

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA12 - SA13

ID: 604

Response Ref: Reg19/604/1

Respondent: Mr K Sullens

Organisation:

On Behalf Of:

Category: Resident

Appear at Examination? x

Name	Keith Sullens
Job title	Retired
Address	[REDACTED]
Email	[REDACTED]
Name or Organisation	Keith Sullens
Which document are you commenting on?	Site Allocations DPD
Sites DPD Policy Number (e.g. SA1 - SA38)	SA12 and 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	<p>I object to the Site Allocations DPD in respect of sites SA12 and SA13 as the process leading to their selection was flawed. The list of sites was altered to include sites SA12 and SA13 at the final meeting of the Working Party responsible for recommending DPD sites to the Scrutiny Committee. The final Working Party was not constituted in accordance with its criteria as it was politically unbalanced and had no representatives from the southern part of Mid Sussex.</p> <p>In addition Mid Sussex District Council had identified a need for a 10 % buffer in housing development numbers and this was exceeded without the inclusion of Sites SA12 and SA13.</p> <p>Since 2000 and until now sites SA12 and SA13 had always been excluded from development plans because of the impact on the already severe traffic problems at the roundabouts at FoldersLane/ KeymerRoad and Hoadley's Corner. Consultants employed to assess the viability of developing these sites had said development would only be viable with a southern relief road crossing from Ditchling Common Road to London Road Burgess Hill which would have involved bridging the London to Brighton railway. All this seems to have been conveniently ignored and a recent transport report, commissioned by MSDC (not as they claimed in conjunction with WSCC), has ignored the current traffic problems and offered mitigation suggestions which are unrealistic. Indeed local transport consultants with first hand experience of living and working in the area have challenge the conclusions of the MSDC commissioned report.</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.	The DPD exercise needs to be started again and rerun this time following the constitution for the Working Party set up by the Scrutiny Committee. It would then be legally compliant.
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	I am not confident that the representations made by me and the South of Folders Lane Action Group which I support will be treated fairly by MSDC.
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	26/09/2020

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA12 - SA13

ID: 605

Response Ref: Reg19/605/1

Respondent: Mr G Brooker

Organisation:

On Behalf Of:

Category: Resident

Appear at Examination? x

[REDACTED]

From: Gordon Brooker [REDACTED]
Sent: 28 September 2020 10:04
To: ldfconsultation
Subject: Site Allocations - DPD Consultation

Good morning

I would like to register my strong objections to the inclusion of various sites within the proposed site allocation process and, specifically, with reference to Sites SA12 and SA13.

My objections are simply, but significantly, that:

- MSDC produced a vehicle/traffic flow analysis which has serious deficiencies and, with the current overload in the area at the point of "no return", there are no significant amendments that can be introduced to rectify the current situation let alone to what is proposed;
- it is clearly evident that representations made at the earlier consultations have been ignored or forgotten and this is simply not acceptable.

Kind regards

Gordon Brooker

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA12 - SA13

ID: 606

Response Ref: Reg19/606/1

Respondent: Mrs P Pursey

Organisation:

On Behalf Of:

Category: Resident

Appear at Examination? x

[REDACTED]

From: Penny Pursey [REDACTED]
Sent: 28 September 2020 10:53
To: ldfconsultation
Subject: Burgess Hill Fields SA12 and SA13

Dear Sir

I write to object to the allocation of housing sites SA12 and SA13 in the DPD because:

1. I believe the site process was unsound, unrepresentative and did not even follow MSDC's own guidance. The representations made to the first consultation were not presented.
2. The traffic report produced for the MSDC is fatally flawed. Clearly the traffic situation is already at over capacity and at breaking point and nothing can realistically be done to address this problem.
3. The unique biodiversity within the site makes it unsuitable for development and MSDC have completely ignored this.
4. The vital gap between the Burgess Hill and the villages to the South – Hassocks and Keymer has always been of vital importance. If this development is permitted it will result in coalescence and urban sprawl which will eat further into neighbouring Hassocks boundaries.
5. The lack of infrastructure has been ignored. Nothing is showing in the proposals to address this situation.
6. I believe allocating these sites for housing goes against the District Plan and National Planning Guidance.

Yours faithfully,

Penny Pursey (Mrs)

[REDACTED]

Sent from [Mail](#) for Windows 10

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA12 - SA13

ID: 610

Response Ref: Reg19/610/1

Respondent: Mr M Whitaker

Organisation:

On Behalf Of:

Category: Resident

Appear at Examination? x

Name	Mark Whitaker
Address	[REDACTED]
Email	[REDACTED]
Which document are you commenting on?	Site Allocations DPD
Sites DPD Policy Number (e.g. SA1 - SA38)	SA12 and 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	<p>I object to the allocation of housing sites SA12 & SA13 in the DPD. I understand the site selection process did not follow MSDC's own guidance. Representations made during the first consultation were ignored or lost.</p> <p>The traffic report produced for MSDC is fatally flawed. The situation with road traffic in the area is at breaking point already.</p> <p>The biodiversity within the site makes it unsuitable for development and MSDC has ignored this. I believe that housing development should use brownfield sites and not further deplete our remaining natural areas.</p> <p>I also feel natural areas between towns are vital and this plan greatly reduces an important green gap.</p> <p>Allocating these sites for housing goes against the District Plan and national planning guidance.</p>
If you wish to provide further documentation to support your response, you can upload it here	
If your representation is seeking a change, do you consider it necessary to attend and give evidence at the hearing part of the examination	No, I do not wish to participate at the oral examination
Please notify me when-The Plan has been submitted for Examination	yes
Please notify me when-The publication of the recommendations from the Examination	yes
Date	25/09/2020

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA12 - SA13

ID: 613

Response Ref: Reg19/613/1

Respondent: Mr P Roberts

Organisation:

On Behalf Of:

Category: Resident

Appear at Examination? x

Comments on Draft Site Allocations DPD (Regulation 19) Consultation

Paul Roberts

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

28 August 2020

Summary

I object to 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.

I am concerned in particular about the impacts of traffic increases on the road network and local communities.

Transport

Keymer Road is, at present, severely affected by queuing traffic during morning and evening rush hours, 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 the 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 of 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, 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.

Planning policy

The National Planning Policy Framework 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.

Conclusion

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.

I do not wish to participate at the oral examination.

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

Site Allocations DPD: Regulation 19 Consultation Response**Policy:** SA12 - SA13**ID:** 615**Response Ref:** Reg19/615/3**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

<p>Please outline why you either support or object (on legal or soundness grounds) to the Site Allocations DPD</p>	<p>The inclusion of Sites SA12 and SA13 renders the Draft Site Selection DPD (Regulation 19) unsound.</p> <p>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.</p> <p>In summary:</p> <ol style="list-style-type: none"> 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: <ol style="list-style-type: none"> 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: <ul style="list-style-type: none"> • 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 <p>Full details are supplied in the SOFLAG response which is uploaded here as a pdf, together with the GTA Civils transport study to which it refers.</p> <p>Both these documents should be forwarded to the Planning Inspector in full.</p> <p>SOFLAG wish to be represented and speak at the hearing.</p>
<p>Please set out what change(s) you consider necessary to make the Site Allocations DPD legally compliant or sound, having regard to the reason you have identified at question 5 above where this relates to soundness.</p>	<p>Sites SA12 & SA13 should be removed from the list of sites selected for development.</p> <p>If they are included, the Plan is not legally compliant and remains unsound.</p>
<p>If you wish to provide further documentation to support your response, you can upload it here</p>	<p>https://forms.midsussex.gov.uk/upload_dld.php?fileid=5a7b600e95d3179ab2df03bc40cd1ecb</p>

If your representation is seeking a change, do you consider it necessary to attend and give evidence at the hearing part of the examination	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:
 - Inadequate local transport infrastructure for which there is no viable solution
 - Unsuitable & unsustainable location
 - Known consequence of coalescence
 - 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 Park²²

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), tranquillity 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

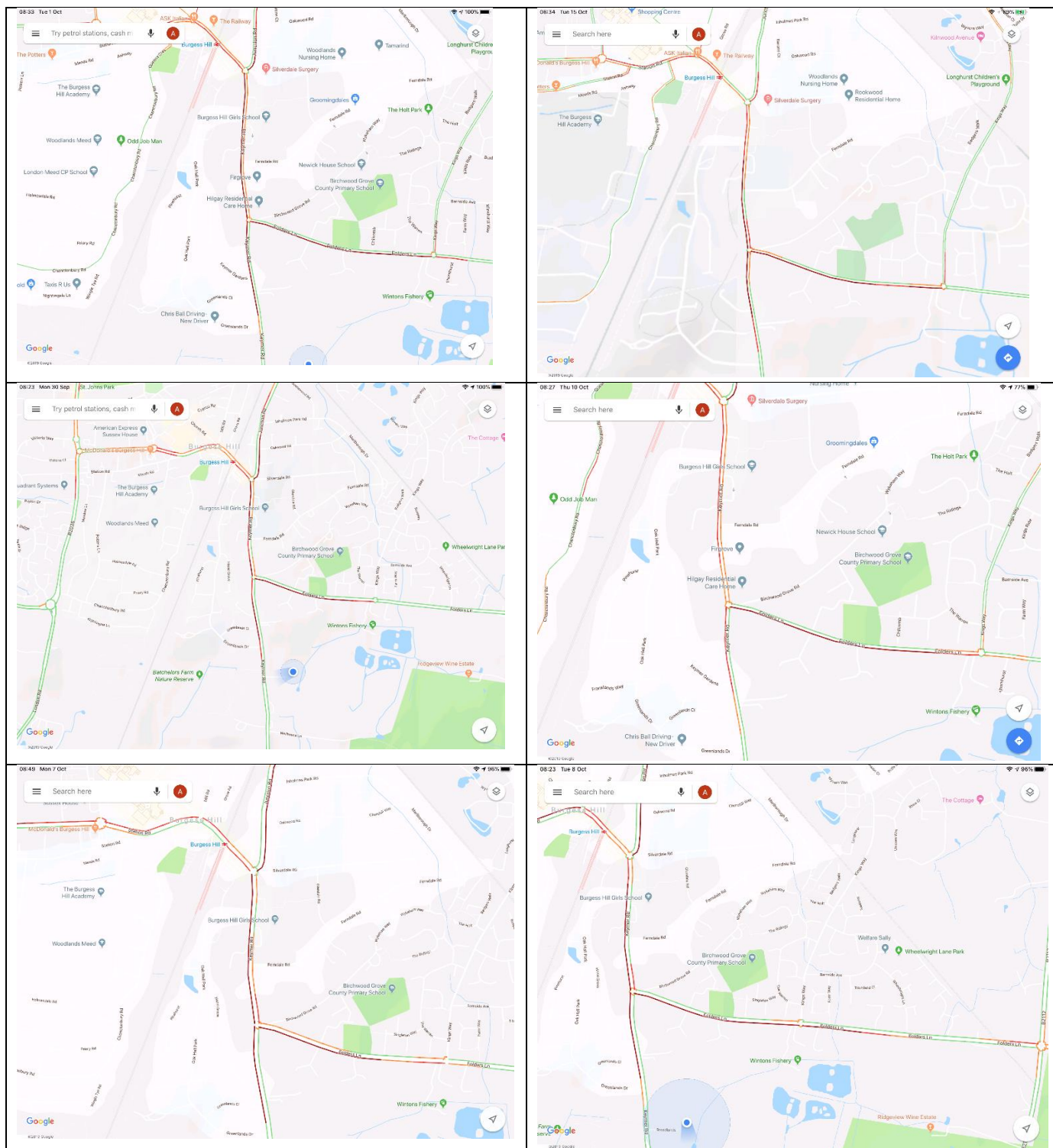


01/10/2019
Keymer Road
looking north



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

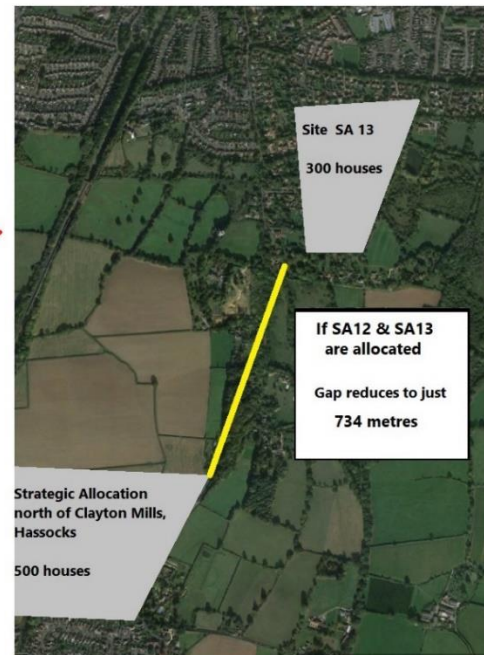
COALESCENCE

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

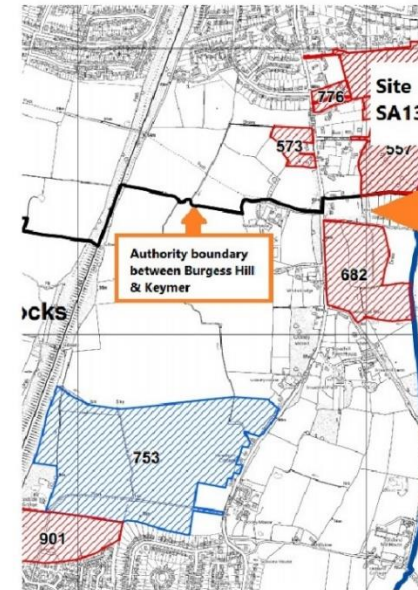
2020



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

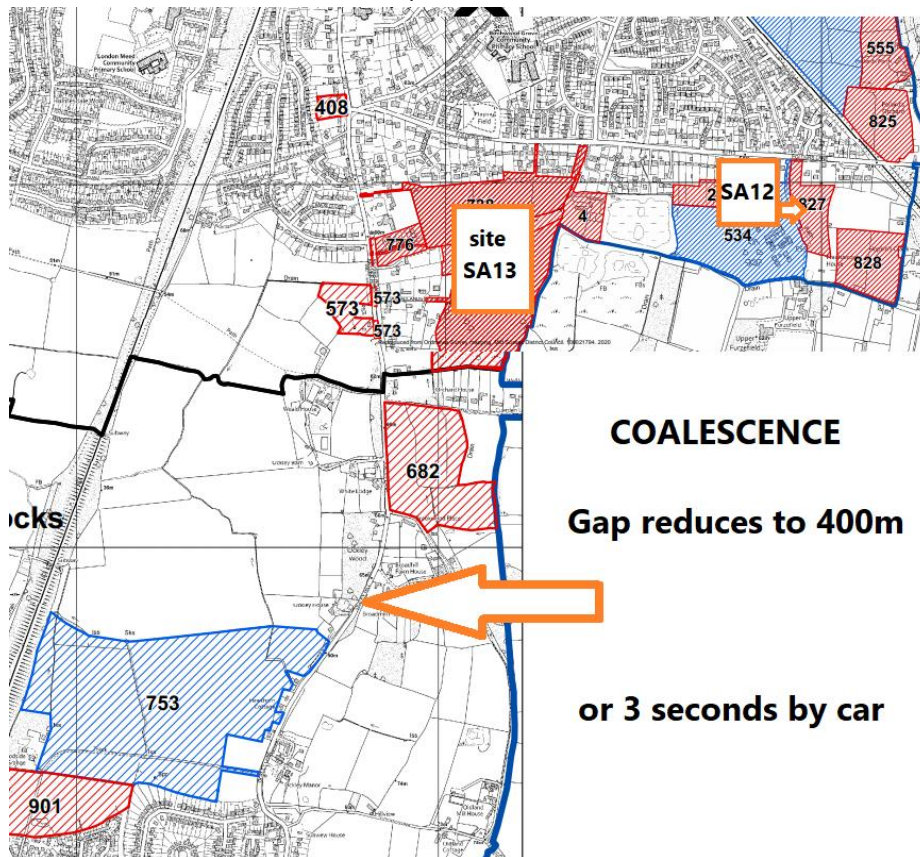
This contravenes District Plan and national planning policies. Allocation of Sites SA12 & SA13 will lead to coalescence and their inclusion makes the Sites Allocations DPD unsound.

- 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 plan ², unless material considerations indicate otherwise ³. **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?

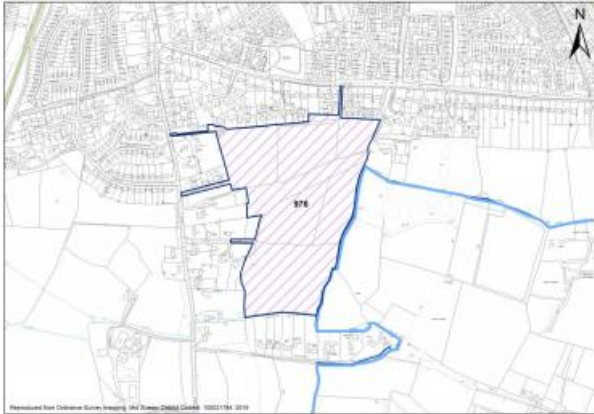
Please provide copies of proformas, guidance notes or other papers showing how sites were assessed against risk of coalescence - for example distances between the sites and neighbouring settlements etc, together with copies of any assessments made against this criteria for Sites SA12, SA13 and Haywards 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		Environmental Health
May require reinforcement of the sewerage network		No environmental health considerations identified.
Sustainability Appraisal		Notes
Positive effects are anticipated in relation to housing and the suite of social SA objectives.		
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 near 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

hedgerowswill 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 sub-section 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.

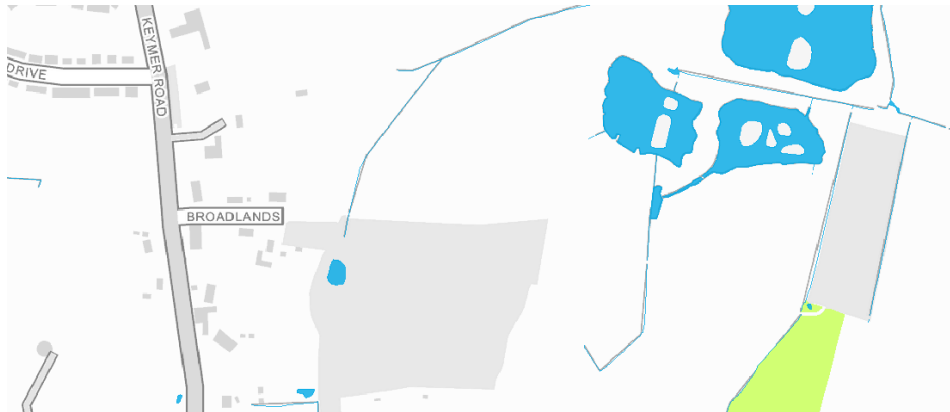
3-2 **OVERVIEW OF SITE**

- 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/s9.4c/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**
s9.4b/s9.4c/s9.5a/, NERC s41

Hab Dir A4, Hab Reg Sch2, WCA Sch5,

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

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

Date of Current Survey 3 August 2009

Location of field 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

Size of field 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)

	<p>View looking west (note hummocks)</p>
	
	<p>Dried out pond near north boundary (devil's-bit scabious in foreground)</p>

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

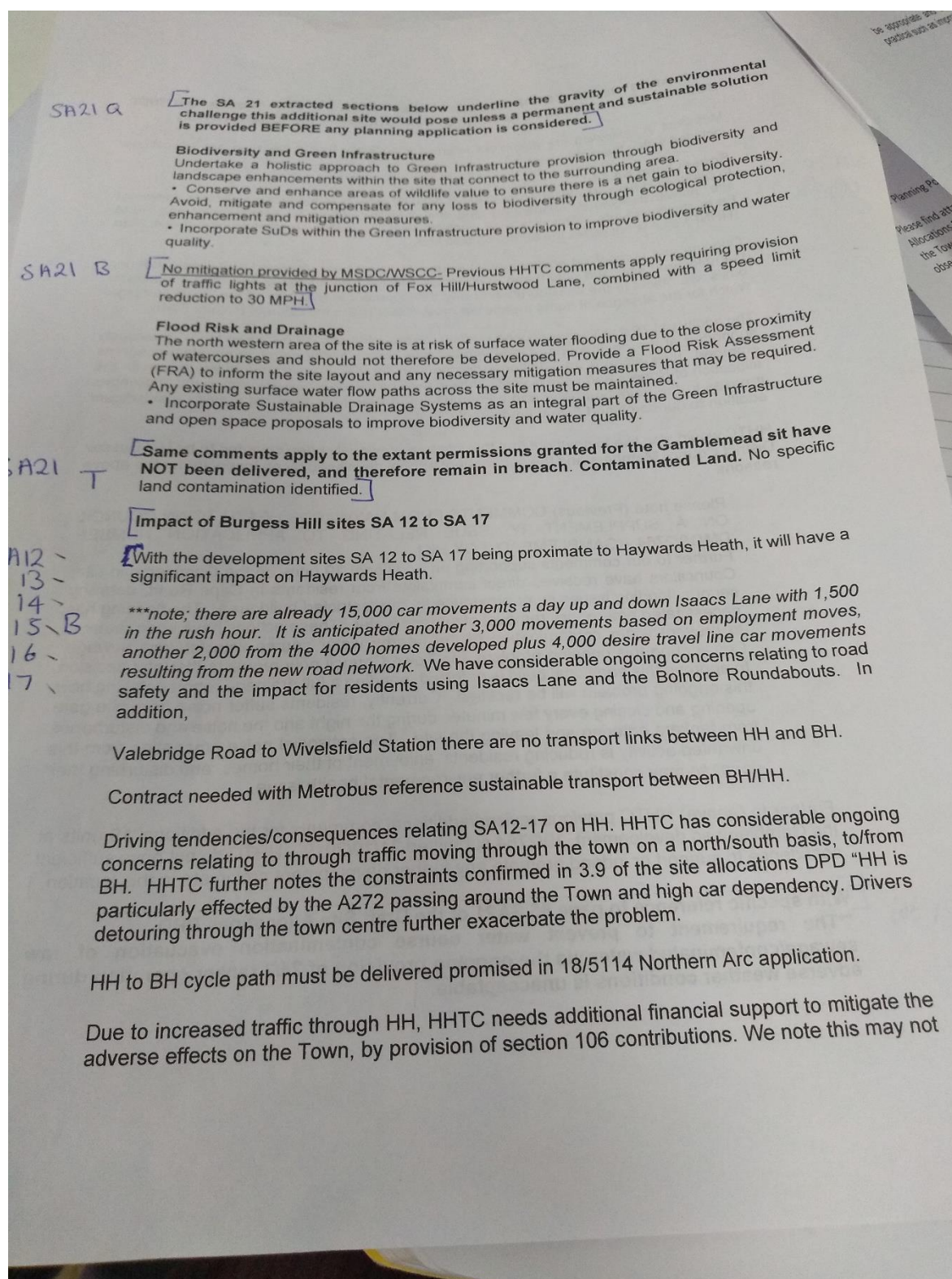
⁴⁸ Site Allocations DPD – Regulation 18 9th October – 20th November 2019 Consultation Report, page 397

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.

