the village school. However, the NPPF paragraph highlights the importance of sufficient school places being available.
- 1.4. Other than proximity there is no evidence to indicate that MSDC have assessed the schools ability to provide sufficient places. The school is already oversubscribed. With a capacity of 214 pupils, the school website is advertising only 4 year 5 places on 16/09/2020.
- 1.5. MSDC have already permitted 120 new homes still to be built within a 5 minute walk of the school and now propose to allocate a further 200.
- 1.6. The school has limited capacity for expansion and lies over the border in Tandridge. Even if sufficient capacity could be accommodated Surrey County Council are unlikely to fund an expansion as there is no unmet education need in southern part of Tandridge.
- 1.7. A 'significant positive' impact cannot possibly be justified.

2. Sustainability Objective No. 4

[As applied to site SA19]

Objective	
To improve access to retail and community facilities	
Indicators	Stated Impact
– number of households within a 15 minute walk (approx. 1.2km) from a superstore/town centre/high street shopping facilities)	Significant positive impact
– number of households within a 15 minute walk (approx. 1.2km) from a convenience store	
– number of households within a 15 minute walk (approx. 1.2km) from community facilities (e.g. community hall, place of worship, library)	
– number of applications resulting in a loss of community facilities (e.g. shop, pub, place of worship, etc)	

- 2.1. In their Sustainability Appraisal conclusions, MSDC simply say that “*All site allocations make a positive contribution towards the sustainability objective to improve access to retail and community facilities; all sites are within a 15 minute walk of the nearest convenience store.*”
- 2.2. There is a small convenience store within a 15 minute walk (approx. 1.2km) of the site; also a ladies hairdressers, a village hall and a pub. However, town centre shopping facilities, restaurants, library and superstore are considerably further way ... a 45 minute walk (approx. 3.6km).
- 2.2. This compares very poorly with allocated site SA18 (Former East Grinstead Police Station) located on the edge of the town. This site benefits from nearby town centre shopping facilities; community facilities including a theatre, library and place of worship; a selection of restaurants and a large superstore ... all within 15 minute walk
- 2.3. Site SA18 could justifiably be assessed at the highest level against the sustainability objective but for some reason falls short and is only rated as a ‘Positive’ impact.
- 2.4. Contrast this with the assessment of Site SA19 (Land south of Crawley Down Road, Felbridge) which has no town centre or superstore facilities but is given the top ‘Significant Positive’ rating. This cannot be correct.

3. Sustainability Objective No. 11

[Sites SA18/SA19/SA20]

Objective	
To reduce road congestion and pollution levels by improving travel choice, and reducing the need for travel by car, thereby reducing the level of greenhouse gases from private cars and their impact on climate change. (SEA)	
Indicators	Stated Impact
– number of households within a 5 minute walk (approx. 400m) of a bus stop with frequent service (3+ an hour)	Not known
– number of households within a 10 minute walk (approx. 800m) of a bus stop with less frequent service (less than 3 an hour)	
– number of households within a 15 minute walk (approx. 1.2km) of a train station	
– proportion of journeys to work by public transport	
– percentage of residents living and working within Mid Sussex	
– monetary investment in sustainable transport schemes (value of s.106 agreements)	
– number of Air Quality Management Areas (AQMAs) within the District	

- 3.1. The site selection criteria for housing sites in *the 'Site Selection Paper 2 - Methodology for Site Selection'* refers to NPPF (2018 Paragraph 103) in support of the Sustainability Objective ... *"Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health"*
- 3.2. However, as with other sites, SA19 doesn't appear to have been assessed against the Sustainability Objective at all, despite the widely acknowledged highways constraint in East Grinstead.
- 3.3. In October 2019, MSDC's jointly commissioned WSP traffic study reported that "The Felbridge junction has been identified as a constraint to development coming forward in Tandridge and the Felbridge/East Grinstead area. The junction currently operates above capacity leading to congestion during peak periods and at other times of the day"
- 3.4. The declining employment space taken together with the significant levels of committed development will result in further out-commuting. Allocating an additional 722 new homes in East Grinstead will serve only to exacerbate the problem
- 3.5. The nearest train station is a 45minute walk (3.6km) and there is no direct line to Crawley and MSDC rely on census data from 2011 to show that less than 15% of people travel to work by public transport.
- 3.6. Based on available evidence, the proposed allocations for East Grinstead will lead to significant increases in car travel using heavily congested roads.
- 3.7. This indicates that the impact of these sites on the Sustainability Objective will be negative NOT 'Unknown'.

