

Habitats Regulations Assessment - Index by ID Number

ID	Respondent	Organisation	BehalfOf	Respondent Category	Participate
710	Mr N Burns	Natural England		Statutory Consultee	<input type="checkbox"/>
777	Mrs L Howard	South Downs National Park		Local Authority	<input type="checkbox"/>
1470	Mr S Todd			Resident	<input type="checkbox"/>

710

Site Allocations DPD: Regulation 19 Consultation Response

Policy:

ID:	710
Response Ref:	Reg19/710/15
Respondent:	Mr N Burns
Organisation:	Natural England
On Behalf Of:	
Category:	Statutory Consultee
Appear at Examination?	✘

Date: 28 September 2020
Our ref: 324095



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BY EMAIL ONLY

Dear Sir / Madam

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

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

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

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

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

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

Comments on specific allocations

SA 7 - Cedars, Brighton Road, Pease Pottage

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

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

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

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

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

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

SA 19 – Land south of Crawley Down Road, Felbridge

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

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

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

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

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

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

SA 22 – Land north of Burleigh Lane, Crawley Down

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

SA 25 – Land west of Selsfield Road, Ardingly

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

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

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

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

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

SA 27 – Land at St. Martin Close, Handcross

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

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

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

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

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

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

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

SA 32 – Withypitts Farm, Selsfield Road, Turners Hill

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

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

Comments on Development Policies

SA38: Air Quality

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

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

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

General comments

Biodiversity net gain

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

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

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

Water efficiency

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

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

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

Soil

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

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

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

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

Comments on HRA

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

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

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

Comments on SA

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

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

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

Should the DPD change significantly, please consult us again.

Yours faithfully

Nathan Burns
Area Team 14 - Kent and Sussex

777

Site Allocations DPD: Regulation 19 Consultation Response

Policy:

ID:	777
Response Ref:	Reg19/777/6
Respondent:	Mrs L Howard
Organisation:	South Downs National Park
On Behalf Of:	
Category:	Local Authority
Appear at Examination?	x



Planning Policy Team
Mid-Sussex District Council
Oaklands Road
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28 September 2020

Dear Sir/Madam

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

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

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

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

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

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

SA GEN: General Principles for Site Allocations

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

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

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

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

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

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

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

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

SA12 – Land South of 96 Folders Lane

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

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

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

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

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

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

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

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

As noted in our Regulation 18 consultation response, this site is a proposed extension to Burgess Hill of 300 dwellings and it is located approximately 100 metres from the SDNP at the nearest point, with glimpsed views from/to the high ground of the Downland ridge approximately 4.3km to the south. This site is part of a larger landscape whose character experienced today survives from the medieval period. This historic character is shared with parts of the SDNP and this coherence in historic character suggests the site contributes positively to the setting of the SDNP. This coherence historically and across a wider area makes this site highly sensitive to change. The assart fields, hedgerows, trees including large mature trees, geology/landform and relatively undisturbed nature of the site all means that it is likely to have high ecological value. Concern is raised that the proposed allocation would erode the rural buffer between Burgess Hill and the SDNP, which is likely to be harmful to the special qualities and landscape character of the setting of the SDNP.

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

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

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

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

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

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

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

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

Traffic

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

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

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

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

SA24 – Land to the north of Shepherds Walk, Hassocks

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

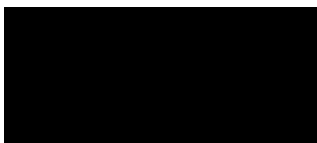
It is now noted that this has been amended to state 'provision of either a tunnel or footbridge'. We are concerned that provision of a footbridge would limit access to the countryside for wider NMU's and suggest that wording be amended to state 'provision of a tunnel or overbridge suitable for non-motorised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

Air Quality and impacts on Ashdown Forest

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

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

Yours faithfully



Lucy Howard

Planning Policy Manager

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

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

1470

Site Allocations DPD: Regulation 19 Consultation Response

Policy:

ID:	1470
Response Ref:	Reg19/1470/1
Respondent:	Mr S Todd
Organisation:	
On Behalf Of:	
Category:	Resident
Appear at Examination?	x

Name	STEVEN TODD
Address	[REDACTED]
Email	[REDACTED]
Which document are you commenting on?	Habitats Regulations Assessment
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	natural area developed
If you wish to provide further documentation to support your response, you can upload it here	
If your representation is seeking a change, do you consider it necessary to attend and give evidence at the hearing part of the examination	No, I do not wish to participate at the oral examination
Date	16/09/2020