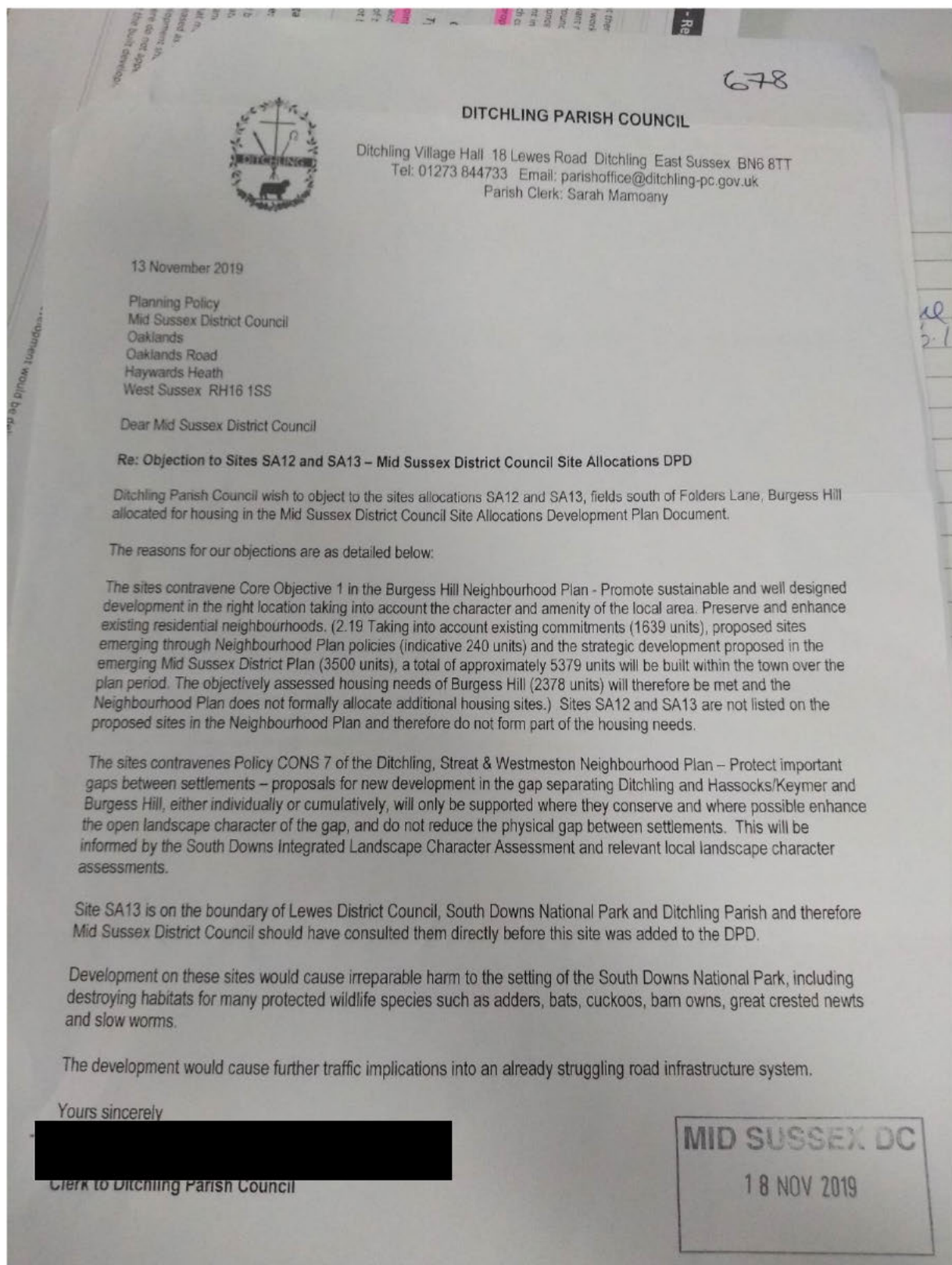
4.17 All these objections from local authorities, statutory bodies and expert groups demonstrate that Sites SA12 & SA13 are unsustainable, unsuitable and undeliverable.

Appendix 4 A



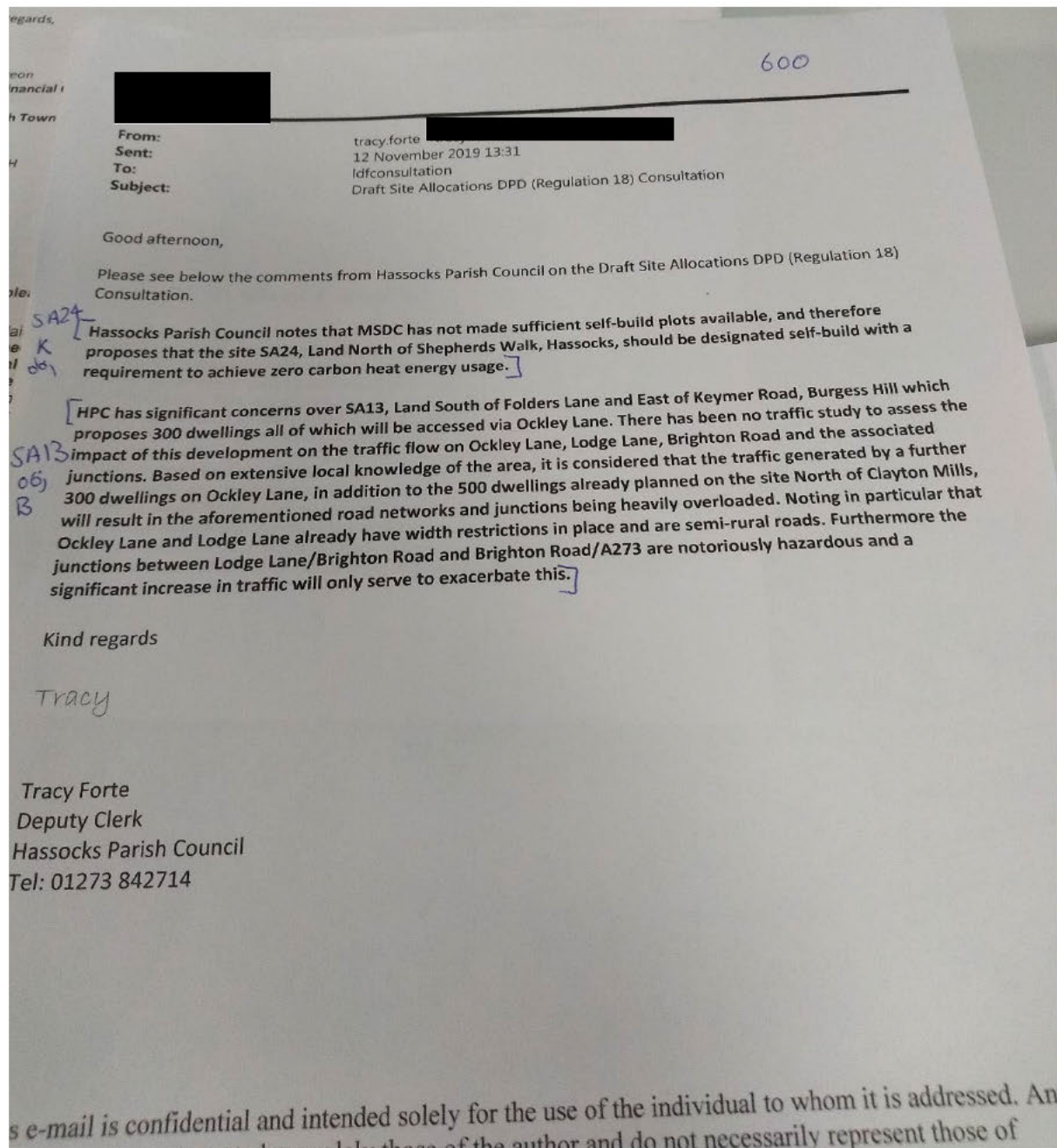
Objection by Haywards Heath Town Council

Appendix 4 B



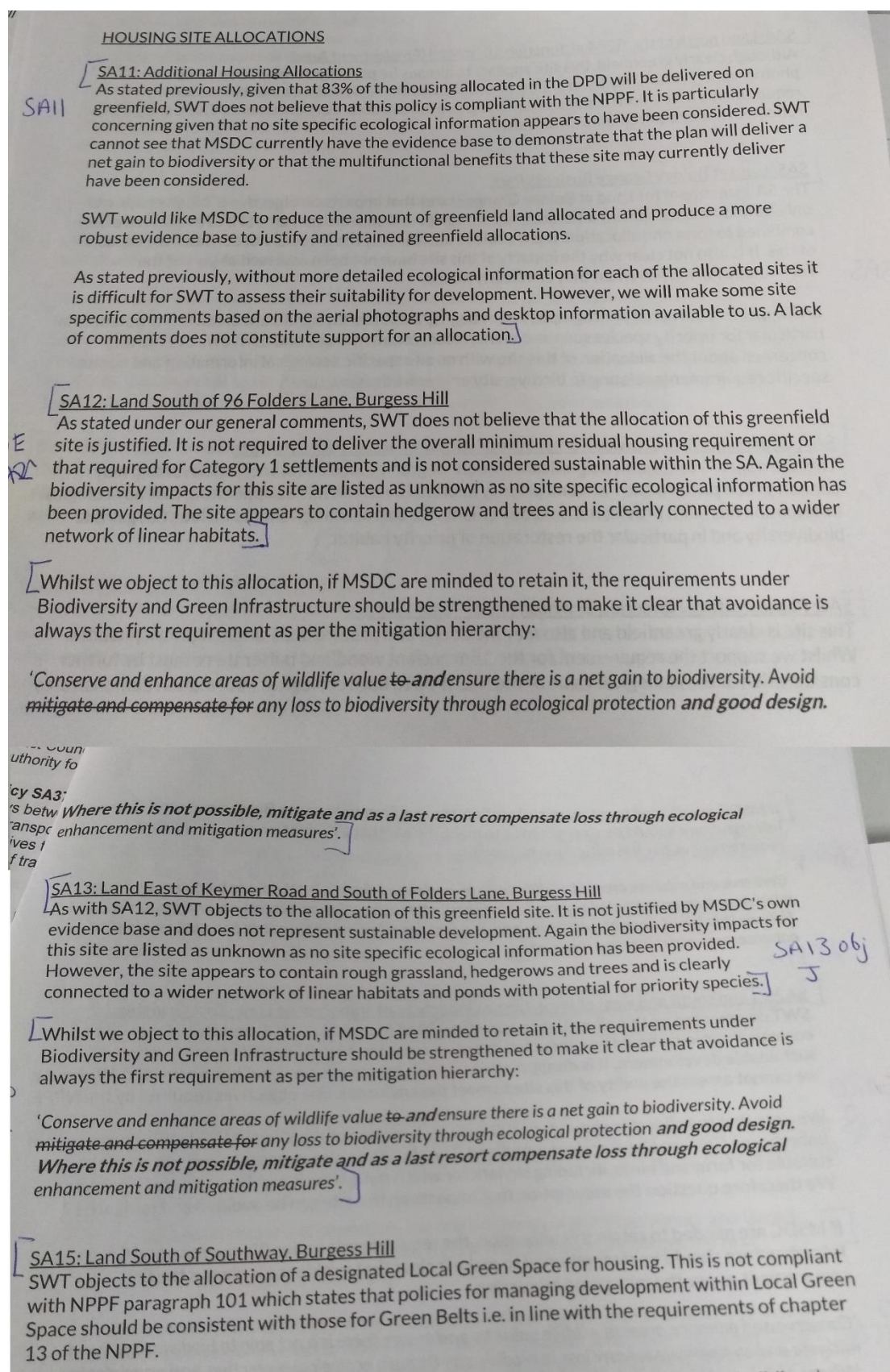
Objection from Ditchling Parish Council

Appendix 4 C



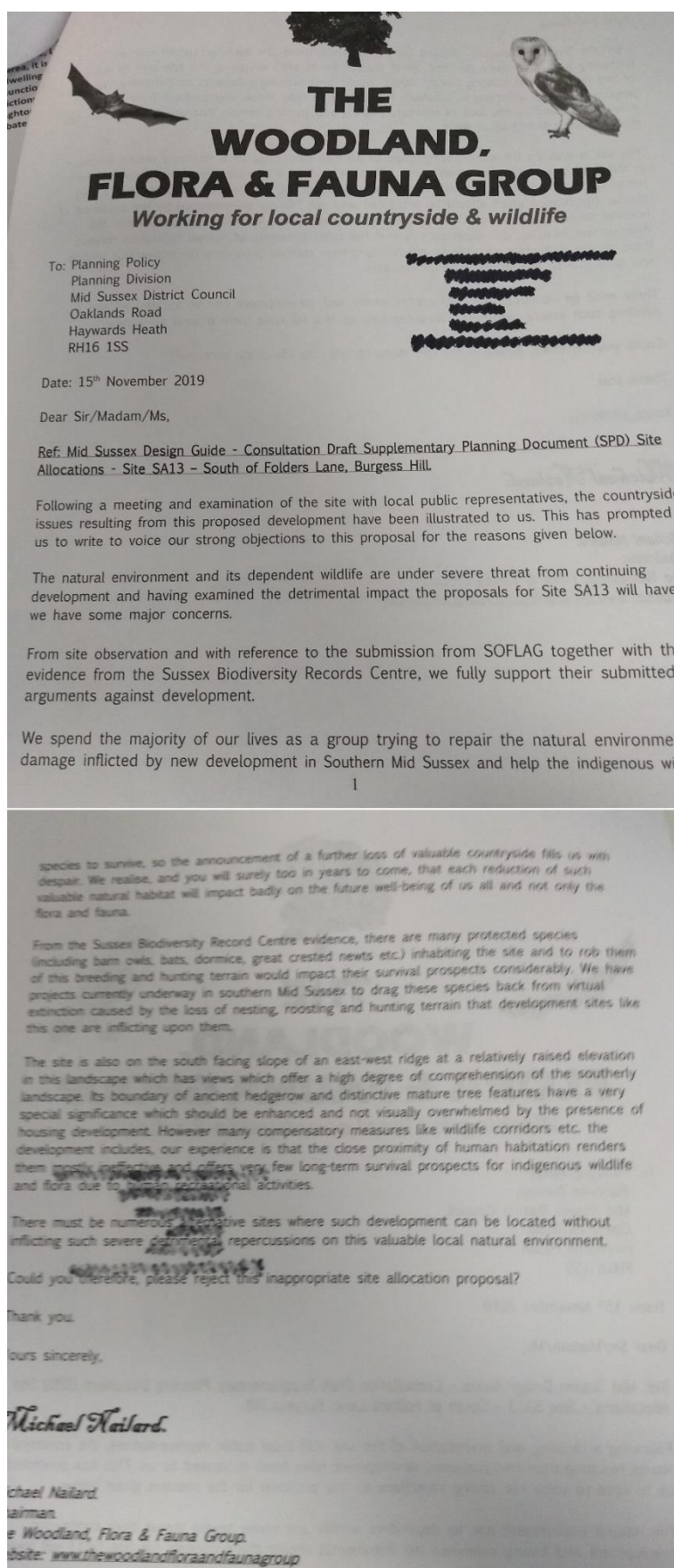
Objection from Hassocks Parish Council

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)

557	Land south of Folders Lane and east of Keymer Road,	573	Batchelors Farm, Keymer Road, Burgess Hill
Site Selection - Housing		Site Selection - Housing	
Part 3 - Sustainability / Access to Services		Part 3 - Sustainability / Access to Services	
14 - Education	Less Than 10 Minute Walk	14 - Education	10-15 Minute Walk
15 - Health	10-15 Minute Walk	15 - Health	10-15 Minute Walk
16 - Services	10-15 Minute Walk	16 - Services	15-20 Minute Walk
17 - Public Transport	Good	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:

[illegible]

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) 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	relation 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 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?

59

- 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. Option (b) performs more positively against these objectives, as the sites at Folders Lane are in close proximity to each of these facilities.
3 - Education	+	++	+	
4 - Retail	+	++	+	
5 - Communities	+	+	+	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.
6 - Flood Risk	0	0	0	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.
7 - Land Use	-	-	---	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.
8 - Biodiversity	?	?	-	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.
9 - Countryside	-	-	-	Whilst some sites have a greater impact on landscape

59

60

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:
- a) 5% to ensure choice and competition in the market for land or
 - b) 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
 - c) 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:

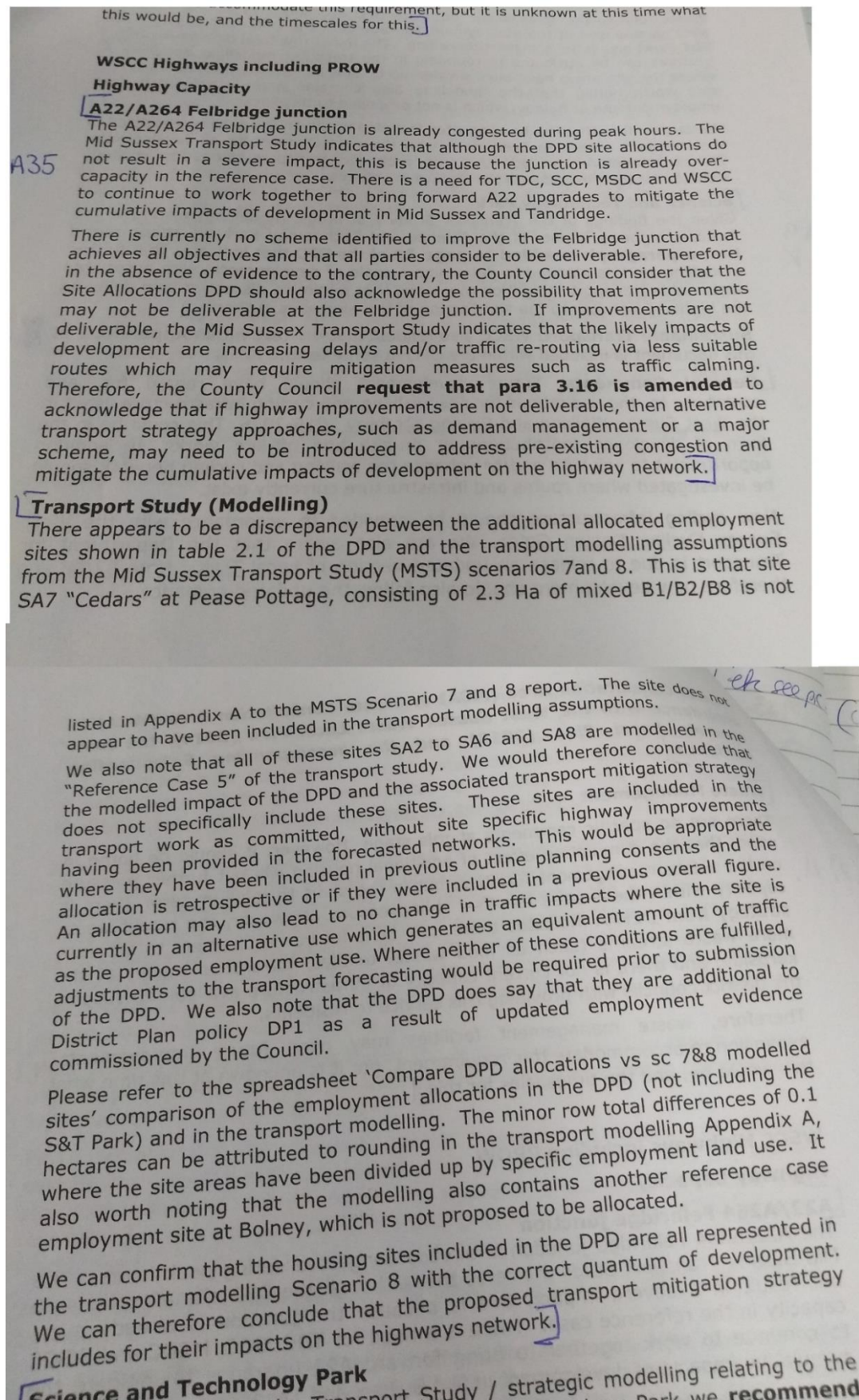
Systra indicate that the severe impact on the A23/A2300 junction is caused by the proposed Science and Technology Park allocation (SA9), and appropriate mitigation is being proposed. There is no indication the severe impact is caused by the proposed housing sites.