4. Sustainability Objective No. 14

[As applied to Site SA19]

Objective	
To encourage the regeneration and prosperity of the District’s existing Town Centres and support the viability and vitality of village and neighbourhood centres	
Indicators	Stated Impact
– Total amount of floorspace for “Town Centre Uses” (A1, A2, B1a, D2)	Significant positive impact
– number of households within a 15 minute walk (approx. 1.2km) from a town centre superstore/town centre/high street shopping facilities)	

- 4.1. Site SA19 (Land south of Crawley Down Road, Felbridge) is located outside the built-up boundary on the edge of the rural village in Felbridge. MSDC regard Felbridge as an extension to East Grinstead and as such does not exist as a separate entity in their settlement hierarchy.
- 4.2. TDC classify Felbridge as a tier 3 medium sized village as it can only demonstrate a basic level of provision.
- 4.3. The proposed site location for the 200 new homes is a 45 minute walk (3.5km) from the town centre facilities in East Grinstead. The nearest superstore and high street shopping facilities are equally distant.
- 4.4. There are no proposals in the Infrastructure Delivery Plan to improve the meagre facilities in the village and any CIL funding will go Mid Sussex and not to Tandridge.
- 4.5. MSDC do not explain or provide evidence to show how 200 houses on the edge of Felbridge will provide a positive sustainability impact but just rely on the general statement that they will *"encourage the regeneration and prosperity of the District’s existing Town Centres and support the viability and vitality of village and neighbourhood centres."*
- 4.6. Without evidence to the contrary 200 more homes (in addition to the 120 already committed south of the Crawley Down Roads in Felbridge) can only have a negative effect on the function and character of the village and therefore it cannot possibly be correct to assess the site as having a ‘significant positive impact’.

5. Sustainability Objective No. 15

[Sites SA18/SA19/SA20]

Objective	
To ensure high and stable levels of employment so everyone can benefit from the economic growth of the District	
Indicators	Stated Impact
– percentage of Mid Sussex residents who are employed	Positive impact
– percentage of Mid Sussex residents who are economically active	
– average weekly income (gross) for those who are employed in the District	
– percentage of residents living and working within Mid Sussex	
– job density (ratio of jobs to working age population)	

- 5.1. MSDC have recommended the allocation of 3 sites in East Grinstead and Felbridge for a total of 722 homes with no proposals for additional employment space.
- 5.2. MSDC’s latest monitoring of housing supply to April 2020 shows that a further 984 homes (714 with permission) are already committed for East Grinstead.
- 5.3. There has been a considerable loss of office space to residential development since the start of the plan period. The MSDC 2018 Economic Profile Study reported the stock of commercial office space to be less than 20,000m².
- 5.4. In June 2020, MSDC allowed the last remaining office block in East Grinstead to be converted into residential apartments. 253 new homes and 12,000m² (or 60%) of the remaining stock of office space lost at a stroke. Not only were 1,000 workers displaced from the town centre but the conversion will result in 500 or so extra residents who will struggle to find jobs locally (these 253 new homes are not in the plan and therefore should offset the allocations in East Grinstead).
- 5.5. When asked, MSDC said that they do not monitor the amount of office space lost to residential conversions. Therefore they cannot know how much office space is currently available in East Grinstead in order to inform planning decisions.
- 5.6. All 3 sites in East Grinstead have been assessed to have a ‘positive impact’ on the Sustainability Objective.
- 5.7. In their Sustainability Appraisal conclusions, MSDC simply say *that "All site allocations have a positive impact on the sustainability objective to ensure high and stable levels of employment so everyone can benefit from the economic growth of the District"*.
- 5.8. No evidence is presented to support this general statement. On the contrary, there is evidence to suggest that allocating yet more sites to East Grinstead without more employment provision will have a negative impact.