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



WSCC 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

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 <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 <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

GTA Civils & Transport, Gloucester House, 66a Church Walk, Burgess Hill, West Sussex, RH15 9AS

T: 01444 871444 E: enquiries@gtacivils.co.uk www: gtacivils.co.uk

GTA Civils & Transport Limited, Registered in England No. 11917461. VAT Registration No. 319 2609 02



100

[illegible][illegible]

Figure 1

[illegible]

11

Figure 1. *Phragmites* distribution in the coastal marshes of the Sacramento-San Joaquin River Delta, California, 1990-1999. The map shows the distribution of *Phragmites* in the coastal marshes of the Sacramento-San Joaquin River Delta, California, from 1990 to 1999. The map is divided into 10-degree latitude and longitude grid cells. The legend indicates the percentage of *Phragmites* in each cell: 0-10%, 11-20%, 21-30%, 31-40%, 41-50%, 51-60%, 61-70%, 71-80%, 81-90%, and 91-100%. The map shows a general increase in *Phragmites* distribution over time, with the highest concentrations in the central and southern parts of the Delta.

	Mean	SD	Median	Mode
Age	60.78	9.12	60	60
Gender				
Male	10	3.16	10	10
Female	10	3.16	10	10
Marital status				
Married	10	3.16	10	10
Single	10	3.16	10	10
Widowed	10	3.16	10	10
Divorced	10	3.16	10	10
Education level				
High school or below	10	3.16	10	10
Bachelor's degree	10	3.16	10	10
Master's degree	10	3.16	10	10
PhD	10	3.16	10	10
Occupation				
Government employee	10	3.16	10	10
Private employee	10	3.16	10	10
Self-employed	10	3.16	10	10
Unemployed	10	3.16	10	10
Retired	10	3.16	10	10
Health insurance				
Yes	10	3.16	10	10
No	10	3.16	10	10
Income				
< \$10,000	10	3.16	10	10
\$10,000 - \$20,000	10	3.16	10	10
\$20,000 - \$30,000	10	3.16	10	10
\$30,000 - \$40,000	10	3.16	10	10
\$40,000 - \$50,000	10	3.16	10	10
\$50,000 - \$60,000	10	3.16	10	10
\$60,000 - \$70,000	10	3.16	10	10
\$70,000 - \$80,000	10	3.16	10	10
\$80,000 - \$90,000	10	3.16	10	10
\$90,000 - \$100,000	10	3.16	10	10
> \$100,000	10	3.16	10	10

11

11. *Journal of the American Medical Association*, 2000; 284: 1039-1044.

[illegible][illegible][illegible][illegible][illegible]

Table 1

[illegible]

100

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA12 - SA13

ID: 624

Response Ref: Reg19/624/4

Respondent: Mr S Harkins

Organisation: SGN

On Behalf Of:

Category: Statutory Consultee

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	Mr
First Name	Simon
Last Name	Harkins
Job Title (where relevant)	Network Support Assistant
Organisation (where relevant)	SGN
Respondent Ref. No. (if known)	
On behalf of (where relevant)	
Address Line 1	Axis House
Line 2	5 Lonehead Drive
Line 3	Newbridge
Line 4	Edinburgh
Post Code	EH28 8TG
Telephone Number	+44 (0) 131 469 1804
E-mail Address	simon.harkins@sgn.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:

SGN

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

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 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**.

I wish to support the soundness of the plan. I have no comments to make at this stage, but would like to offer my support for the future. I have also reviewed all sites in the DPD and their impact on the SGN gas infrastructure, if you so wish I would be happy to share a high-level review of my findings.

t is

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

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:

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:

S.Harkins

Date:

25/09/2020

Thank you for taking time to respond to this consultation

[REDACTED]

From: Harkins, Simon <Simon.Harkins@sgn.co.uk>
Sent: 14 October 2020 15:58
To: [REDACTED]
Subject: RE: Mid Sussex DC Planning Policy - Site Allocations DPD Consultation (Regulation 19)

Follow Up Flag: Follow up
Flag Status: Flagged

Good Afternoon [REDACTED]

Please find my feedback below. If you have any questions, then please let me know and I would be happy to help.

NETWORK OVERVIEW

From reviewing the impact that the Mid Sussex potential developments have on the gas infrastructure, I have identified that there are two areas of concern. The first is Burgess Hill, it is an area which is close to capacity and from the accumulative impact of all developments in and surrounding the town, it is likely that reinforcement will be required in the future to ensure security of supply to our customers.

The main trigger of the reinforcement is the 3,500 dwelling site *North and North West Burgess Hill*. From reviewing the trajectory of the site and analysing it on our Network Analysis Model, we expect that reinforcement will be required for 2025/26. Please note that this is just an estimate at this time of writing, it may have to go ahead before then or could be delayed due to development construction issues down to the Covid-19 pandemic. It is also worth noting that if it is delayed and UK governments stance to stop all new domestic connections post 2025 is upheld, then no reinforcement may be required.

The other area of concern is south east of Haywards Heath. This is a single fed leg that enters the Lewes district. The weakest point is at the tail of the system, however the reinforcement itself would be required upstream of the tail in the Mid Sussex district. An accumulative impact of small developments in Lewes and the site *Rogers Farm, Fox Hill*, are the trigger's for the reinforcement. It is expected that the reinforcement is likely to go ahead some time in our next price control period (April 2021 – March 2026)

Other Considerations

If any unexpected large demand sites, such as peaking power plants, were to connect to the system, then further analysis will be required.

Reinforcement of the existing Low Pressure (LP) network may be necessary to support development in Mid Sussex. This is dependent on the site demand and the final point of connection to SGN's network, which is usually only known to ourselves when a connections request is made.

SGN are unable to book capacity and the above assessment does not guarantee the availability of future capacity which is offered on a 'first come, first served basis'.

STATUTORY OBLIGATIONS

Where required, SGN will look to manage the provision of any off site infrastructure improvements, in line with the overall development growth and / or timescales provided. The full extent of these works will be dependent on the nature and location of the requested load(s), potentially requiring LP reinforcement in addition to that required for the IPMP networks, and will only become clear once a developer's request has been received. Reinforcement

solutions are likely to involve the provision of a new pipeline in parallel to SGN's existing mains system, but may also include the installation of above ground apparatus involving land purchase.

As this is a high level assessment and response, the information provided is indicative only and should be used as a guide to assist you on your assessment. While information obtained through consultation and / or engagement on Local Development Plans is important to our analysis, it only acts to identify potential development areas. Our principle statutory obligations relevant to the development of our gas network arise from the Gas Act 1986 (as amended), an extract of which is given below:-

Section 9 (1) and (2) which provides that:

9. General powers and duties

(1) It shall be the duty of a gas transporter as respects each authorised area of his:-

(a) to develop and maintain an efficient and economical pipe-line system for the conveyance of gas; and

(b) subject to paragraph (a) above, to comply, so far as it is economical to do so, with any reasonable request for him -

(i.) to connect to that system, and convey gas by means of that system to, any premises; or

(ii.) to connect to that system a pipe-line system operated by an authorised transporter.

(1A) It shall also be the duty of a gas transporter to facilitate competition in the supply of gas.

(2) It shall also be the duty of a gas transporter to avoid any undue preference or undue discrimination -

(a) in the connection of premises or a pipe-line system operated by an authorised transporter to any pipe-line system operated by him; and in the terms of which he undertakes the conveyance of gas by means of such a system.

SGN would not, therefore, develop firm extension or reinforcement proposals until we are in receipt of confirmed developer requests.

As SGN is the owner and operator of significant gas infrastructure within the Mid Sussex area and due to the nature of our licence holder obligations;

- Should alterations to existing assets be required to allow development to proceed, such alterations will require to be funded by a developer.
- Should major alterations or diversions to such infrastructure be required to allow development to proceed, this could have a significant time constraint on development and, as such, any diversion requirements should be established early in the detailed planning process.

SGN would therefore request that, where the Council are in discussions with developers via the Local Plan, early notification requirements are highlighted.

Additionally, SGN are aware of the advances being made in renewable technologies, especially those related to the production of biomethane. Should any developer be proposing to include such technology within their development, then we would highlight the benefits of locating these facilities near existing gas infrastructure. Again, where the Council are in discussions with developers via the Local Plan, we would hope that these early notifications requirements are highlighted.

Please let me know if the above information is sufficient for your requirements at present. We would also welcome any future updates to your plans.

Kind regards,

Simon Harkins

Network Support Assistant, Long Term Strategy

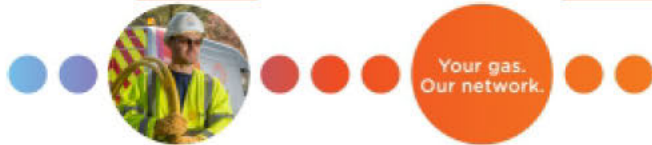
T: +44 (0) 131 469 1804 (Internal: 31804)

E: simon.harkins@sgn.co.uk

SGN, Axis House, 5 Lonehead Drive, Newbridge, Edinburgh, EH28 8TG

sgn.co.uk

Find us on [Facebook](#) and follow us on Twitter: [@SGNgas](#)



Smell gas? Call 0800 111 999

[Find out how](#) to protect your home from carbon monoxide

Classified as Internal

From: [REDACTED]

Sent: 13 October 2020 11:11

To: Harkins, Simon <Simon.Harkins@sgn.co.uk>

Cc: ldfconsultation <ldfconsultation@midsussex.gov.uk>

Subject: RE: Mid Sussex DC Planning Policy - Site Allocations DPD Consultation (Regulation 19)

WARNING This email is not from the SGN network. Do not open unexpected files or links.

Dear Mr Harkins,

Thank you for your response to the recent Regulation 19 consultation on the Sites DPD.

In your comment you state: *I have also reviewed all sites in the DPD and their impact on the SGN gas infrastructure, if you so wish I would be happy to share a high-level review of my findings.*

I'd be grateful if you could please clarify what high-level comments you have on the sites and their impacts on SGN gas infrastructure in order for us to determine whether any modifications are required to the plan or the evidence base.

Kind regards,

[REDACTED]
Senior Planning Officer
Planning Services

<http://www.midsussex.gov.uk>

N.B. My working days are Tuesday – Thursday inclusive.

Submit your planning application online.
<http://www.planningportal.gov.uk>

How are we doing? We always welcome your [feedback](#)

Working together for a better Mid Sussex

From: Harkins, Simon <Simon.Harkins@sgn.co.uk>
Sent: 25 September 2020 12:05
To: ldfconsultation <ldfconsultation@midsussex.gov.uk>
Subject: RE: Mid Sussex DC Planning Policy - Site Allocations DPD Consultation (Regulation 19)

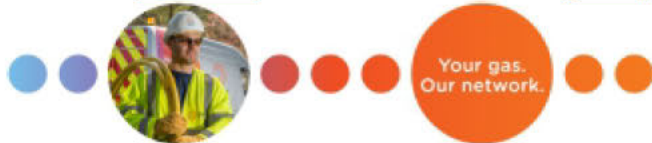
Good Afternoon,

Please see attached Response Form. Unfortunately I could not use the Online Response form, as it came up with error messages when I pressed the Next button.

If you require any further information from myself then please get in touch.

Kind regards,

Simon Harkins
Network Support Assistant, Long Term Strategy
T: +44 (0) 131 469 1804 (Internal: 31804)
E: simon.harkins@sgn.co.uk
SGN, Axis House, 5 Lonehead Drive, Newbridge, Edinburgh, EH28 8TG
sgn.co.uk
Find us on [Facebook](#) and follow us on Twitter: [@SGNgas](#)



Smell gas? Call 0800 111 999
[Find out how](#) to protect your home from carbon monoxide

Classified as Internal

From: Mid Sussex District Council - Planning Policy <planningpolicy@midsussex.gov.uk>
Sent: 03 August 2020 16:09
To: Customer <customer@sgn.co.uk>
Subject: Mid Sussex DC Planning Policy - Site Allocations DPD Consultation (Regulation 19)

[View this email in your browser](#)

sustainable development.

The Council must publish the version of the Site Allocations DPD that it intends to submit to the Planning Inspectorate for Examination. At this stage of consultation, the Council is seeking views on whether the Plan is legally compliant and meets the test of 'soundness' set out in the National Planning Policy Framework (NPPF). These are the broad areas that the Inspector will focus on in examining the Plan.

Comments will be considered by an independent planning inspector alongside the submitted Site Allocations DPD at a future Public Examination before deciding whether the Plan can be adopted by the Council.

The District Council will summarise the main issues from the consultation for the Inspector. The Inspector will also receive copies of the representations submitted.

All of the consultation documents, Community Involvement Plan, Statement of Representations Procedure, and further information can be viewed online at:
www.midsussex.gov.uk/SitesDPD

Comments can be submitted:

Online: Online Form at www.midsussex.gov.uk/SitesDPD

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

E-mail to: LDFconsultation@midsussex.gov.uk

Responses must be received by **midnight on the 28th September 2020.**

If you have any queries about this consultation, please e-mail:
planningpolicy@midsussex.gov.uk

Our address is:
Planning Policy
Mid Sussex District Council
Oaklands
Oaklands Road
Haywards Heath
West Sussex
RH16 1SS

planningpolicy@midsussex.gov.uk

You are receiving this email as you are either a Statutory Consultee, subscribe to the Planning Policy Update mailing list, or made a response to the Site Allocations DPD Regulation 18 consultation.

Want to change how you receive these emails?
You can [update your preferences](#) or [unsubscribe from this list](#).

■ **This email is confidential and may be legally privileged. It is intended solely for the addressees and access to this email by anyone else is unauthorised. If you are not the intended recipient, please immediately notify the sender of the error in transmission and then delete this email. Please note that any disclosure, copying, distribution is prohibited and may be unlawful.**

Unless specifically stated otherwise, emails and attachments are neither an offer capable of acceptance nor acceptance of an offer and do not form part of a binding contractual agreement.

Emails may not represent the views of SGN.

Please be aware, we may monitor email traffic data and content for security and staff training. For further information about what we do with your personal data, and your rights in relation to the same, please see the [Privacy Notice](#) published on our website

SGN is a registered trade mark and is the brand name for the companies with this Scotia Gas Networks group of companies.

Scotia Gas Networks Limited (company registration number 04958135) and all of its subsidiaries, except for Scotland Gas Networks plc are registered in England and Wales and have their registered office address at St Lawrence House, Station Approach, Horley, Surrey RH6 9HJ.

Scotland Gas Networks plc (company registration number SC264065) is registered in Scotland and has its registered office address at Axis House, 5 Lonehead Drive, Newbridge, Edinburgh EH28 8TG

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.

This email is confidential and may be legally privileged. It is intended solely for the addressees and access to this email by anyone else is unauthorised. If you are not the intended recipient, please immediately notify the sender of the error in transmission and then delete this email. Please note that any disclosure, copying, distribution is prohibited and may be unlawful.

Unless specifically stated otherwise, emails and attachments are neither an offer capable of acceptance nor acceptance of an offer and do not form part of a binding contractual agreement.

Emails may not represent the views of SGN.

Please be aware, we may monitor email traffic data and content for security and staff training. For further information about what we do with your personal data, and your rights in relation to the same, please see the [Privacy Notice](#) published on our website

SGN is a registered trade mark and is the brand name for the companies with this Scotia Gas Networks group of companies.

Scotia Gas Networks Limited (company registration number 04958135) and all of its subsidiaries, except for Scotland Gas Networks plc are registered in England and Wales and have their registered office address at St Lawrence House, Station Approach, Horley, Surrey RH6 9HJ.

Scotland Gas Networks plc (company registration number SC264065) is registered in Scotland and has its registered office address at Axis House, 5 Lonehead Drive, Newbridge, Edinburgh EH28 8TG

[REDACTED]

From: Harkins, Simon <Simon.Harkins@sgn.co.uk>
Sent: 15 October 2020 13:05
To: [REDACTED]
Subject: RE: Mid Sussex DC Planning Policy - Site Allocations DPD Consultation (Regulation 19)

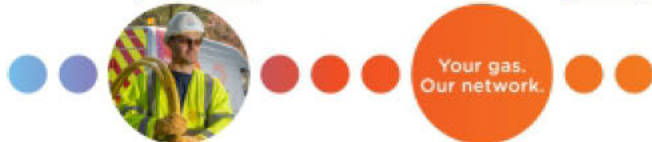
Hello [REDACTED]

The potential capacity issue in Haywards Heath is only from housing. Burgess Hill however, the cause is the accumulative impact from all developments, including the employment allocations *Burnside Centre* and *Site of Former KDG*. Regarding the Science and Technology Park, north west of Burgess Hill it is likely (but not impossible) that if this does connect to the gas network it will connect to a separate system, where it will have no impact to the potential capacity issue at Burgess Hill.

Hope this helps, please feel free to send me any other questions.

Kind regards,

Simon Harkins
Network Support Assistant, Long Term Strategy
T: +44 (0) 131 469 1804 (Internal: 31804)
E: simon.harkins@sgn.co.uk
SGN, Axis House, 5 Lonehead Drive, Newbridge, Edinburgh, EH28 8TG
sgn.co.uk
Find us on [Facebook](#) and follow us on Twitter: [@SGNgas](#)



Smell gas? Call 0800 111 999
[Find out how](#) to protect your home from carbon monoxide

Classified as Internal

From: [REDACTED]
Sent: 15 October 2020 12:44
To: Harkins, Simon <Simon.Harkins@sgn.co.uk>
Subject: RE: Mid Sussex DC Planning Policy - Site Allocations DPD Consultation (Regulation 19)

WARNING This email is not from the SGN network. Do not open unexpected files or links.

Dear Simon,

I note you highlight potential capacity issues at Burgess Hill and Haywards Heath – could you please confirm if this relates to all the proposed employment allocations as well as the housing in each of the locations or just the latter?

Kind regards,

[REDACTED]

Senior Planning Officer
Planning Services

<http://www.midsussex.gov.uk>

N.B. My working days are Tuesday – Thursday inclusive.

Submit your planning application online.
<http://www.planningportal.gov.uk>

How are we doing? We always welcome your [feedback](#)

Working together for a better Mid Sussex

From: Harkins, Simon <Simon.Harkins@sgn.co.uk>

Sent: 14 October 2020 15:58

To: [REDACTED]

Subject: RE: Mid Sussex DC Planning Policy - Site Allocations DPD Consultation (Regulation 19)

Good Afternoon [REDACTED]

Please find my feedback below. If you have any questions, then please let me know and I would be happy to help.

NETWORK OVERVIEW

From reviewing the impact that the Mid Sussex potential developments have on the gas infrastructure, I have identified that there are two areas of concern. The first is Burgess Hill, it is an area which is close to capacity and from the accumulative impact of all developments in and surrounding the town, it is likely that reinforcement will be required in the future to ensure security of supply to our customers.

The main trigger of the reinforcement is the 3,500 dwelling site *North and North West Burgess Hill*. From reviewing the trajectory of the site and analysing it on our Network Analysis Model, we expect that reinforcement will be required for 2025/26. Please note that this is just an estimate at this time of writing, it may have to go ahead before then or could be delayed due to development construction issues down to the Covid-19 pandemic. It is also worth noting that if it is delayed and UK governments stance to stop all new domestic connections post 2025 is upheld, then no reinforcement may be required.

The other area of concern is south east of Haywards Heath. This is a single fed leg that enters the Lewes district. The weakest point is at the tail of the system, however the reinforcement itself would be required upstream of the tail in the Mid Sussex district. An accumulative impact of small developments in Lewes and the site *Rogers Farm, Fox Hill*, are the trigger's for the reinforcement. It is expected that the reinforcement is likely to go ahead some time in our next price control period (April 2021 – March 2026)

Other Considerations

If any unexpected large demand sites, such as peaking power plants, were to connect to the system, then further analysis will be required.

Reinforcement of the existing Low Pressure (LP) network may be necessary to support development in Mid Sussex. This is dependent on the site demand and the final point of connection to SGN's network, which is usually only known to ourselves when a connections request is made.

SGN are unable to book capacity and the above assessment does not guarantee the availability of future capacity which is offered on a 'first come, first served basis'.

STATUTORY OBLIGATIONS

Where required, SGN will look to manage the provision of any off site infrastructure improvements, in line with the overall development growth and / or timescales provided. The full extent of these works will be dependent on the nature and location of the requested load(s), potentially requiring LP reinforcement in addition to that required for the IPMP networks, and will only become clear once a developer's request has been received. Reinforcement solutions are likely to involve the provision of a new pipeline in parallel to SGN's existing mains system, but may also include the installation of above ground apparatus involving land purchase.

As this is a high level assessment and response, the information provided is indicative only and should be use as a guide to assist you on your assessment. While information obtained through consultation and / or engagement on Local Development Plans is important to our analysis, it only acts to identify potential development areas. Our principle statutory obligations relevant to the development of our gas network arise from the Gas Act 1986 (as amended), an extract of which is given below:-

Section 9 (1) and (2) which provides that:

9. General powers and duties

(1) It shall be the duty of a gas transporter as respects each authorised area of his:-

(a) to develop and maintain an efficient and economical pipe-line system for the conveyance of gas; and
(b) subject to paragraph (a) above, to comply, so far as it is economical to do so, with any reasonable request for him -

(i.) to connect to that system, and convey gas by means of that system to, any premises; or

(ii.) to connect to that system a pipe-line system operated by an authorised transporter.

(1A) It shall also be the duty of a gas transporter to facilitate competition in the supply of gas.

(2) It shall also be the duty of a gas transporter to avoid any undue preference or undue discrimination -

(a) in the connection of premises or a pipe-line system operated by an authorised transporter to any pipe-line system operated by him; and in the terms of which he undertakes the conveyance of gas by means of such a system.

SGN would not, therefore, develop firm extension or reinforcement proposals until we are in receipt of confirmed developer requests.

As SGN is the owner and operator of significant gas infrastructure within the Mid Sussex area and due to the nature of our licence holder obligations;

- Should alterations to existing assets be required to allow development to proceed, such alterations will require to be funded by a developer.
- Should major alterations or diversions to such infrastructure be required to allow development to proceed, this could have a significant time constraint on development and, as such, any diversion requirements should be established early in the detailed planning process.

SGN would therefore request that, where the Council are in discussions with developers via the Local Plan, early notification requirements are highlighted.

Additionally, SGN are aware of the advances being made in renewable technologies, especially those related to the production of biomethane. Should any developer be proposing to include such technology within their development, then we would highlight the benefits of locating these facilities near existing gas infrastructure. Again, where the Council are in discussions with developers via the Local Plan, we would hope that these early notifications requirements are highlighted.

Please let me know if the above information is sufficient for your requirements at present. We would also welcome any future updates to your plans.

Kind regards,

Simon Harkins

Network Support Assistant, Long Term Strategy

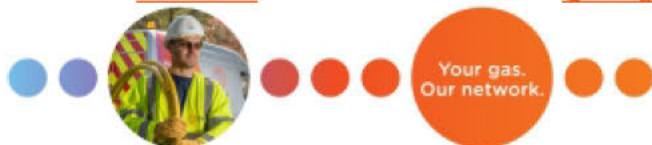
T: +44 (0) 131 469 1804 (Internal: 31804)

E: simon.harkins@sgn.co.uk

SGN, Axis House, 5 Lonehead Drive, Newbridge, Edinburgh, EH28 8TG

sgn.co.uk

Find us on [Facebook](#) and follow us on Twitter: [@SGNgas](#)



Smell gas? Call 0800 111 999

[Find out how](#) to protect your home from carbon monoxide

Classified as Internal

From: [REDACTED]

Sent: 13 October 2020 11:11

To: Harkins, Simon <Simon.Harkins@sgn.co.uk>

Cc: ldfconsultation <ldfconsultation@midsussex.gov.uk>

Subject: RE: Mid Sussex DC Planning Policy - Site Allocations DPD Consultation (Regulation 19)

WARNING This email is not from the SGN network. Do not open unexpected files or links.

Dear Mr Harkins,

Thank you for your response to the recent Regulation 19 consultation on the Sites DPD.

In your comment you state: *I have also reviewed all sites in the DPD and their impact on the SGN gas infrastructure, if you so wish I would be happy to share a high-level review of my findings.*

I'd be grateful if you could please clarify what high-level comments you have on the sites and their impacts on SGN gas infrastructure in order for us to determine whether any modifications are required to the plan or the evidence base.

Kind regards,

[REDACTED]
Senior Planning Officer
Planning Services

<http://www.midsussex.gov.uk>

N.B. My working days are Tuesday – Thursday inclusive.

Submit your planning application online.
<http://www.planningportal.gov.uk>

How are we doing? We always welcome your [feedback](#)

Working together for a better Mid Sussex

From: Harkins, Simon <Simon.Harkins@sgn.co.uk>

Sent: 25 September 2020 12:05

To: ldfconsultation <ldfconsultation@midsussex.gov.uk>

Subject: RE: Mid Sussex DC Planning Policy - Site Allocations DPD Consultation (Regulation 19)

Good Afternoon,

Please see attached Response Form. Unfortunately I could not use the Online Response form, as it came up with error messages when I pressed the Next button.

If you require any further information from myself then please get in touch.

Kind regards,

Simon Harkins

Network Support Assistant, Long Term Strategy

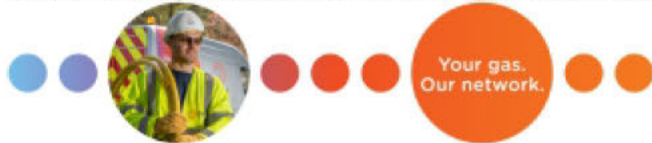
T: +44 (0) 131 469 1804 (Internal: 31804)

E: simon.harkins@sgn.co.uk

SGN, Axis House, 5 Lonehead Drive, Newbridge, Edinburgh, EH28 8TG

sgn.co.uk

Find us on [Facebook](#) and follow us on Twitter: [@SGNgas](#)



Smell gas? Call 0800 111 999

[Find out how](#) to protect your home from carbon monoxide

Classified as Internal

From: Mid Sussex District Council - Planning Policy <planningpolicy@midsussex.gov.uk>

Sent: 03 August 2020 16:09

To: Customer <customer@sgn.co.uk>

Subject: Mid Sussex DC Planning Policy - Site Allocations DPD Consultation (Regulation 19)

[View this email in your browser](#)

sustainable development.

The Council must publish the version of the Site Allocations DPD that it intends to submit to the Planning Inspectorate for Examination. At this stage of consultation, the Council is seeking views on whether the Plan is legally compliant and meets the test of 'soundness' set out in the National Planning Policy Framework (NPPF). These are the broad areas that the Inspector will focus on in examining the Plan.

Comments will be considered by an independent planning inspector alongside the submitted Site Allocations DPD at a future Public Examination before deciding whether the Plan can be adopted by the Council.

The District Council will summarise the main issues from the consultation for the Inspector. The Inspector will also receive copies of the representations submitted.

All of the consultation documents, Community Involvement Plan, Statement of Representations Procedure, and further information can be viewed online at:
www.midsussex.gov.uk/SitesDPD

Comments can be submitted:

Online: Online Form at www.midsussex.gov.uk/SitesDPD

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

E-mail to: LDFconsultation@midsussex.gov.uk

Responses must be received by **midnight on the 28th September 2020.**

If you have any queries about this consultation, please e-mail:
planningpolicy@midsussex.gov.uk

Our address is:
Planning Policy
Mid Sussex District Council
Oaklands
Oaklands Road
Haywards Heath
West Sussex
RH16 1SS

planningpolicy@midsussex.gov.uk

You are receiving this email as you are either a Statutory Consultee, subscribe to the Planning Policy Update mailing list, or made a response to the Site Allocations DPD Regulation 18 consultation.

Want to change how you receive these emails?
You can [update your preferences](#) or [unsubscribe from this list](#).

■ **This email is confidential and may be legally privileged. It is intended solely for the addressees and access to this email by anyone else is unauthorised. If you are not the intended recipient, please immediately notify the sender of the error in transmission and then delete this email. Please note that any disclosure, copying, distribution is prohibited and may be unlawful.**

Unless specifically stated otherwise, emails and attachments are neither an offer capable of acceptance nor acceptance of an offer and do not form part of a binding contractual agreement.

Emails may not represent the views of SGN.

Please be aware, we may monitor email traffic data and content for security and staff training. For further information about what we do with your personal data, and your rights in relation to the same, please see the [Privacy Notice](#) published on our website

SGN is a registered trade mark and is the brand name for the companies with this Scotia Gas Networks group of companies.

Scotia Gas Networks Limited (company registration number 04958135) and all of its subsidiaries, except for Scotland Gas Networks plc are registered in England and Wales and have their registered office address at St Lawrence House, Station Approach, Horley, Surrey RH6 9HJ.

Scotland Gas Networks plc (company registration number SC264065) is registered in Scotland and has its registered office address at Axis House, 5 Lonehead Drive, Newbridge, Edinburgh EH28 8TG

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.

This email is confidential and may be legally privileged. It is intended solely for the addressees and access to this email by anyone else is unauthorised. If you are not the intended recipient, please immediately notify the sender of the error in transmission and then delete this email. Please note that any disclosure, copying, distribution is prohibited and may be unlawful.

Unless specifically stated otherwise, emails and attachments are neither an offer capable of acceptance nor acceptance of an offer and do not form part of a binding contractual agreement.

Emails may not represent the views of SGN.

Please be aware, we may monitor email traffic data and content for security and staff training. For further information about what we do with your personal data, and your rights in relation to the same, please see the [Privacy Notice](#) published on our website

SGN is a registered trade mark and is the brand name for the companies with this Scotia Gas Networks group of companies.

Scotia Gas Networks Limited (company registration number 04958135) and all of its subsidiaries, except for Scotland Gas Networks plc are registered in England and Wales and have their registered office address at St Lawrence House, Station Approach, Horley, Surrey RH6 9HJ.

Scotland Gas Networks plc (company registration number SC264065) is registered in Scotland and has its registered office address at Axis House, 5 Lonehead Drive, Newbridge, Edinburgh EH28 8TG

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.

This email is confidential and may be legally privileged. It is intended solely for the addressees and access to this email by anyone else is unauthorised. If you are not the intended recipient, please immediately notify the sender of the error in transmission and then delete this email. Please note that any disclosure, copying, distribution is prohibited and may be unlawful.

Unless specifically stated otherwise, emails and attachments are neither an offer capable of acceptance nor acceptance of an offer and do not form part of a binding contractual agreement.

Emails may not represent the views of SGN.

Please be aware, we may monitor email traffic data and content for security and staff training. For further information about what we do with your personal data, and your rights in relation to the same, please see the [Privacy Notice](#) published on our website

SGN is a registered trade mark and is the brand name for the companies with this Scotia Gas Networks group of companies.

Scotia Gas Networks Limited (company registration number 04958135) and all of its subsidiaries, except for Scotland Gas Networks plc are registered in England and Wales and have their registered office address at St Lawrence House, Station Approach, Horley, Surrey RH6 9HJ.

Scotland Gas Networks plc (company registration number SC264065) is registered in Scotland and has its registered office address at Axis House, 5 Lonehead Drive, Newbridge, Edinburgh EH28 8TG

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA12 - SA13

ID: 629

Response Ref: Reg19/629/1

Respondent: Mr & Mrs J & D Cragg

Organisation:

On Behalf Of:

Category: Resident

Appear at Examination? x

[REDACTED]

From: [REDACTED]
Sent: 27 September 2020 19:36
To: ldfconsultation
Subject: Houses at sites SA12 and SA13 in the DPD

We strongly object to the proposal to build 350 new homes on the ancient fields south of Folders Lane which provide the vital green gap between Burgess Hill and villages to the south. The preservation of such green field sites is essential for conservation with many habitats for wildlife already lost and many others under threat due to over development in the south-east. The area around Burgess Hill is a prime example of this with houses recently built right up to the perimeter of Ditchling Common which includes areas of Special Scientific Interest. The extensive additional housing around Folders Lane and Ditchling Common not only threatens the biodiversity of the area but has inevitably increased the already heavy traffic, particularly through the village of Ditchling and any further development will worsen this situation, especially as public transport in the area is so lacking. New housing on this scale will also put pressure on local infrastructure such as water supply, school places, GP services etc.

Janet and David Cragg

[REDACTED]

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA12 - SA13

ID: 639

Response Ref: Reg19/639/8

Respondent: Mr S Trice

Organisation: Haywards Heath Town Council

On Behalf Of:

Category: Town & Parish Council

Appear at Examination? x

From: Steven Trice <Steven.Trice@haywardsheath.gov.uk>
Sent: 28 September 2020 20:28
To: ldfconsultation
Subject: Mid Sussex DC Planning Policy - Site Allocations DPD Consultation (Regulation 19) Response HHTC
Attachments: MSDC - Reg 19 Consultation Draft Site Allocations SPD 280920.pdf

Dear Sir or Madam,

Please find attached a response to the MSDC Planning Policy - Site Allocations DPD Consultation (Regulation 19) consultation, which was approved by the Town Council's Planning Committee on the 28th September 2020.

Regards

Steven Trice
Town Clerk
Haywards Heath Town Council
Tel – 01444 455694

Confidentiality Notice: & Disclaimer

This e-mail message, including all accompanying documents, may contain information which is confidential, privileged or otherwise protected from disclosure under law. The information is intended only for the person(s) to whom it is addressed. If the recipient of this e-mail is not the designated recipient or the employee or agent responsible for delivering this e-mail to the designated recipient, you are hereby notified that any use, review, disclosure, copying, distribution, alteration or manipulation of this e-mail or its contents is strictly prohibited, and the contents are strictly without prejudice.. If you have received this e-mail in error, please notify the sender and delete the e-mail from your computer system immediately. Your contact details maybe retained in our records to facilitate correspondence..

Liability cannot be accepted for statements made, which are clearly the sender's own and not made on behalf of Haywards Heath Town Council

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA12 - SA13

ID: 640

Response Ref: Reg19/640/4

Respondent: Mr B Phillips

Organisation:

On Behalf Of:

Category: Resident

Appear at Examination? x

Name	Barry Phillips
Address	[REDACTED]
Phone	[REDACTED]
Email	[REDACTED]
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 traffic survey was fundamentally flawed. As a local resident, I see first hand the level of congestion on a daily basis and the impact this has on the local road infrastructure . Put simply Folders Lane and the surrounding arterial roads cannot cope with the additional traffic flows at peak travel times. To say otherwise is simply wrong.
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 publication of the recommendations from the Examination	yes
Date	23/09/2020

Name	Barry Phillips
Address	[REDACTED]
Email	[REDACTED]
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	In my opinion, the site selection process was dishonest, unrepresentative and did not follow MSDC's own guidance. How can a selection process work effectively and fairly when the voice of a councillor representing the area in question is not present and cannot be heard? What is of more concern is the fact that representations made during the first consultation were apparently 'lost' which brings into question the integrity of the whole selection process.
If you wish to provide further documentation to support your response, you can upload it here	
If your representation is seeking a change, do you consider it necessary to attend and give evidence at the hearing part of the examination	No, I do not wish to participate at the oral examination
Date	23/09/2020

Name	Barry Phillips
Address	[REDACTED]
Email	[REDACTED]
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	Put simply, allocating these sites for housing goes against the District Plan and national planning guidance and I bring into question the impact to the local environment. The biodiversity within the site makes it unsuitable for development - Something else which the MSDC have chosen to ignore!
If you wish to provide further documentation to support your response, you can upload it here	
If your representation is seeking a change, do you consider it necessary to attend and give evidence at the hearing part of the examination	No, I do not wish to participate at the oral examination
Date	23/09/2020

Name	Barry Phillips
Address	[REDACTED]
Email	[REDACTED]
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	One of the attractions of living in Burgess Hill is the proximity to open and undeveloped green space, much of which now falls under National Park status. I fear that if the development is allowed to proceed, the green gap between Burgess Hill and the villages to the south will be lost forever and prove detrimental to the local environment and the individual status of Burgess Hill.
If you wish to provide further documentation to support your response, you can upload it here	
If your representation is seeking a change, do you consider it necessary to attend and give evidence at the hearing part of the examination	No, I do not wish to participate at the oral examination
Date	23/09/2020

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA12 - SA13

ID: 641

Response Ref: Reg19/641/2

Respondent: Mrs E Phillips

Organisation:

On Behalf Of:

Category: Resident

Appear at Examination? x

Name	Emma Phillips
Address	[REDACTED]
Email	[REDACTED]
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	Clearly the traffic report produced for MSDC is completely distorted. The traffic situation on Folders Lane and Keymer Road is already at breaking point during peak times and nothing can be done to rectify this.
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	27/09/2020

Name	Emma Phillips
Address	[REDACTED]
Email	[REDACTED]
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	With the proposal of even more housing to the South of Folders Lane, there is an obvious lack of facilities for example, schools, doctors surgeries, shops and dentists. This has not been addressed as part of the proposals.
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	27/09/2020

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA12 - SA13

ID: 659

Response Ref: Reg19/659/1

Respondent: Ms L Mordecai

Organisation:

On Behalf Of:

Category: Resident

Appear at Examination? x

Name	Louise Mordecai
Organisation	Please Select
Address	[REDACTED]
Email	[REDACTED]
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	<p>I object to this site allocation as it does not follow MSDC's own recommendations and representations made during the first consultation were not referred to as they were "lost".</p> <p>Allocating these sites for housing goes against the District Plan and national planning guidance.</p> <p>Building on these sites will further diminish the green belt dividing Burgess Hill and the villages to the south. These are areas with particular biodiversity and this has been ignored by MSDC at a time when studies show that wildlife is on the decline and species are "thinning". (State of Nature 2019 report.)</p> <p>Traffic in this area is already very heavy and nothing can be done to improve this. The report on traffic which was presented by MSDC was not sound. Anybody living in this area knows that there is already very heavy traffic and congestion. The development of these sites would put more pressure on the existing infrastructure and there are no details in the plans to address this.</p>
If you wish to provide further documentation to support your response, you can upload it here	
If your representation is seeking a change, do you consider it necessary to attend and give evidence at the hearing part of the examination	No, I do not wish to participate at the oral examination
Please notify me when-The Plan has been submitted for Examination	yes
Please notify me when-The publication of the recommendations from the Examination	yes
Please notify me when-The Site Allocations DPD is adopted	yes
Date	28/09/2020

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA12 - SA13

ID: 667

Response Ref: Reg19/667/6

Respondent: Mr S Cridland

Organisation: Burgess Hill Town Council

On Behalf Of:

Category: Town & Parish Council

Appear at Examination? x

From: Emily Bryant [REDACTED]
Sent: 16 September 2020 09:34
To: ldfconsultation
Cc: Steve BHTC; Cllr Janice Henwood
Subject: Site Allocations DPD Response BHTC Planning Committee
Attachments: Site Allocations DPD response.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: SiteDPD

Good morning,

Please find attached the response from the Burgess Hill Town Council Planning Committee on the Site Allocations DPD Consultation.

Kind regards,

Emily Bryant
Projects and Administration Officer
Direct Line : 01444 238206



Burgess Hill Town Council, 96 Church Walk, Burgess Hill, West Sussex, RH15 9AS

tel: 01444 247726 fax: 01444 233707 web: www.burgesshill.gov.uk youth website: www.you-bh.com The information contained in this message is confidential. If you are not the intended recipient, you are hereby notified that any use, dissemination or reproduction is strictly prohibited. Please contact the sender by return email and destroy all copies of the original message.

Sharing your personal data In order for Burgess Hill Town Council to facilitate your request, personal information you have provided to us may be shared with our partner organisations who may contact you direct to help resolve your query. Burgess Hill Town Council will not use your data for any other purposes other than for the reasons you shared it with us and it will be deleted from our records when it is no longer required. Should you not require your information to be shared, please contact us immediately upon receipt of this email, but this may mean, however, we are unable to resolve fully your query.

Freedom of Information 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. Should you wish to see the Town Council's complete General Privacy Notice, please go to the Town Council's website at: www.burgesshill.gov.uk/privacy

The views expressed within this email and any attachments are not necessarily the views or policies of Burgess Hill Town 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 as 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 upon the contents of this email and any attachments.

RESPONSE 16 SEPTEMBER 2020 – BHTC PLANNING COMMITTEE

The Committee reiterated their previous response on the consultation, which listed all of the policies that specific sites contravene, with the addition of the specific comments on SA12, 13, and 15 made at the meeting on 1 September 2020.

There is a failure to take proper account of the planning context set out in the District Plan as Burgess Hill already meets its minimum requirements in the District Plan.

SA12:

This contravenes Neighbourhood Plan Core Objective 5 and Policy H3

SA13:

This site houses an historic field system and its development would have a negative impact on biodiversity contravening District Plan Policy DP37. The Sussex Biodiversity Record Centre has stated that this site contains important species of flora and fauna which are internationally protected. The site would cause coalescence with the villages south of Burgess Hill (Keymer and Hassocks) which contravenes District Plan Policy DP13. Inclusion of SA12 and SA13 takes no realistic account of severe traffic issues which have been identified in three previous proposals.

SA15:

There is an ancient woodland as part of this site, and its development would contravene District Plan Policy DP37. The application contravenes Neighbourhood Plan Core Objective 5 and Policies G1 and G3.

PREVIOUS RESPONSE SUBMITTED NOVEMBER 2019

SA2:

The Committee noted that there was an inaccuracy in the description – there was no mention that Burgess Hill Shed were based at the centre. As this was a valuable community resource, they should also be found alternative accommodation, as well as a replacement facility for the adults with learning difficulties. There should be a comprehensive study of what is required in the town before Burnside is removed.

SA3:

It was noted that this site already had planning permission for industrial use. The Committee requested it was used for housing as in the Neighbourhood Plan. It was noted that there was a traffic issue around the bend of Victoria road, and the Committee requested a link road.

SA12 and 13:

The sites contravened District Plan policies DP7, DP12, DP13, DP18, DP20, DP21, DP26, DP37, DP38, and Neighbourhood Plan core objective 5, and policy H3.

There were a significant number of problems with this site which make it unsustainable.

There should not be any significant development until the impact of the existing major developments has been fully absorbed and understood. When looking at future housing sites it should be done in a more strategic manner, rather than looking at individual sites in isolation.

This site allocation would contradict the Town Council's Environmental Charter, and any significant loss of trees would impact the aim to be carbon neutral by 2050. It was noted that we were now in a climate emergency.

SA14:

Comments: No objections.

SA15:

The Committee noted that this site was supposed to be part of the 'Green lung', and had a significant number of trees. This Site Allocation would contradict the Town Council's Environmental Charter, and any significant loss of trees would impact the aim to be carbon neutral by 2050. It was noted that we were now in a climate emergency. The Committee wished that it be highlighted that the area was a habitat for nightingales, a species on the red list and in danger of extinction.