6. Sustainability Objective No. 16

[Sites SA18/SA19/SA20]

Objective	
To sustain economic growth and competitiveness across the District, protect existing employment space, and to provide opportunities for people to live and work within their communities therefore reducing the need for out-commuting	
Indicators	Stated Impact
– net increase/decrease in commercial (Use Classes B1(b,c), B2, B8) and office (B1(a) and A2) floorspace	Positive impact
– number of businesses within the District	
– number of new businesses setting up in the District	

- 6.1. In its key findings, the MSDC 2018 Economic Profile Study says that “There has been a significant loss of office floor space to residential conversions particularly in East Grinstead”. No new employment space was allocated to East Grinstead in the local plan and none is proposed in the Site Allocations DPD.
- 6.2. Therefore the evidence indicates that East Grinstead has suffered a net decrease in employment space and yet as a tier 1 settlement, expected to take a significant proportion of the district’s housing need. 782 homes have already been delivered in East Grinstead since the start of the plan period with 968 more homes with permission still to come, plus a further 270 allocated in the local plan.
- 6.3. The Site Allocations DPD is now proposing to allocate a further 772 homes to contribute towards the shortfall of homes for Crawley workers.
- 6.4. In their Sustainability Appraisal conclusions, MSDC simply say that “*All site allocations have a positive impact on the sustainability objective to sustain economic growth and competitiveness across the District, protect existing employment space, and to provide opportunities for people to live and work within their communities therefore reducing the need for out-commuting.*”
- 6.5. With a lack of new employment space in East Grinstead and a significant increase in the number of new homes and displaced office workers ... more out-commuting is inevitable. Despite this MSDC rate the sites as a ‘Positive Impact’ with no evidence to support their assessment.
- 6.6. The decline in employment space and the rise of out-commuting is contrary to the stated Sustainability Objective so the sites proposed for East Grinstead must qualify for a ‘Significant Negative Impact’.

2435

Site Allocations DPD: Regulation 19 Consultation Response

Policy:

ID:	2435
Response Ref:	Reg19/2435/3
Respondent:	Mrs R McMillan
Organisation:	
On Behalf Of:	
Category:	Resident
Appear at Examination?	x

Name	Rachael McMillan
Address	[REDACTED]
Email	[REDACTED]
Name or Organisation	Rachael McMillan
Which document are you commenting on?	Site Allocations DPD
Sites DPD Policy Number (e.g. SA1 - SA38)	SA12 - SA13
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 the Site Allocations DPD, especially the proposed allocation of sites SA13 and SA12 because:

- i) they would be much more harmful than the consultation documents suggest,
- ii) the Sustainability Appraisal and Strategic Environmental Assessment are inadequately evidenced,
- iii) the public consultation documents are incomplete and misleading with respect to potential impacts, and
- iv) if impacts had been properly considered it is likely that different site allocation selections would have been made.

As a result of these shortcomings the Site Allocations Development Plan Document is unsound.

In particular I am concerned about the impacts of traffic increases on the road network and local communities.

Keymer Road is severely affected by queuing traffic, especially during morning and evening rush hours and at weekends, and side roads are used as rat-runs by drivers seeking to avoid waiting. This is not adequately acknowledged by the transport studies, the SEA or the proposed SA13 and SA12 allocations. These allocations would considerably increase congestion and rat-running, which will have a much greater effect on residents than is acknowledged in supporting documents. The concept of "sustainability" does not seem to extend to sustaining the quality of life for existing residents.

The SYSTRA strategic highway model does indicate that junction S6 (Junction Road/ B2113) would be severely impacted in Scenarios 7 and 8, without mitigation, but that "nearby mitigation to reroute traffic from this junction would reduce it to a point where it is no longer severely impacted but still operates at capacity (Mid Sussex Transport Study Transport Impact Of Scenarios 7 and 8 Full Modelling Report p 34), which is un-evidenced and implausible.