Site Allocation SA15 contravened District Plan policies DP7, DP21, DP22, DP26, DP37, DP38, Neighbourhood Plan core objective 5, and Neighbourhood Plan policies G1 and G3.

There should not be any significant development until the impact of the existing major developments has been fully absorbed and understood. When looking at future housing sites it should be done in a more strategic manner, rather than looking at individual sites in isolation.

SA16:

The Committee questioned the deliverability of this scheme within the current time frame, as it involved numerous aspects of the development coming together.

The Committee wished to further understand the impact on primary education in this area of the town. What was the plan to re-provision places from residents in the South side of the town?

There should not be any significant development until the impact of the existing major developments has been fully absorbed and understood. When looking at future housing sites it should be done in a more strategic manner, rather than looking at individual sites in isolation.

There should be a holistic approach to the impact from all of the developments and how they impacted on the traffic flow within the town.

SA17:

Comments: No objections.

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA12 - SA13

ID: 678

Response Ref: Reg19/678/1

Respondent: Ms S Mamoany

Organisation: Ditchling Parish Council

On Behalf Of:

Category: Town & Parish Council

Appear at Examination? x



DITCHLING PARISH COUNCIL

Ditchling Village Hall 18 Lewes Road Ditchling East Sussex BN6 8TT
Tel: 01273 844733 Email: parishoffice@ditchling-pc.gov.uk
Parish Clerk: Sarah Mamoany

28 September 2020

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

Dear Mid Sussex District Council

Re: Mid Sussex District Council DPD – Regulation 19 Consultation

Ditchling Parish Council wish to object to the sites allocations SA12 and SA13, fields south of Folders Lane, Burgess Hill allocated for housing in the Mid Sussex District Council Site Allocations Development Plan Document.

The reasons for our objections are as detailed below:

The sites contravene Core Objective 1 in the Burgess Hill Neighbourhood Plan - Promote sustainable and well-designed development in the right location taking into account the character and amenity of the local area. Preserve and enhance existing residential neighbourhoods. (2.19 Taking into account existing commitments (1639 units), proposed sites emerging through Neighbourhood Plan policies (indicative 240 units) and the strategic development proposed in the emerging Mid Sussex District Plan (3500 units), a total of approximately 5379 units will be built within the town over the plan period. The objectively assessed housing needs of Burgess Hill (2378 units) will therefore be met and the Neighbourhood Plan does not formally allocate additional housing sites.) Sites SA12 and SA13 are not listed on the proposed sites in the Neighbourhood Plan and therefore do not form part of the housing needs.

The sites contravenes Policy CONS 7 of the Ditchling, Streat & Westmeston Neighbourhood Plan – Protect important gaps between settlements – proposals for new development in the gap separating Ditchling and Hassocks/Keymer and Burgess Hill, either individually or cumulatively, will only be supported where they conserve and where possible enhance the open landscape character of the gap, and do not reduce the physical gap between settlements. This will be informed by the South Downs Integrated Landscape Character Assessment and relevant local landscape character assessments.

Site SA13 is on the boundary of Lewes District Council, South Downs National Park and Ditchling Parish and therefore Mid Sussex District Council should have consulted them directly before this site was added to the DPD.

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, great crested newts and slow worms.

The development would cause further traffic implications into an already struggling road infrastructure system. We note that the South of Folders Lane Action Group (SOFAG) have submitted a detailed objection, together with a transport review which Ditchling Parish Council fully support.

Yours sincerely

Sarah Mamoany
Clerk to Ditchling Parish Council

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA12 - SA13

ID: 729

Response Ref: Reg19/729/1

Respondent: Mr A Olejniczak

Organisation:

On Behalf Of: Broadlands Residents Association

Category: Resident

Appear at Examination? x

Regulation 19 Consultation Representation.

Objection and comments with respect to sites SA13 (Land East of Keymer Road and South of Folders Lane, Burgess Hill) and SA12 (Land south of Folders Lane, Burgess Hill) for housing development.

These comments are gathered and submitted from the residents of Broadlands, Burgess Hill, The Broadlands Residents' Association. This submission made by Mr A Olejniczak of [REDACTED] Broadlands and is supported by: Mr & Mrs Davey; Mr & Mrs Green; Mr & Mrs King; Mr & Mrs Olejniczak; Mr & Mrs Pursey; Mr & Mrs Wren and Mrs A Llewelyn-Slade and Mr & Mrs Kempson all residents of and adjacent to [REDACTED]

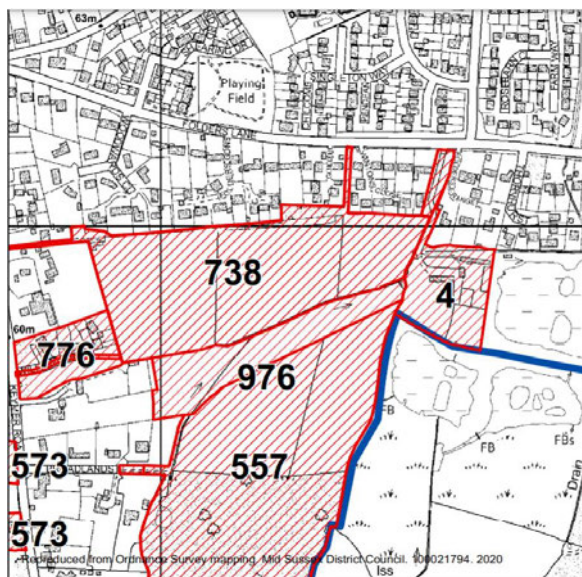
We do not think SA12 and SA13 are suitable for housing development and object to their inclusion in the allocation.

The primary substantive reasons are:

- 1) There is no suitable access to Persimmon's 20-acre section of SA13
- 2) The traffic issue in Burgess Hill is being blatantly and deliberately ignored by MSDC.

1) Dubious deliverability. No usable access to the southern section of the SA13 site.

The SA13 site is owned by three landowners. Areas 776 and 738 are owned by Thakeham Homes, area 976 by individuals, and area 557 by Persimmon.



The only direct road access to 557 is via Broadlands. The junction of Broadlands onto Keymer Road is extremely poor. Broadlands Residents' Association commissioned *Motion Highway Consultants* to perform a professional and independent assessment of the safety and capacity of the junction. Their letter has been submitted to the consultation, and is reproduced in Appendix A.

From Motion's report it is clear and a fact that Broadlands cannot be used as an access point for the reasons identified and documented.

To add some additional visualisation, with a car at the end of Broadlands like this:



This is the view to the south for cars travelling north:



This is the view to the north for cars driving south:



As can clearly be seen the visibility is terrible. These pictures also show that there is limited scope to improve the junction as there is virtually zero spare space: no footway to the west of Keymer Road and a boundary wall to the south east side. Opposite is Batchelor's Farm nature reserve, and Keymer Road itself is narrow.

2) Poor road infrastructure and traffic congestion

The fields that comprise site SA13 have been previously considered for development in 2007, 2013 and 2016. Every time the fields were rejected due to the same problem – road capacity east of the railway line in Burgess Hill.

In 2007, the Small Scale Housing Allocations Development Plan Document stated the site is NOT suitable:

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

In 2013, the Housing Land Supply Burgess Hill Assessed Sites 2013 document stated of site 557:

“There are potential significant transport impacts on the road network as a result of developing this site (in particular the east-west link issued 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”

In 2016 the Housing Land Supply Burgess Hill Assessed Sites doc document stated of site 557 exactly the same as 2013:

“There are potential significant transport impacts on the road network as a result of developing this site (in particular the east-west link issued 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”

Since 2007, a total of 670 houses have already been built feeding onto Keymer Road and Folders Lane area. Nothing whatsoever has been done to improve the capacity of the road network to the east of railway line in Burgess Hill and there are no proposals of how to increase it. MSDC are well aware of the problem and simply ignore it. The Council’s Systra model used to analyse traffic flows in mid-Sussex is new and unproven. It does

not cover the junction of the Folders Lane and Keymer Road which are the two primary roads into the south east of Burgess Hill, and is therefore inadequate. Any model is only as good as the data used and has to be proven before being adopted. MSDC would have us believe that the traffic issues which absolutely do exist can simply be removed as if by magic with no new road capacity, because the Systra model says so.

MSDC commissioned and received a traffic report dated 4th September 2019 from Systra and scenario 5 relates, defined here, <https://www.midsussex.gov.uk/media/4417/highway-model-and-mid-sussex-transport-study-summary-note.pdf> with the report detail here: <https://www.midsussex.gov.uk/media/4420/mid-sussex-transport-study-transport-impact-of-scenario-4-5-6.pdf>.

Page 8 clearly identifies the **severe** impact of the proposed development:

SYSTRA

Scenario 5

3.1.11 Scenario 5 assesses the impact of a number of development sites in the district. Compared to Scenario 4, Scenario 5 excludes the development site at Haywards Heath Golf Course (Site ID 503), instead testing slightly fewer units further south in the district, south of Folder's Lane (ID 4, 557, 738, 827).

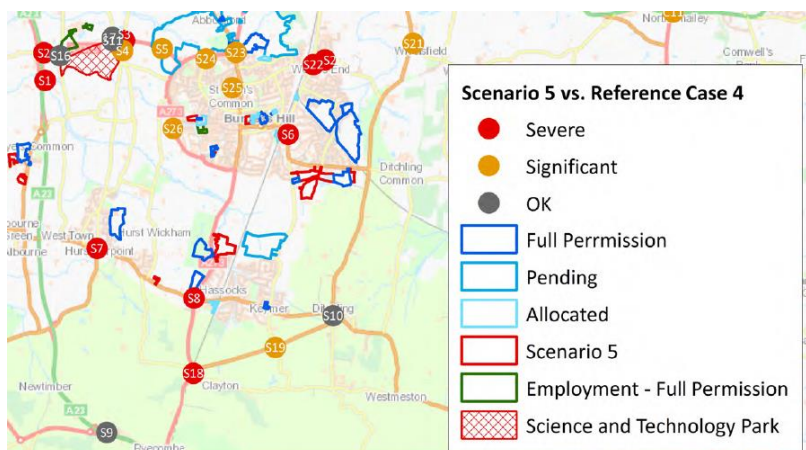
3.1.12 The addition of several development sites south of Folder's Lane adds traffic to key strategic routes in Burgess Hill. Roads. The increased traffic on these roads, means that three junctions to the east of Burgess Hill (S6, S20, and S22) are forecast to have a severe impact when these development sites are included in Scenario 5.

3.1.13 Junction Road / B2113, Burgess Hill (S6), is the closest to the development, and is forecast to have the most severe impact of the three. In the AM period, a delay increases of 130 seconds is forecast on the B2113 Keymer Road approach, which also increases V/C. The B2113 Station Road approach sees an increase of 76 vehicles in the PM periods compared to Reference Case 4, which increases delay by over 2 minutes. Both arms operate over capacity in the Reference Case. In SATURN, this can cause small changes in traffic to generate large changes in delay.

3.1.14 The A273 / B2112 junction (S18) in Hassocks is forecast to be impact severely in Scenario 5 compared to Reference Case 4. In the AM period, the B2112 arm is forecast to have an additional 25 vehicles approaching the junction, which generates severe delay increases of 70 seconds compared to Reference Case 4. Again, this junction operates over capacity in Reference Case 4, which can lead to volatile behaviour in SATURN. It is expected that, if this junction was mitigated against Reference Case 4, it would not be impacted as severely as is identified.

Outcome of Junction Analysis – Scenario 5	
Number of junctions identified as having ' severe ' impacts in the AM or PM peak:	14
Number of junctions identified as having ' significant ' impacts in the AM or PM peak:	13

Page 36 of the report clearly shows the impacts on the two east-west crossings over the railway line, S6 and S22. The alternate route via a three-mile detour via Hassocks, S8, also severely impacted.



MSDC is fully aware of the traffic issue. In the March 2018 adopted District Plan (<https://www.midsussex.gov.uk/media/3406/mid-sussex-district-plan.pdf>) it states on page 39:

DP7: General Principles for Strategic Development at Burgess Hill

"Strategic development will....

- Provide necessary transport improvements that take account of the wider impact of the development on the surrounding area;•
- Provide highway improvements in and around Burgess Hill including addressing the limitations of the A2300 link road and its junction with the A23 and east-west traffic movements across Burgess Hill and, where necessary, improvements across the highway authority boundary in East Sussex;"

Whilst the A2300 is being upgraded there are no proposals to address the issues of east-west traffic movement across the town and over the railway line experienced daily by Broadlands residents and hundreds of motorists. With only two single carriageway roads over the railway line in Burgess Hill, both constrained by necessary pedestrian crossings, there is **severe** congestion at rush hours. The bottleneck at the station is shown in the photo below.



The traffic issue has not gone away since these sites were last evaluated, and as all of whom live in Broadlands know it very much exists and how bad it is. **There is no realistic mitigation put forward by Systra or MSDC as there is no proposed solution to add capacity over the railway line. Any other mitigation can only have a minimal effect.** Appendix B illustrates the congestion as captured by Google Real Time Traffic Information. There is a principle that development follows infrastructure - **there is no new road infrastructure planned to the east of Burgess Hill.**

On the grounds of traffic and road infrastructure alone these two sites should not proceed, as was previously the case when considered before in 2007, 2013 and 2016. Given the distance these sites are from the town centre, all greater than a mile, it is fanciful to think traffic volumes will not continue to increase.

3) MSDC pick and choose when to apply the adopted policies in the District Plan

The District Plan contains policy DP12 Protection and Enhancement of Countryside. (<https://www.midsussex.gov.uk/media/3406/mid-sussex-district-plan.pdf>). This 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."

This year MSDC rejected a planning application by Fairfax homes DM/19/3334. This was for 33 homes close to Batchelor's Farm, with the access point onto Keymer Road within 20 yards of Broadlands, one of the proposed (although unsuitable) access points to SA13. This application was rejected by MSDC because it contravened DP12 and DP15. The Council report stated, amongst other robust reasons for rejecting the application, *"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 therefore contrary to policies DP12 and DP15 of the Mid Sussex District Plan and the aims of the NPPF"*. So, if 33 houses contravene these policies how can over 200 in almost the same location be fine? Both SA12 and SA13 are covered by DP12.

Furthermore, sites SA12 & SA13 were defined as **Marginal** in the Site Allocations DPD:

"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'.

These are not sites that perform well. They should not be included in the Site Allocations DPD for the following reasons because their inclusion:

1. Fails to take proper account of the planning policy context set out in the District Plan
2. Did not consider the strategic policy of preventing coalescence as set out in DP13
3. Would lead to actual coalescence between Burgess Hill and Hassocks in breach of DP13
4. Opens further land for development in the Burgess Hill to Hassocks corridor along Ockley lane creating ribbon development
5. Takes no realistic account of severe traffic issues
6. Takes no account of DP12.

Removal of SA12 and SA13 will still mean that Mid Sussex has a comfortable surplus over its 5-year land supply.

4) Loss of amenity

Further to the points in item 3) above, the proposal of SA12 and SA13 if built would result in a loss of amenity for both the residents of Broadlands and more widely in south-east Burgess Hill.

The HS2 London-West Midlands Environmental Statement published by the Department for Transport in November 2013, defines 'amenity' as:

'The benefits of enjoyment and well-being which are gained from a resource in line with its intended function. Amenity may be affected by a combination of factors such as: sound, noise and vibration; dust/air quality; traffic/congestion; and visual impacts.'

The SuDS Manual (2015) defines amenity as 'a useful or pleasant facility or service', which includes both the tangible and the less tangible. It also suggests amenity '...covers liveability, which is associated with factors that improve the quality of life for inhabitants. Liveability encompasses the well-being of a community and of individuals and comprises the many characteristics that make a location a place where people want to live and work.'

It is almost certain that the proposed SA12 and SA13 developments, will result in a loss of amenity to the residents of Broadlands and Folders Lane. This will be due to the inevitable increases in traffic/congestion, the visual impact of such a large development in sight of the South Down National Park, and the liveability for those of us living in Broadlands who will have the traffic/congestion, noise, pollution and disruption from 200 homes on our doorstep. The character of Broadlands will be changed forever and make it a less attractive place where people are less likely to want to live.

5) The Principle of the NPFF (National Planning Policy Framework) - 'Tilted Balance'

The NPFF published February 2019 has the presumption in favour of sustainable development, not development at the expense of everything else.

Paragraph 11. D) ii shown below is relevant, and Paragraph 14 further refines.

For decision-taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁷, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁶; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

The adverse impacts of SA12 and SA13 will negatively and demonstrably impact the daily lives of hundreds of people in Burgess Hill through increased traffic congestion and loss of amenity to those in and around Broadlands.

Appendix A – Reproduction of report commissioned by Broadlands Residents' Association and submitted by *Motion* to the Regulation 19 consultation on 23rd September.



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

84 North Street,
Guildford GU1 4AU

tel: 01483 531300
email: info@motion.co.uk

www.motion.co.uk

Our ref. olburg/2008033/PB

16th September 2020

Dear Sir/Madam,

Objection to Proposed Housing Allocation on Land East of Keymer Road and South of Folders Lane, Burgess Hill (Site Reference SA 13)

I have been instructed by Broadlands Residents' Association to review the access arrangements associated with the proposed allocation of the above land for residential development comprising up to 300 dwellings. Broadlands is a cul-de-sac serving seven houses on the east side of Keymer Road. There is also a track at the eastern end of Broadlands that serves the southern part of site SA 13, which is understood to be controlled by Persimmon Homes. The Site Allocations Document specifically refers to access onto Keymer Road, which could lead to an intensification of use of Broadlands. My client has concerns in relation to the suitability of Broadlands to cater for additional vehicular traffic and having carried out a thorough review of the local road network, I share these concerns. As such, this letter sets out the basis of Broadlands Residents' Association's objection to the proposed allocation and, specifically, the access arrangements.

The National Planning Policy Framework (NPPF) sets out the basis upon which locally-prepared plans for housing must be prepared. Paragraph 108 states the following:

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

b) safe and suitable access to the site can be achieved for all users"

The following paragraphs of this letter consider the suitability of Broadlands to cater for additional vehicular traffic and demonstrate that it is unsuitable to cater for any significant increase in traffic movements. As such, Broadlands does not represent a 'safe and suitable' access to serve site SA 13 and therefore that in its current form, the proposed housing allocation is contrary to the NPPF.

continued...



Visibility splays form a fundamental part of any vehicular access as this ensures that there is adequate intervisibility between vehicles on the major and minor arms. The distance back along the minor arm from which visibility is measured is known as the X distance, and is normally 2.4 metres measured perpendicular to the major arm carriageway. The Y distance represents the distance that a driver who is exiting the minor arm can see to the left and right along the major arm. The required Y distance is commonly based on the speed limit for robustness. However, the Y distance can also be based on the stopping sight distance, which is derived based from observed vehicle speed, reaction time, deceleration rate and gradient. It is also noteworthy that different reaction times and deceleration rates are often used depending on whether or not the major arm is a residential street. A threshold of 40mph is often used for simplicity, but driver behaviour (on which the values are based) is more likely to be influenced by the character of the road rather than the speed at which the vehicle is travelling.

Visibility splays at the junction of Broadlands with Keymer Road have been measured on site assuming that the junction would be reconfigured to remove the central island within the bellmouth, thereby optimising visibility in both directions. The achievable visibility splays measured to the edge of the Keymer Road carriageway are 2.4 by 48 metres to the north (the leading direction) and 2.4 by 53 metres to the left (the trailing direction). It is generally accepted that visibility splays can be measured to the wheeltrack of approaching vehicles in which case the achievable visibility splays are 2.4 by 55 metres to the north and 2.4 by 58 metres to the south. It is noteworthy that it is not possible to improve the visibility splays at the junction as these are constrained in both directions by neighbouring properties.

At the junction with Broadlands, Keymer Road classified as the C306 and is subject to the national speed limit of 60mph. It has all of the characteristics of a classified distributor road and does not have the feel or appearance of a residential street. As such, it is appropriate to adopt the reaction times and deceleration rates set out in the Design Manual for Roads and Bridges (DMRB). For a road subject to a 60mph speed limit, this would generally lead to a requirement for visibility splays of 2.4 by 215 metres in each direction. However, in this case, it is apparent that actual vehicle speeds are below the speed limit and we have therefore commissioned vehicle speed surveys that were carried out using pneumatic tubes placed across the carriageway each side of the Broadlands junction. The counters were in place from Saturday 22nd to Friday 28th August 2020 and recorded 7 full days of data. A summary of the survey results is attached to this letter.

The current 85th percentile traffic speeds, on which visibility requirements are usually based, were recorded as 41.8mph southbound (measured to the north of the junction) and 39.8mph northbound (measured to the south of the access). Based on these speeds along with the reaction time and deceleration rate set out in the DMRB, the required visibility splays are 111 metres to the north and 103 to the south. On this basis, it is apparent that the existing visibility splays are only around half of the usual requirement and, as such, it is considered that Broadlands would not provide a 'safe and suitable' access to site SA 13.

Applying the reaction times and deceleration rates used on residential streets which, for the avoidance of doubt is not considered appropriate in this case, would lead to visibility requirements of 70 metres to the north and 65 metres to the south. Therefore, the existing visibility splays would even fall below those required on a residential street, which further reinforces the conclusion that Broadlands would not represent a 'safe and suitable access' to serve the site.

continued...



It is acknowledged that the developer may seek to reduce the speed limit on Keymer Road but it should be noted that the process required to reduce the speed limit falls outside the planning process and that any reduction in speed limit would be likely to be resisted by the police as this would place additional pressures on enforcement. In any event, a reduction in speed limit would be unlikely to have a significant bearing on actual traffic speeds due to the nature and geometry of Keymer Road.

With regard to construction, it should be noted that Broadlands is a narrow road, quiet residential street serving only 7 houses. As such, Broadlands is considered entirely unsuitable for construction traffic due to the environmental impact this would have on the existing residents, particularly in terms of noise, vibration and intimidation.

Summary

In summary, I believe that the allocation of site SA 13 with vehicular access via Broadlands during either the construction phase or the operational phase would be wholly inappropriate due to Broadlands being an unsuitable and unsafe access. As such, in its current form the allocation is considered contrary to paragraph 108 of the NPPF and should either be removed from the Site Allocations Document or the proposed allocation should be amended to specifically preclude any access from Broadlands.

Yours faithfully,

PHIL BELL
Managing Director
E pbell@motion.co.uk

Appendix B - Traffic congestion in Burgess Hill

The bottleneck – **ALL** traffic from Junction Road, Keymer Road, Folders Lane and beyond heading west is funnelled to here, the bridge over the railway at Burgess Hill station. There is no solution to the traffic problem without addressing this constraint and there is no easy way to do this, and nothing is proposed.



Junction Road roundabout – every morning and afternoon.

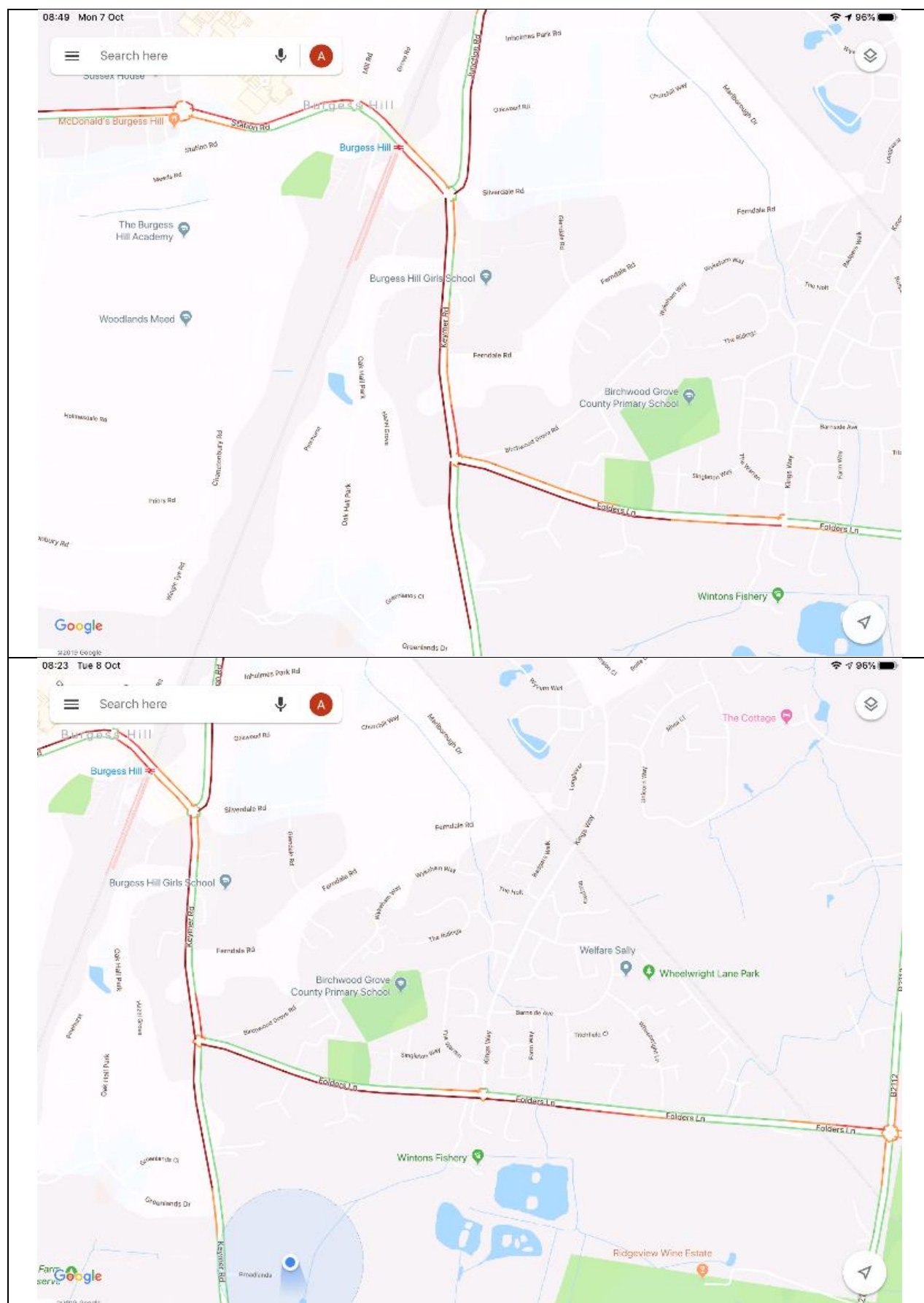


Regular traffic queues beyond Keymer Gardens leading to the Keymer Road/Folders Lane junction.

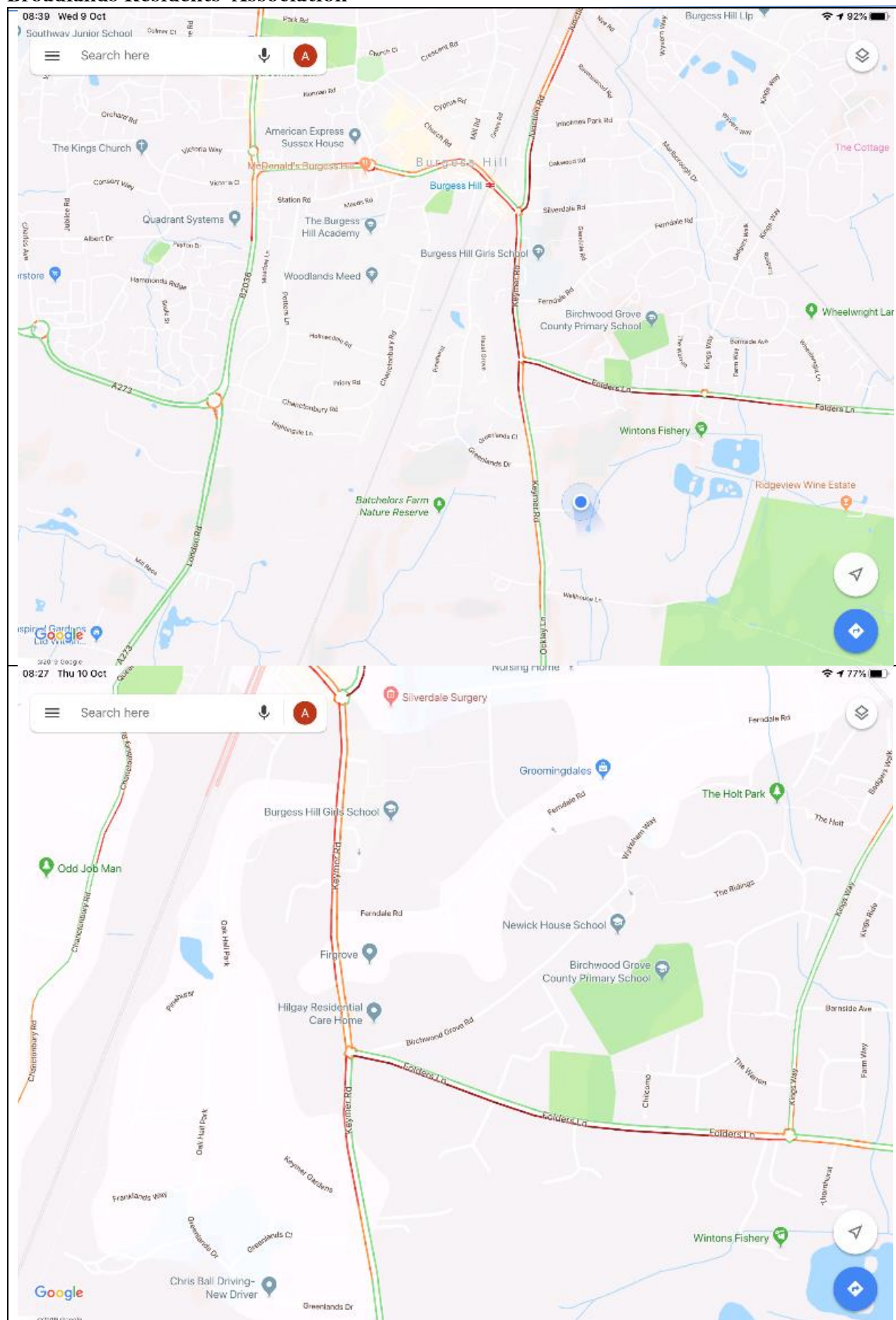


Broadlands Residents' Association

Traffic Congestion for w/c 7th October 2019

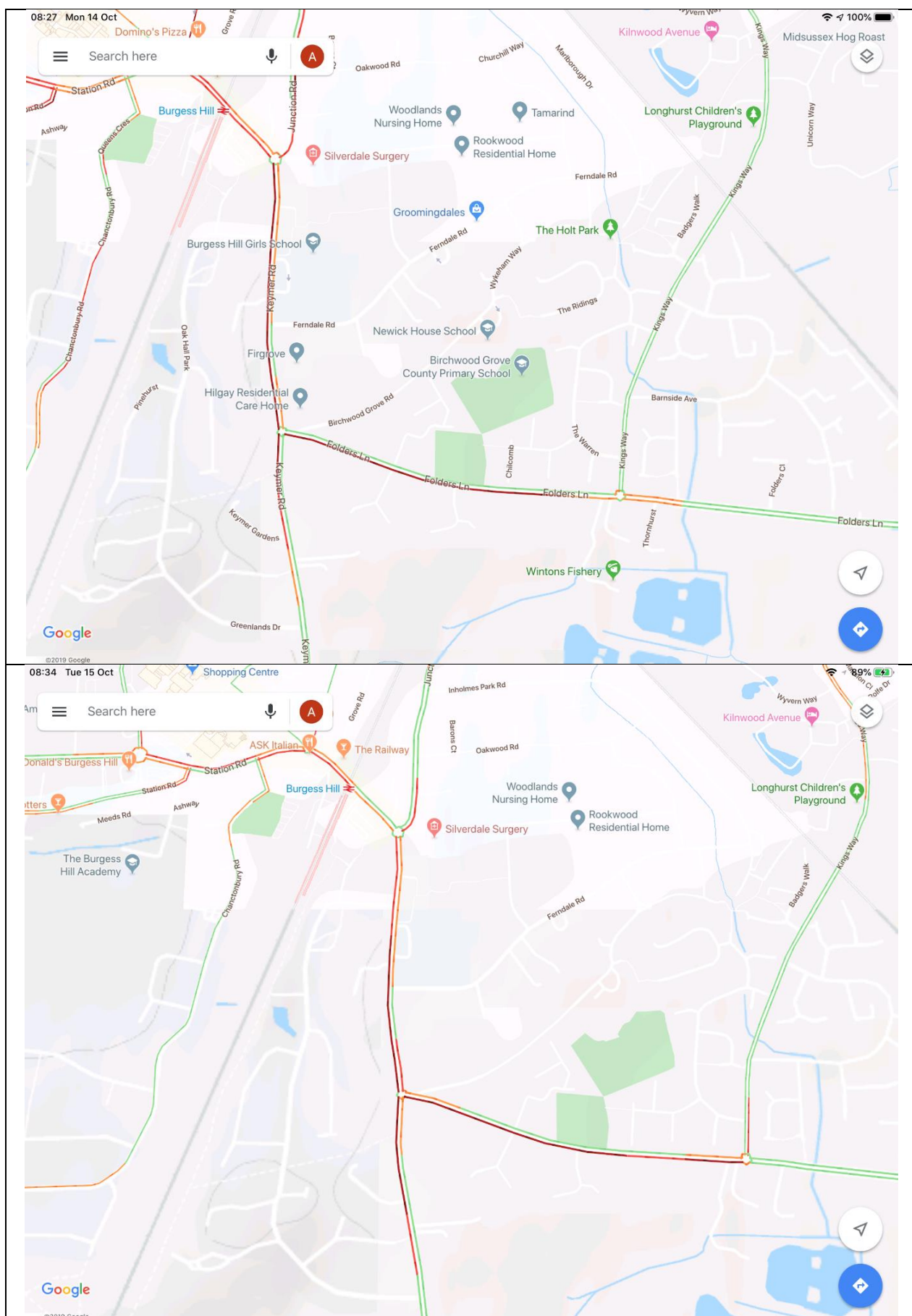


Broadlands Residents' Association

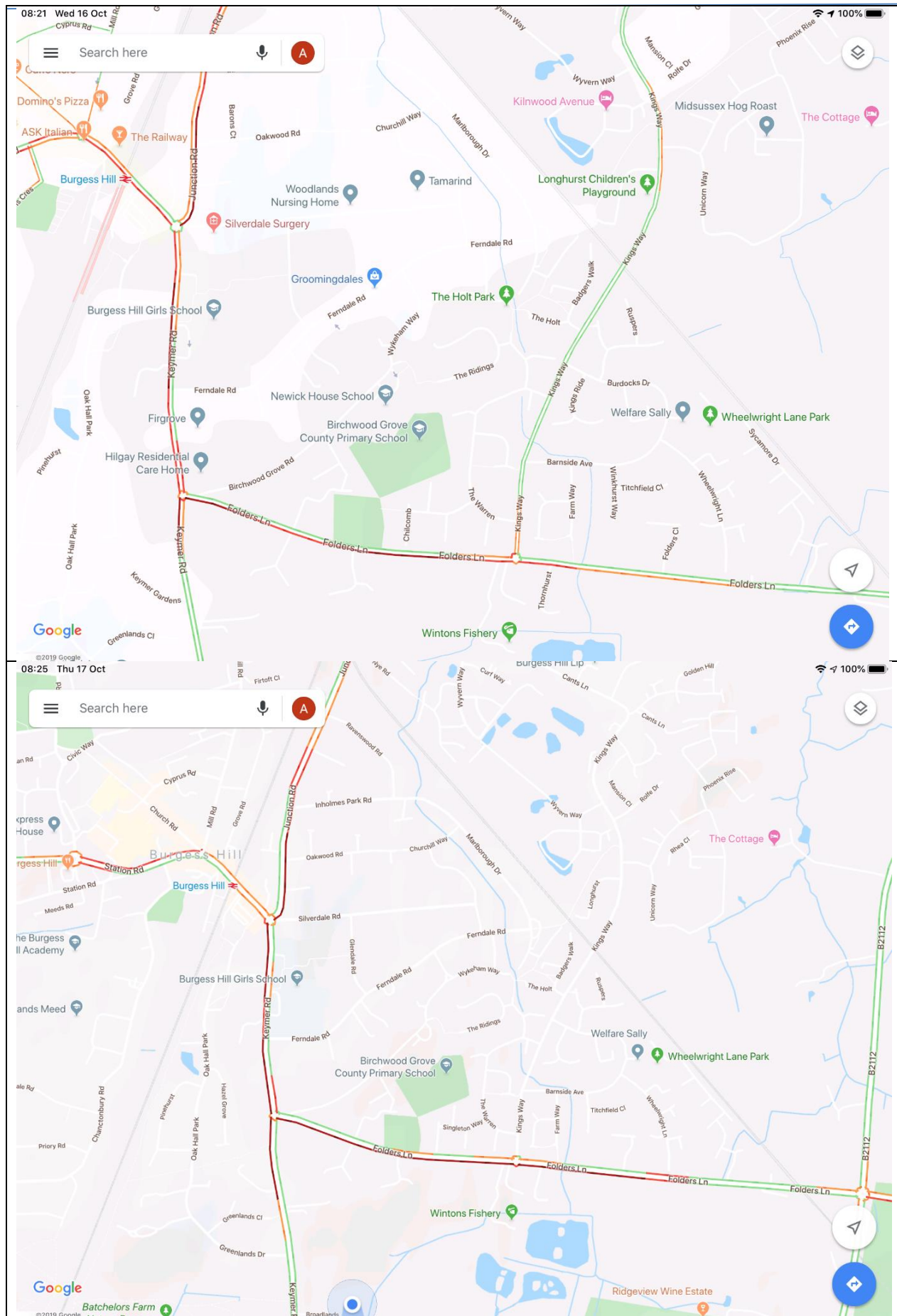


Broadlands Residents' Association

Traffic Congestion for w/c 14th October 2019



Broadlands Residents' Association



This scene is repeated every weekday.

Page | 15

N.B. Dark red is traffic stationary, red is traffic crawling, amber means traffic is slow speed and green normal. This data is derived from the smartphones of the actual drivers in their cars and is the basis for the real Time Traffic (RTI) data used in-car by most modern vehicles.

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA12 - SA13

ID: 733

Response Ref: Reg19/733/1

Respondent: Mrs K Olejniczak

Organisation:

On Behalf Of:

Category: Resident

Appear at Examination? x

O B J E C T I O N

RE: SA12 and SA13 SOUTH OF FOLDERS LANE – PUBLIC CONSULTATION SEPTEMBER 2020

Comments from Katherine Olejniczak of [REDACTED] with respect to
the suitability of SA12 and SA13 (land south of Folders Lane, Burgess Hill)

Dear Sir/Madam

I hope that you will give all the comments in this document due consideration.

DISTRICT PLAN POLICIES

1. CONTRAVENTION OF THE DISTRICT PLAN – POLICY DP12 and DP15 PROTECTION AND ENHANCEMENT OF THE COUNTRYSIDE

Building on SA12 and SA13 clearly contravenes the Mid Sussex District Plan, Policy, “DP12 Protection and Enhancement of the Countryside”. This policy states that the countryside is an asset highly valued by the Council. 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 development runs right up to the South Downs National Park and clearly breaches the Mid Sussex District Plan policy and its overall objectives. It must be noted that the fields are completely wild and unfarmed, thus providing a habitat to far more wildlife than farmed land.

A planning application just opposite SA13, ref: DM/19/3334 – Batchelors Farmhouse, Keymer Road, Burgess Hill, West Sussex was submitted last year, detailed below:

Outline application for up to 33 dwellings including 30% affordable with vehicular and pedestrian access via Keymer Road”.

REFUSED 07/02/20

Reasons for refusal:

*“The proposed development is located within a countryside location outside of the built up area of Burgess Hill which is **not allocated for housing** nor contiguous with a built-up area boundary and thus would be contrary to policies DP12 and DP15 of the District Plan. **The Council can demonstrate a five-year housing land supply and there is no identified need for these dwellings in this location as the proposal is not necessary for the purposes of***

agriculture and are not supported by other policies in the Plan. Whilst the dwellings will make a contribution to additional housing in the district, the proposed development would not protect the intrinsic character and beauty of the countryside and would have an intrusive and harmful urbanising impact. The proposal is thereby contrary to policies DP12 and DP15 of the Mid Sussex District Plan and the aims of the NPPF.

The proposed scale of development identified in the indicative site layout plan of a high density cul-de-sac development would not reflect the existing low density ribbon development character of Keymer Road. Due to the development of this site the proposal would result in an adverse impact on views from the adjacent public footpath and public open space where the proposed houses would be seen above the hedge and result in an unacceptable urbanisation of the site which would harm the semi-rural character of the site and the area in general detracting from local views from the adjacent public open space. The proposal would thereby be contrary to Policy DP12 of the District Plan and para 170 of the NPPF."

How is this different to SA12 and SA13? This development would be harmful and contravene DP12 and DP15. SA13 is directly opposite Batchelor's farm.

Policies within the District Plan (compiled with tax payer's money) appear not to be worth the paper they're written on when councils can 'pick and choose' which policies they adhere to. This cannot be right.

TRAFFIC

SA12 and SA13, was rejected on three occasions during 2007, 2013 and 2016 with traffic congestion being cited as the main reason for rejection. **No traffic survey has since been carried out to support this development despite it being a requirement of MSDC (Mid Sussex District Council).** No new roads have been built or are proposed to the east of the railway line where there are real traffic issues – only the dualling of the A2300 which will simply not help the traffic through and around Burgess Hill town centre.

On the grounds of traffic and road infrastructure alone, these two sites should not proceed, as was previously the case, when considered before – only today the position is far worse. This simply cannot be ignored.

What exactly has changed since these assessments?

Since 2007, 670 houses have been built in the eastern part of Burgess Hill, creating thousands of extra movements per year. This equates to the 817 vehicle movements per day = 298,000 per year, using MSDC's trip rate of 1.22 vehicle movements per dwelling per day.

A further 500 houses are planned at Clayton Mills (Hassocks – another controversial site). In the east of the town again, further developments at Kingsway, Keymer Tile Works, Jones Homes (folders lane). Yet there has been no improvement in road infrastructure to support it. The Sustainability Appraisal in the Site Allocations DPD (2019) states there are no severe highways impacts and that any could be resolved by highways mitigation.

Add the additional 730 currently under construction plus Clayton Mills a further 500 – this is an additional **2217** extra houses = 2704 daily/987,000 annual vehicle movements.

The mitigations are simply ‘cycle lanes; with no real improvements to surrounding road structure.

No new roads are planned or, more importantly, any means to increase capacity or alleviate existing congestion.

The site was assessed as unsuitable by MSDC in 2007 –
in black and white:

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 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 Road 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 Road = 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 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”.

2016-2019: 936 occupied houses added to Folders Lane/Keymer Road area = 483 vehicle trips per day.