The only mitigation listed for the Folders Lane development sites are the sustainable measures of an improved public transport interchange, enhanced bus infrastructure and enhanced cycle parking; there is no description of highways mitigation to reroute traffic away from the S6 junction. However, the residents of nearby Greenlands Drive and Oak Hall Park (D182) were informed by the South of Folders Lane Action Group that West Sussex County Council Highways Department are, in fact, considering using this quiet residential distributor road to relieve the pressure on Keymer Road by changing it into a one-way B-road providing a principle access to the town centre. Mid Sussex District Council do not appear to have denied that this has been under consideration. Greenlands Drive and Oak Hall Park were designed as housing estate access roads, narrow in places with poor visibility through corners, many unenclosed front gardens and residential driveways opening onto the road, and are therefore completely unsuited to a high volume of through traffic. It would be completely inappropriate for land to be allocated for development that might necessitate such a large change to the road network, the public realm, especially the unique character of this part of Burgess Hill and the quality of life and safety of hundreds of households without proper sustainability appraisal, strategic environmental impact assessment and public consultation.

Furthermore, no transport impacts arising from the development of sites SA13 and SA12 (or the impacts of consequent mitigation schemes to re-route traffic) have been assessed in the Site Selection table (SEA NTS p.14) where the impacts and benefits of schemes are weighed, even though the impacts of the such a huge change to the road network would be a major offset to the benefits of SA13 & SA12 and seem likely, therefore, to result in the proposed allocations being re-allocated to the "Sites that Perform Poorly" category.

The National Planning Policy Framework (NPPF) requires that "transport issues should be considered from the earliest stages of plan-making and development proposals, so that: a) the potential impacts of development on transport networks can be addressed; d) the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account - including appropriate opportunities for avoiding and mitigating any adverse effects; and e) patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places (NPPF para.102).

In paragraph 108 of the NPPF it says that in assessing sites that may be allocated for development in plans it should be ensured that :c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree. Paragraph 109 says that development should be refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

In paragraph 31 the NPPF says that the preparation and review of all policies should be underpinned by relevant and up-to-date evidence. This should be adequate and proportionate, focused tightly on supporting and justifying the policies concerned.

The SEA Directive (2001/42/EC, 27 June 2001) says in Annex 1 that the information to be provided in a SEA should include a description of the measures envisaged to prevent, reduce and as fully as possible offset any significant adverse effects on the environment of implementing the plan or programme.

Furthermore, paragraph 5.27 of EC Guidance for SEA (Implementation Of Directive 2001/42 On The Assessment Of The Effects Of Certain Plans And Programmes On The Environment) says "It should be remembered that mitigation measures may themselves have adverse environmental effects, which should be recognised.

Paragraph 5.16 of the SEA Guidance also makes it clear that the level of detail in a SEA should be proportionate to that of the plan/programme that is being assessed.

Planning policy and EC requirements are clear that that the impacts of development on transport networks, safety and environmental impacts must be considered and clearly described at the earliest stages of plan making, including the consequent impacts of potential mitigation works. Furthermore, policies must be underpinned by relevant and up-to-date evidence. A development should eventually be refused if it would cause severe congestion, an unacceptable impact on highway safety, the environment or the public realm, so land should not be allocated at plan stage for highly impactful or inadequately evidenced proposals.

If the Plan contains inadequate evidence about likely impacts or is likely to depend on major highways mitigation such as the re-routing of the B2113 through a residential housing estate, adversely affecting many hundreds of households, such a proposal would be a strategic issue not a minor matter of detail that can be deferred to a later stage of planning. Therefore, if development of SA13 and SA12 might necessitate such a change it must be considered (and consulted upon) as part of the SEA; not to do so would leave strategic environmental and social assessment of the Plan incomplete and therefore would be contrary to planning guidance.

In fact, the transport report does not describe any change to Greenlands Drive and Oak Hall Park, and the SA/SEA does not take into account the impacts of such change nor weigh the impacts against the benefits of the proposed land allocations.

Therefore, I object to the proposed allocation of sites SA13 and SA12 because i) they would be more harmful than the consultation documents suggest, ii) the SA/SEA are inadequately evidenced in respect of transport and biodiversity impacts, iii) public consultation has been misleading, and iv) if impacts had been properly considered it is likely that different site selections would have been made. The Site Allocations Development Plan Document is therefore unsound.

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.	Removing SA 12 & SA 13 from the Site Allocations DPD
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