Vehicle trip data taken from MSDC transport survey September 2019. Proven data supplied by MSDC themselves the impact on the road network. MSDC uses total trip per dwelling = 1.22.

These two sites were defined as ‘marginal’ in the site allocations DPD :

“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.

In the Adopted District Plan dated March 2018:

DP7 from the District Plan - General Principles of Strategic Development at Burgess Hill

“Strategic development will,....

- Provide necessary transport improvements that take account of the wider impact of the development on the surrounding area;
- Provide highway improvements in and around Burgess Hill including addressing the limitations of the A2300 link road and its junction with the A23 east-west traffic movements across Burgess Hill, and where necessary, improvements across the highway authority boundary in East Sussex”.

Despite the above, there are no new roads planned in the east of Burgess Hill to accommodate this extra development.

SA12 & SA13 NOT NEEDED

What is more concerning is that removal of SA12 and 13 would still mean that mid sussex has a surplus over its 5 year supply so why keep these sites in.

Page 37 of the District Plan table sets out the minimum residual requirement from settlement hierarchies from 2017 to ensure that Mid-Sussex meets the plan targets. This table clearly indicates that Burgess Hill had met its housing obligations under the district plan as its minimum requirement of 5697 is matched by commitments and completions.

The District Plan says that Burgess Hill has met its ‘minimum housing requirement for the full plan period and will not be expected to identify further sites within their neighbourhood plans’.

PROVEN UNSAFE ACCESS FOR SA12 and SA13 THROUGH BROADLANDS

1. UNSUITABLE ACCESS THROUGH BROADLANDS (see photos)

SA12 and 13 is proposing two access points, one of which, SA13, is through Broadlands. This road is narrow, just over 4 m wide with 7 houses. There are no pavements and the road ends with a five bar gate to a track which is the proposed access to the SA13 site which is the ‘countryside’, home to horses, deer, owls, buzzards, geese, foxes, cuckoos and other birds of prey. This five bar gate (proposed access point) is straddled by four driveways (four access points and a fifth close by) all in close proximity.

This access is not a safe option and the road itself would not be able to accommodate large construction traffic. It should also be noted that people using the Batchelors Farm Nature Reserve regularly park in Broadlands.

This access, should this development go ahead, would be better served only as a cycle or pedestrian route.

2. JUNCTION AT BROADLANDS (see photos)

The junction with Keymer road is dangerous with appalling site lines. Visibility to cars travelling south is marginal and good visibility can only be obtained by edging out onto Keymer Road itself and even then cars have to often pull out around the front of the car. The current speed limit means that often when pulling out there is often a car on your tail.

Visibility to cars travelling northbound is even more constrained due to the high brick wall which is boundary to The Lees, which is less than a metre from the edge of the roadway (see picture below). Keymer road has a 6'6" width restriction south from the roundabout with Folders Lane. It is inconceivable that this junction is suitable for the several hundred car movements per day would result from it being the access point to this site.

The pictures clearly show that there is limited scope to improve the junction as there is very little spare space, no footway to the west of Keymer road and a boundary wall to the south side. There are just seven houses in Broadlands, yet there have been two accidents at this junction.

Picture below shows boundary wall and the visibility I had when pulling up as far as was safe, to the junction.





It should be noted that Traffic Consultants, Motion, have confirmed this access is unsafe and have submitted a separate representation.

IN SUMMARY

- There are other sites within the Site Allocations DPD submitted to the SHELAA process, which carry as much weight as this one - this site runs right up to the South Downs National Park and risks a merger of Burgess Hill with Hassocks. If these fields are built on, the boundary of Burgess Hill moves southwards to Hassocks, enabling developers to grab even more countryside to the south.
- Burgess Hill is and will be taking more than its fair share of housing (Northern Arc on its own 3,500) and these houses (SA12 and SA13) at this location are not needed to fulfil the five year housing supply.
- By the council's **own** admission when they objected to DM/19/3334 Batchelors Farmhouse they stated that :

"The Council can demonstrate a five-year housing land supply and there is no identified need for these dwellings in this location as the proposal is not necessary for the purposes of agriculture and are not supported by other policies in the Plan".

It is in plain black and white – how can this be ignored??

MSDC have continued to completely ignore ours and hundreds of other comments with regards to traffic congestion through Burgess Hill and the lack of infrastructure to cope with all these additional houses. I hope that you will listen and take unprecedented action and stop this development from becoming a reality.

Sir/ Madam - Please tell me why have this consultation process when people spend time, effort and money, compiling reports and submitting objections only to have them completely and blatantly ignored by MSDC.

Please - do not simply 'nod' this site through - save Burgess Hill from more traffic chaos.

Yours faithfully

Mrs Katherine S Olejniczak

21/09/20

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA12 - SA13

ID: 754

Response Ref: Reg19/754/2

Respondent: Mr B Davis

Organisation:

On Behalf Of:

Category: Resident

Appear at Examination? x

[REDACTED]

From: Brian Davis [REDACTED]
Sent: 21 September 2020 17:04
To: ldfconsultation
Subject: Site Allocations DPD Consultation (Regulation 19) - Objection to sites SA12 & SA13.
Categories: SiteDPD

I am objecting to the allocation of housing to sites SA12 and SA13 for similar reasons to my objections to Draft Site Regulation DPD Consultation (Regulation 18) sent by email on 15/11/19, which I am informed was 'lost'. Do MSDC not back up their files on daily basis? Surely the minimum requirements for data management!

My previous objections are summarised as follows:-

- There has been no reliable traffic analysis of the traffic flow and pollution at peak morning and evening times (0800-0900 and 1630-1800) in Folders Lane feeding into Keymer Road. This is now compounded by a large flow from Kingsway into Folders Lane from the new developments of The Croft and Kings Weald - the route out to Burgess Hill through Cants Lane is so poor due to on street parking and terrible road surface. The CO2 and NOX fumes from traffic in Folders Lane is at high concentration already. My garden sides on to Folders Lane and Kingsway and you cannot stay in the garden long without being affected, my windows, sills and plants are covered with the particles from the pollution on a daily basis. Children walking to school, which we wish to encourage, are breathing in these toxins. Shouldn't Councillors and Planners be protecting our young folk and dare I say it old folk. Nothing substantive can be done to prevent the present situation, but there is no merit in increasing the problem with further building development in this immediate area!
- Why was SA12 and SA13 added at the last minute to the draft, there was no need, in the last ten years this part of town has provided all the major housing development in Burgess Hill, i.e. Folders Brook, Folders Meadow, The Croft, Kings Weald, Folders Grange and a few smaller back garden developments, with NO infrastructure improvements in the area, Doctor Surgeries, School Capacities, Sewage Upgrades, Gas Main Capacity, Electricity Upgrades. Just more concrete covering what little green space is left. Even if some was not accessible at least it was not adding to the pollution we are now experiencing. They are green field developments, even accepted by this plan, and this is not in accordance with Government advice or MSDC, only as a last resort. Almost all of the properties are being sold to people who neither work in the area or live in the area meaning more pressure on the existing infrastructure. With the availability of the Northern Arc site provided by Homes England and the Freek Lane site SA12 and SA13 are not needed to fulfil the Government requirements.
- There are virtually no green spaces left in the area apart from individual gardens as existing developments have wiped out most of them. New developments have miniscule garden space so where are children supposed to play. Even St Johns Park has a large area devoted to skate boarding, alright if that what children want to do, but arguably a minority activity!
- Reliably informed that the sites SA12 and SA13 have protected wildlife inhabitants, bats, adders, slow worms, cuckoo's, barn owls, which one would expect from Greenfield sites. Why kill or evict these inhabitants when there are still brownfield sites available. Why kill these inhabitants to line

the pockets of developers and their shareholders! These sites have been green fields for thousands of years!

- None of the residents in this area want these developments, to be frank we have had enough over the last few years and need a rest from it all. That is why I have rejected these developments before. Not that the majority of district councillors care what the local residents think.

To get on to DPD(Regulation 19)

- Nearly all of the sites included in the total plan have repetitive clauses in it, as if it was a copy and paste job, with little thought or care given to each individual site! Would be very surprised if the planning inspectorate didn't notice. Has anyone actually read the total document?
- For SA12 and SA13 the site selection process was unsound and not representative; it did not follow government guidelines or MSDC's own guidance. It seems as if the developers had undue influence to have them added because they knew they would not get their large-scale developments accepted afterwards. They seemed to have been added after the previous Jones development got approval, after such strong local objections from local residents!
- As stated above the traffic analysis for MSDC was flawed in that it did not reflect peak time traffic. I live adjacent to Folders Lane and I can hear and see the volume of traffic at peak times. Little can be done to alleviate the problem, as I would argue that the traffic calming measures instigated for safety reasons, due to the number of recently new infill housing sites feeding into Folders Lane, has made things worse, as slow moving or stationary traffic causes more noise and pollution.
- Allocating SA12 and SA13 for housing goes against the District Plan and National Planning Guidance about the allocation of Greenfield sites for development.
- As stated above there is a lack of infrastructure in the area and there is nothing showing in the Plan to address this. The Plan states that MSDC are in discussions with West Sussex CC and other bodies but nothing to say that they have agreement on providing services and facilities to support the plan. It is a reported fact that the water companies are having their budgets cut in the next round so not much hope there! The school expansion is destined for the Northern Arc so how are children supposed to get there! Walk 2-3 miles each way, there is no bus service to speak of and WSCC is reducing the level of support! We should not be asking these questions; it should have been asked in the review stage by the District Councillors!
- Allowing these developments will further encroach on the boundaries between Burgess Hill and the villages to the south such as Keymer and Hassocks causing urban sprawl and loss of local identity. The practice of using infill sites for building on the Burgess Hill boundaries are allowing developers access to further Greenfield sites which were previously, inaccessible leading to urban sprawl!
- The unique biodiversity within the sites as stated above in my previous objections makes it unsuitable for building development. In the DPD plan for biodiversity there are options for addressing this, the final one being compensate for the loss! How does the wildlife benefit from this, they lose their life or habitat? The developer pays a few thousand to the Council and everything is ok! These are developers in this area who chopped down a mature Oak tree with a preservation order, because it was in the way, pays a few thousand and ordered to plant a new one nearby. That is ok, developer loses a few pounds but is able to flout the rules. The wording in the biodiversity clause in SA13 allows them to do this! Does not help the current wildlife. What price control!

- It is my understanding that SA12 and SA13 do not have the support of a large number of the District Councillors in fact it is about 30%, particularly Burgess Hill representatives and Councillors to the South! Not NIMBYism as they have agreed the other major developments in the area! So not a good sign!

In conclusion I strongly reject the proposal to include SA12 and SA13 in the DPD Plan and hope you don't manage to lose this response! I am looking to the independent Planning Inspectorate to reject the inclusion of these two sites in the plan.

Mr B.K. Davis



[REDACTED]

From: Brian Davis [REDACTED]
Sent: 28 September 2020 14:54
To: ldfconsultation
Subject: DPD Consultation (Regulation19)

Categories: [REDACTED]

I fully support the SOFLAG submission and request that the Councillors consider the contents fully and ensure that it is passed to the Inspector.

Brian Davis

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA12 - SA13

ID: 777

Response Ref: Reg19/777/7

Respondent: Mrs L Howard

Organisation: South Downs National Park

On Behalf Of:

Category: Local Authority

Appear at Examination? x



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

28 September 2020

Dear Sir/Madam

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

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

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

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

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

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

SA GEN: General Principles for Site Allocations

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

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

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

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

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

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

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

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

SA12 – Land South of 96 Folders Lane

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Traffic

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

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

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

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

SA24 – Land to the north of Shepherds Walk, Hassocks

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

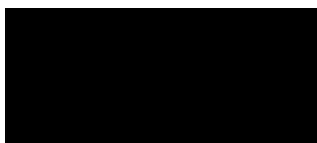
It is now noted that this has been amended to state 'provision of either a tunnel or footbridge'. We are concerned that provision of a footbridge would limit access to the countryside for wider NMU's and suggest that wording be amended to state 'provision of a tunnel or overbridge suitable for non-motorised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

Air Quality and impacts on Ashdown Forest

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

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

Yours faithfully



Lucy Howard

Planning Policy Manager

Lucy.howard@southdowns.gov.uk

01730 819284

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>

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA12 - SA13

ID: 794

Response Ref: Reg19/794/1

Respondent: Mr C Barnden

Organisation:

On Behalf Of:

Category: Resident

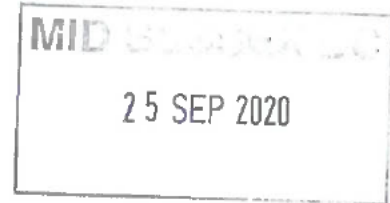
Appear at Examination? x

[REDACTED]

[REDACTED]

23rd September 2020

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



Dear Sirs,

Objection to the Allocation of Housing Sites SA12 & SA13 in the DPD

We are amazed Mid Sussex District Council is even considering allocating further land for a large scale development to the South of Burgess Hill bearing in mind the commitment to the Northern Arc will already increase the size of the town by 25%. We, and we are sure most people in the town, thought this very substantial allocation fulfilled any District Plan obligations Burgess Hill has for the foreseeable future.

Burgess Hill's population has grown from 9000 people in 1945 to over 30,000 without a commensurate improvement in infrastructure or social amenities which through lack of good planning policy in the past are now difficult, if not impossible, to achieve. Recent developments of this type and on a similar scale have simply made an existing poor situation in the town significantly worse.

The Northern arc development will erode, in many places, the already small gap between Burgess Hill and Haywards Heath and the separation between Burgess Hill and Hurstpierpoint is equally small. This development would threaten the green space between Burgess Hill and Hassocks and risk creating urban sprawl from North of Lindfield to the South Downs National Park

At a time when the emphasis should be on resisting climate change covering yet more of Mid Sussex in housing is a retrograde step and should be resisted. The goal should be to retain as much green space as possible.

We strongly object to this proposal and whole heartedly support the 26 Burgess Hill Councillors who opposed this unwarranted and unsuitable use of the already small green area between Burgess Hill and Hassocks. In common with the Northern Arc the development would contribute nothing towards improving the existing infrastructure or amenities of the town but simply make the present unsatisfactory situation worse.

Yours faithfully

[REDACTED]

Christopher and Beatrice Barnden.

802

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA12 - SA13

ID: 802

Response Ref: Reg19/802/1

Respondent: Mr G Whitehouse

Organisation:

On Behalf Of:

Category: Resident

Appear at Examination? x

[REDACTED]

From: Graham Whitehouse [REDACTED]
Sent: 23 September 2020 14:20
To: ldfconsultation
Subject: FW: Mid Sussex District Council Public Consultation on Additional Site Allocations including sites SA12 and SA13 - Land to South of Folders Lane and East of Keymer Road, Burgess Hill

Follow Up Flag: Follow up
Flag Status: Completed

Categories: SiteDPD

Subject: Mid Sussex District Council Public Consultation on Additional Site Allocations including sites SA12 and SA13 - Land to South of Folders Lane and East of Keymer Road, Burgess Hill

Dear Sir

I wish to register my objection to the allocation of the above sites.

My principal concerns are as follows:

1. Burgess Hill has already been allocated significant additional housing in order to meet the District Housing target.

The total number already accepted exceeds 5600 new dwellings over the Plan period. This represents more than one third of the total for the entire district. It therefore seems inappropriate to allocate an additional 350 dwelling in this location alone (and excluding other sites in Burgess Hill).

2. The proposal appears to ignore the District Plan which states that Burgess Hill has met its 'minimum housing requirement for the full plan period and will not be expected to identify further sites within their Neighbourhood Plans'.

3. Traffic & Highways – the existing road network for the east of Burgess Hill is already at peak capacity with regular gridlock caused by the impact of the railway which means there are only two crossing points east/west with the inevitable congestion at the station.

This is the situation before the impact of the additional 5697 homes already allocated as well as the inevitable significant additional traffic movements as a result of the proposed development in Hassocks at the southern end of Keymer Road. The potential allocation of SA12 & SA13 would give rise to an increase in coalescence of Burgess Hill, Keymer and Hassocks.

I would therefore respectfully contest the present highway surveys and projects. It is interesting to note that the latest traffic survey on Keymer Road appears to have taken place during August when no schools were open and in this particularly atypical year.

4. The Council have demonstrated significant lack of overall vision of the district in general and Burgess Hill in particular. It is clear that the town centre regeneration is not progressing to anything like the schedule anticipated. Meanwhile, the present pandemic is giving rise to fresh approaches to town and city development with the potential to regenerate centres by including more housing through development of brownfield sites, it therefore seems a lazy option to simply allocate more greenfields and open countryside to allow the settlement to sprawl further and with inevitably greater impact upon the South Downs National Park.

The piecemeal development of the outskirts have paid scant attention to connectivity and there is little evidence that volume house builders care about place making, when it is simpler to just develop and move on elsewhere. The legacy of such approach to development will always be negative.

I do not consider that the allocation of these additional and unnecessary sites has been fairly and proportionately evaluated and I fail to see how the local authority can justify hundreds of additional new houses at Burgess Hill when Haywards Heath, for instance, is allocated barely 20 additional dwellings through the same exercise.

I trust you will take the above matters and my objection into account and thank you for your attention in this matter.

Yours faithfully

Graham Whitehouse

G. Whitehouse

A black rectangular redaction box covers the signature area, obscuring the name and any handwritten notes.

This email has been scanned by BullGuard antivirus protection.
For more info visit www.bullguard.com

Site Allocations DPD: Regulation 19 Consultation Response**Policy:** SA12 - SA13**ID:** 806**Response Ref:** Reg19/806/1**Respondent:** Mr T Mallaband**Organisation:****On Behalf Of:****Category:** Resident**Appear at Examination?** x

Name	terry Mallaband
Job title	Retired
Address	[REDACTED]
Phone	[REDACTED]
Email	[REDACTED]
Name or Organisation	Terry Mallaband
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	<p>I object to the allocation of sites SA12 & SA13 in the DPD for the following reasons:-</p> <p>The allocation of the above sites conflicts with both the District Plan and National Planning Guidance and the process of site selection conflicted with MSDC`s own guidance on the process.</p> <p>The traffic situation locally is already at a critical situation and will be substantially impacted further if sites SA12 & SA13 are developed. The traffic report produced by MSDC has significant errors making it significantly flawed.</p>
If you wish to provide further documentation to support your response, you can upload it here	
If your representation is seeking a change, do you consider it necessary to attend and give evidence at the hearing part of the examination	No, I do not wish to participate at the oral examination
Please notify me when-The Plan has been submitted for Examination	yes
Please notify me when-The publication of the recommendations from the Examination	yes
Please notify me when-The Site Allocations DPD is adopted	yes
Date	24/09/2020

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA12 - SA13

ID: 837

Response Ref: Reg19/837/1

Respondent: Mr M Osborne

Organisation:

On Behalf Of:

Category: Resident

Appear at Examination? x

Name	Mark Osborne
Address	[REDACTED]
Email	[REDACTED]
Which document are you commenting on?	Site Allocations DPD
Sites DPD Policy Number (e.g. SA1 - SA38)	Sites 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 am objecting to the inclusion of Sites SA12 & SA13 for housing: They are unsuitable, unsustainable and undeliverable. Their inclusion contravenes District Plan policies DP6, DP7, DP12, DP13, DP15, DP18, DP37, DP38 and national planning law, and makes the whole DPD unsound.
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

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA12 - SA13

ID: 848

Response Ref: Reg19/848/1

Respondent: Mr P Egan

Organisation:

On Behalf Of:

Category: Resident

Appear at Examination? x

LDF Consultation
Planning Services Division
Mid Sussex District Council
Oaklands Road
Haywards Heath
West Sussex RH16 1SS



27th September 2020

Mid Sussex District Draft Site Allocations DPD Consultation Response

To The Government Inspector,

I would like to register my strong objection on the grounds of soundness to the inclusion of **Sites SA12 Land South of Folders Lane, Burgess Hill and SA13 Land East of Keymer Road and South of Folders Lane, Burgess Hill** in the draft Mid Sussex Site Allocations DPD under Regulation 19.

This objection sets out why I believe the latest draft Site Selection DPD is unsound.

SA12 & SA13 Planning History

These sites were assessed by MSDC in 2004, 2007, 2013 & 2016 and each time they were deemed to be unsuitable, undeliverable and most importantly unsustainable yet now for reasons totally unexplained by MSDC they believe none of these findings were correct and the sites can now go forward for development.

In **2004** the Mid Sussex Local Plan was submitted for assessment to the Government Inspectorate and the Inspector's findings on sites OMS01, 02 & 03 which now make up sites SA12 & SA13 was and I quote

"Development would compromise Strategic Gap. Sustainability of site is outweighed by adverse impact on character and appearance of the area."

"Site forms part of open countryside on edge of town and is an important lung of open space between Burgess Hill and Ditchling Common. No overriding reason why site should be released."

"Site is part of open countryside and is detached from built up area. Development would lead to serious and obvious erosion of Strategic Gap"

In **2007** MSDC submitted their Small Scale Housing Allocations Development Plan Document for inspection, in that was site ALT45 part of site SA13 today.

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"*¹

¹ 2007 Mid Sussex District Local Development Framework Small Scale Housing Allocations Development Plan Document, Schedule C to the Inspector's Report, para 1.213

In addition he concluded *“To develop this site in addition would risk adding unacceptably to pressures on infrastructure including the local road network.”*²

In 2013 the Burgess Hill Assessed Sites Document included site 557 which formed part of site SA13 today and again this recorded the site as unsuitable with the following comments

- ***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.***³

In 2016 the Burgess Hill Assessed Sites Document again looked at site 557 and once again it was assessed as unsuitable with the following comments

- Most of the site has low landscape suitability for development
- **The fields also have a time depth value as characteristic assarts⁴ 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.**⁵

It was reported that Albert Einstein once said **"the definition of insanity is doing the same thing over and over and expecting different results"**.

The question now has to be asked of Mid Sussex District Council, are they competent to run our affairs or are they in fact incompetent for yet again trying to include these sites for development without any resolutions or changes to the known problems of the last two decades?

² Ibid para 1.214

³ 2013 Burgess Hill Assessed Sites 557 (BH/D/21) Land south of Folders Lane and east of Keymer Road, Burgess Hill (Site H West)

⁴ 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.

⁵ 2016 Burgess Hill Assessed Sites 557 (BH/D/21) Land south of Folders Lane and east of Keymer Road, Burgess Hill

SA13 and Planning Policies

This site covering the fields between the properties in Folders Lane, Burgess Hill and those in Wellhouse Lane, Keymer forms the legal strategic/local gap between the two settlements, there is no other.

The **formal legal boundary** between Burgess Hill and Keymer is the end of the rear gardens of the houses on Wellhouse Lane behind which sits site SA13 therefore if SA13 is approved by Mid Sussex District Council (MSDC) for development **then MSDC will be in contravention of its own Development Plan**, in particular policies

**DP13 Preventing Coalescence,
DP6 Settlement Hierarchy and
DP12: Protection and Enhancement of Countryside.**

DP13 Preventing Coalescence 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.**"*

I intend to show later why developing this site will be in contravention of DP12 but for now I will focus on the issue of coalescence.

DP6 Settlement Hierarchy

The strategic objective of DP6 is very clear *"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"*

*"Within defined built-up area boundaries, development is accepted in principle whereas outside these boundaries, **the primary objective of the District Plan** with respect to the countryside (as per Policy DP12: Protection and Enhancement of 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 defined built-up area boundary of Burgess Hill is the rear gardens of the properties on Folders Lane beyond which lies the northern edge of site SA13.

The MSDC methodology to assess sites for inclusion in the SPD was clear, two basic issues were measured, 1. The degree of connectivity the site has with a settlement and 2. Their size. I quote:

"Sites with capacity to deliver growth significantly greater than required by the District Plan Strategy were considered to not conform to the strategy"

*"To assess the degree of connectivity sites within 150m of a built-up area boundary were considered in principle to function as part of that settlement **whereas sites beyond 150m were considered to be remote from a settlement.**"*

*Any site at which either or both of these issues were evident was not considered further."*⁶

The boundary between Burgess Hill and Keymer which marks the Southern edge of site SA13 is approximately 900 metres away from the Burgess Hill built up boundary therefore the overwhelming majority of the site must fail the above criteria and therefore should have been considered remote in terms of connectivity AND by MSDCs own methodology should not have been considered for inclusion in the DPD.

This gap is very important to Burgess Hill as it both re-enforces its identity as a market town while contributing to the semi rural lifestyle which residents consistently say they value highly.

In short **there is absolutely no basis** in planning policy for development of these fields and ergo the local/strategic gap. **Mid Sussex knows it has other more suitable sites which are both available, sustainable and deliverable which would provide an equivalent or higher number of housing numbers without the need to destroy this important local/strategic gap, its ecosystem and the wildlife that inhabits it.**

DP12: Protection and Enhancement of Countryside states

*The countryside will be protected in recognition of its intrinsic character and beauty. Development will be permitted in the countryside, **defined as the area outside of built-up area boundaries on the Policies Map, provided it maintains or where possible enhances the quality of the rural and landscape character of the District, and:***

- *it is necessary for the purposes of agriculture; or*
- *it is supported by a specific policy reference, either elsewhere in the Plan, a Development Plan Document or relevant Neighbourhood Plan.*

All of this site lies beyond the built up boundary of Burgess Hill and is outside of the area covered by the Burgess Hill Neighbourhood Plan, neither is it covered by the Hassocks Neighbourhood Plan so none of the above bullet points apply and it should be removed from the DPD forthwith.

⁶ Site Allocation Development Plan Document Site Selection Paper 3: Housing Sites Methodology para 3.3

SA12 and Planning Policies

Unlike SA13 this site does not directly abut the settlement boundary between Burgess Hill and another settlement **however it does directly abut the boundary with East Sussex and Lewes District and it will be visible from the South Downs National Park therefore it has to be considered against policy DP18 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), tranquillity 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 virtue of its location, scale, form or design.**"*

Site SA12 has already been the subject of a planning application by Jones Homes, **DM/19/0276**, which was withdrawn for reasons unknown to the public.

However, the response by the SDNP authority to this application was scathing and I quote:

*"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.**"*⁷

SA12 also fails to meet the criteria already mentioned above allowing building in the countryside under policy DP12. In addition this site is bounded by a public right of way footpath ((PROW), so it has to be considered against policy **DP22** in which PROWs are described thus *"Public Rights of Way are identified as a **primary environmental constraint** to development in the Capacity of Mid Sussex District to Accommodate Development Study (2014, paragraph 6.9) due to both high environmental importance and the strong policy safeguards that apply to them."*

⁷ Letter to MSDC from TIM SLANEY Director of Planning South Downs National Park Authority on 5th August 2019 ref SDNP/19/03508/ADJAUT

DP22s strategic objective is and I quote

*"To create and maintain easily accessible green infrastructure, **green corridors and spaces around and within the towns and villages to act as wildlife corridors**, sustainable transport links and leisure and recreational routes;"*

Given 73 homes are currently being built directly to the West of SA12 it is difficult to see how this PROW can continue to act as a wildlife corridor if SA12 is also allowed for a development of a further 43 homes!

Legal Requirements

It is a legal requirement that in all its planning decisions MSDC is compliant with its own development plan (District Plan) unless material considerations allow otherwise.

This was confirmed by a 2017 judgment in the Supreme Court ⁸ where Judges Lord Neuberger, Lord Clarke, Lord Carnwath, Lord Hodge and Lord Gill stated

*"Planning law requires that applications for planning permission **must be determined in accordance with the [local] development plan**, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in the preparation of local and neighbourhood plans, and is a material consideration in planning decisions".*

*"NPPF is divided into three main parts: "Achieving sustainable development" (paragraphs 6 to 149), "Plan-making" (paragraphs 150 to 185) and "Decision taking" (paragraphs 186 to 207). Paragraph 7 refers to the "three dimensions to sustainable development: economic, social and environmental". Paragraph 11 begins a group of paragraphs under the heading "the presumption in favour of sustainable development". Paragraph 12 makes clear that **the NPPF "does not change the statutory status of the development plan as the starting point for decision making"**.*

Therefore, as the official development plan for Mid Sussex, it is the policies within the District Plan that all planning decisions need to comply with and it is very clear that sites SA12 & SA13 conflict with a number of these policies, specifically policies DP6, DP7, DP12, DP13, DP15, DP18, DP22, DP26, DP29, DP37, DP38 & DP41.

⁸ Suffolk Coastal District Council v Hopkins Homes Ltd and SSCLG, Richborough Estates Partnership LLP and SSCLG v Cheshire East Borough Council [2017] UKSC 37

Infrastructure Issues

There are severe transport restrictions to site SA13; this was recognised in the ATKINS study commissioned by MSDC in 2005 which stated very clearly that if this site and others such as SA12 on the Eastern side of Burgess Hill were to be developed then it was *"dependent on the implementation of an Eastern spine road/bypass which will result in significant infrastructure costs"*.

The reason for this was the increasingly pressing need for traffic to avoid the choke point of the railway crossing in Burgess Hill town centre which today already causes significant traffic jams during the peak periods along the Keymer Road, Folders Lane and through Station Road to Jane Murray Way.

Since that study was published planning permission for well over 1000 homes on the South Eastern side of Burgess Hill has been approved and building started on three large sites (Keymer Tile Works, Kingsway and Jones Homes Phase 1) not to mention the multitude of other smaller already completed developments in gardens along Folders Lane and the Keymer Road **yet no improvements whatsoever have been implemented to the local road network and the effects of these three large sites has still to be felt on the road network.**

This is not a new situation, MSDC themselves recognised this fact in the Mid Sussex Local Plan in 2004 when they said: Quote

"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 and efforts will be made to encourage the increased use of local bus services".

Mid Sussex Local Plan Para 11.14 May 2004

Therefore, it is totally reckless for MSDC to now include sites SA12 & SA13 into any development plan unless a relief road or an alternative solution has been identified and agreed on as a pre-requisite PRIOR to planning approval being considered.

Recently the MSDC Assistant Chief Executive stated that Atkins is out of date but could not elucidate why. Instead MSDC is now relying on a French company called SYSTRA to underpin and update Mid Sussex's own Transport Study by carrying out desktop studies based only on eight different scenario's with scenario 8 being the one most relevant to sites SA12 & SA 13.

Whereas Atkins used real time traffic data to inform their decision there is no evidence of this with SYSTRAs findings. Instead they base their conclusions on a number of assumptions and it is notable that whereas Atkins specifically identified the B2112 & B2113 junctions i.e. the roundabouts at the junction of Folders Lane with the Keymer Road and at the Keymer Road with Station Road in the town centre as being major problems, SYSTRA and the latest MSDC Transport Study does not.

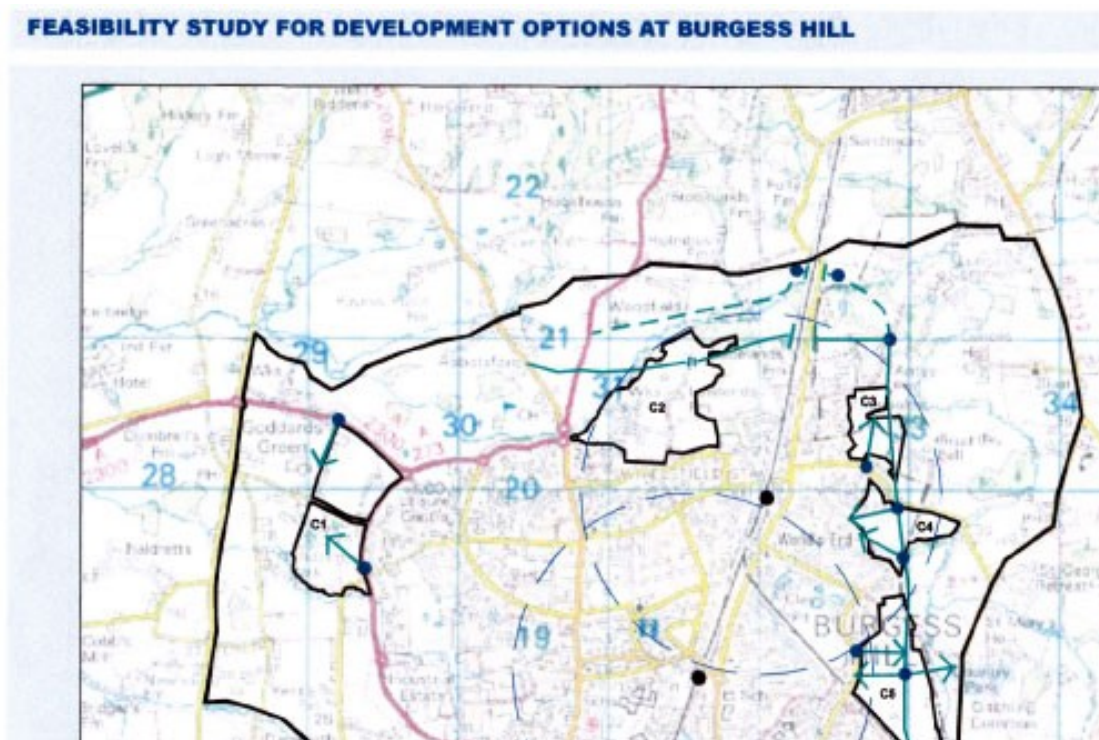
The junction with Station Road is mentioned in SYSTRA's findings as junction S6 and they recognise it will be severely impacted if SA12 & SA13 go ahead but unlike the other junctions that they forecast will be severely impacted they have NO mitigation proposals whatsoever as to how to reduce the impact this will have on the community.

Instead they focus on the congestion at the A23 & A2300 link road based on 2031 extrapolated traffic figures and the assumption that a Scientific & Technology Park will by then have been developed off the A23 South of Hickstead, an assumption which whilst admirable has no relation to existing real world facts.

In contrast this is what Atkins said in 2005

"In order to support the development of Option C an eastern spine road will need to be constructed linking to A273 Jane Murray Way and passing through sites C3, C4, C5, C6 and C7. It should be noted that the proposed link road alignment in Figure 6.1 (and Figures 7.1 - 7.2) represents one solution to linking the development sites and other alignments maybe possible. For example the south-eastern section of the Link Road could pass through Site C5 and connect to the existing Kingsway, rather than B2112/B2113 roundabout. However the development of this option would need to consider the impact on the B2113/Kingsway junction and how the link road would be connected to site C7."

Note Site C7 is site SA13 today and site C6 is site SA12 both shown in the diagram below.



The governments guidance document **Transport Evidence Bases in Plan Making and Decision Taking** which is intended to aid local planning authorities assess and reflect on the strategic transport needs in Local Plan making, states and I quote

"To assess the availability of the capacity of the road network, the transport assessment should take into account:

- *recent counts for peak period turning movements at critical strategic junctions, for example, in certain instances where there is known to be a significant level of heavy goods vehicles traffic, a classified count (identifying all vehicles separately) should be provided*
- *12 hour/24 hour automatic traffic counts*

Additional counts that may be required on the strategic parts of the road network could include:

- *manual turning counts (which should be conducted at 15 minute intervals) to identify all strategically relevant highway network peak periods*
- *queue length surveys at key strategic signal junctions to establish demand and actual traffic flows*
- *journey time surveys*
- *freight counts*
- *abnormal load counts*
- *pedestrian and cyclists counts*

Capacity assessments for roads, rail and bus should also be obtained."

Today long queues are already a fact of life at both the junctions mentioned by Atkins during peak periods and anyone who has resided in the area for at least 10 years will attest to the fact that the traffic levels are increasing sharply year on year.

The most recent empirical documented trip measures on the Keymer Road were taken in November 2016 by the developer for the refused planning application DM/16/3959 at a point south of the Folders Lane (B2113) junction with the Keymer Road. This data showed there were 46,138 vehicle trips over a 7 day period (including a weekend) along the Keymer Road, virtually all of which would have had to use the roundabout with Folders Lane.

That was four years ago, since when the road network has remained totally unchanged. For MSDC to now propose another 343 homes be built in this immediate vicinity, with access onto both the Keymer Road and Folders Lane, without ANY mitigation measures whatsoever only demonstrates the complete disregard MSDC has for this situation.

Impact on Local Residents

There is absolutely no doubt that developing sites SA12 & SA 13 will cause significant harm to the local area contrary to **NPPF paragraphs 14 & 49**.

Sustainability

The over riding requirement in the NPPF and the District Plan is that developments must be sustainable, one strand of which is the environment and the need to reduce dependency on the car by siting developments in proximity to high quality transport facilities within reasonable walking distances, thus encouraging residents to use public transport, cycle or walk.

Site SA12 is on the very Eastern fringe of the Burgess Hill area, some 2km from Burgess Hill town centre with a 30 minute walk to Burgess Hill train station and a very limited bus service of just one bus per hour during the day, none at night, on Sundays and in two cases on a Saturday either. **It is self evident that the vast majority of future residents will have no choice but to use their cars on a daily basis.**

The Transport Statement for the withdrawn application for 43 properties (DM/19/0276) on this same site stated that would generate **a minimum of 353 vehicle trips over a 12 hour period (0700 -1900) per day**. This is in addition to the 625 vehicle trips over the same period per day that was forecasted in the application for the 73 homes nearing completion on the adjoining site. **Conservatively this equates to an additional 978 vehicle trips over the period 0700 -1900 per day from this location.**

It is notable that the above application was eventually withdrawn, deemed invalid, by MSDC Planning due to the fact no transport assessment was submitted by the applicant.

Site SA13 whilst further West and thus closer to the Keymer Road is even worse. This site is very large some 15.3 hectares so it is highly unlikely that residents will walk the distance to the proposed exits at Broadlands on the Keymer Road and on Folders Lane **and then** face a 20 minute walk into town to catch trains or buses, **no they will rely heavily on their cars as we all have to do in this area.**

If we extrapolate the estimated traffic figures for the 43 homes on site SA12 to the 300 homes planned for Site SA13 then SA13 would produce 2,463 vehicle trips over the period 0700 -1900 per day.

In total these two sites would generate an additional 2,800 vehicle trips per day between 0700 - 1900 at the choke points of the B2112 & B2113 junctions, junctions already identified 15 years ago by ATKINS as being major obstacles to development in this area.

Once again the question has to be asked why does MSDC now believe sites SA12 and SA13 are sustainable locations?

Environmental Impacts : Ecology & Wildlife

Global warming, the environment and climate change is now right at the top of the political and societal agenda. Numerous initiatives continue to be put in place all over the world to offset carbon build up by planting trees and yet here is Mid Sussex District Council choosing to allow development on two sites which will result in the loss of THOUSANDS of trees.

These sites act as valuable breathing spaces for Burgess Hill and the surrounding villages and whilst not easily accessible to the public it is this very fact that has left them in an almost unique position.

For the past 27 years we have lived alongside site SA13 and have seen first hand how when left to its own devices how nature has taken hold so the site now contains literally tens if not hundreds of thousands of trees and shrubs, with many valuable species such as Hornbeam, Willow and Oak amongst them.

These fields haven't been farmed in well over a century, if at all, which is very rare these days and the absence of modern farming has left a unique habitat which is home to a multitude of birds and mammals from Barn Owls to Weasels. It is also home to some highly protected species such as Bats, Dormice and Great Crested Newts, not to mention the countless insects, moths and butterflies, some of which are scarce.

The recent photos below show just a very small area of site SA13 but this is typical for the whole 15.3 hectares so to lose such an environment in today's world when green space close to urban settlements is at a premium would be almost criminal and a huge mistake for Burgess Hill and Mid Sussex.











This was recognised in 2013 & 2017 when planning applications **12/03230 & DM/16/3959** to build houses in gardens directly bordering this site were refused and dismissed on appeal by the Govt Inspector. **One of the grounds for refusal was that ponds on the site were home to an important breeding colony of Great Crested Newts (GCNs) which as a European protected species and the rarest of the Newts found in the UK is afforded protection under the UK Biodiversity Plan (BAP).**

It was found that whilst the GCNs use the ponds for breeding the surrounding lawns are closely mown so they use the fields in SA13 to forage and it was also found that one of the ponds within the fields also had a small colony of GCNs so interbreeding could also be going on.

In July 1996 a study was carried out of one of the smaller fields (0.15hectare) which make up site SA13 by John Newton, BSc Zoology (Hons) FRES as part of a Phase 1 Habitat Survey of Burgess Hill by BHTC⁹. In this report he noted the field was quote *"unimproved grassland rich in native trees and shrubs, probably prone to wetness particularly towards the North East end"*. He also noted *"there is no easy access from nearby roads, almost certainly standing water in places in wet winters. Water table is probably fairly close to the surface throughout the year. THIS AREA MERITS FURTHER STUDY."*

His recommendation was *"this field requires a full survey by a team of trained botanists. It merits some degree of protection from development."*

South Downs National Park (SDNP) & Dark Skies

In May 2016 the SDNP became an International Dark Sky Reserve (IDSR).

The Northern boundary of the SDNP borders the properties in Wellhouse Lane and as there is no street lighting along the lane the whole area is exceptionally dark at night. Introducing an intensive housing estate on SA13 with all the associated street lighting will destroy this forever and may effect the SDNP rating as an IDSR.

Drainage & Sewage

Both SA12 & SA13 are classified as Low Weald with heavy clay soils which during heavy or persistent rainfall become heavily waterlogged and as both sites drop steeply from North to South the inevitable run off from a development could have serious impacts for the surrounding area. This issue was clearly recognised by the applicant for the aborted planning application **DM/19/0276** on site SA12 as they proposed to include swales, attenuation ponds, pumping station and an underground tank in a bid to avoid the risk of flooding.

The photograph below shows the typical surface flooding which occurs each year from late Autumn onwards across site SA13.

⁹ Folders Lane Survey Document: Survey of field about 200m south of Folders Lane 3rd August 2009
John Newton, BSc Zoology (Hons) FRES



View of site SA13 looking East circa 2012

SA13 has a long history of severe water logging. For a few years in the 2000s a couple tried to run a small holding on the land but in the end had to admit defeat and gave up because it was just too wet for their livestock. The photograph below illustrates this point.



In Wellhouse Lane during periods of heavy rain we suffer flooding over the lane from ground water running off the fields to the South into a watercourse which flows Northwards under the lane carrying the water onto site SA13. Due to the poor heavy clay soil once it reaches site SA13 it cannot drain quickly enough so the watercourse quickly backs up flooding the lane. The photographs below illustrates just how bad this can be.



Mr Scott Wakely the MSDC Drainage Engineer has seen these photographs and acknowledged there is a serious issue with drainage in this area, therefore to concrete over a site as large as SA13 with a development of 300 homes will have very serious consequences for the surrounding area.

Sewage is another serious issue, there is no mains sewerage South of Burgess Hill beyond Greenlands Drive until you reach the outskirts of Hassocks. All properties in between rely on septic tanks, cess pits or stand alone sewage treatment plants. Southern Water have confirmed the existing treatment plant at Goddard's Green has insufficient capacity to handle anymore large developments so this issue cannot be ignored.

Questions Around Due Process When Selecting Sites SA12 & SA13

Finally whilst not a planning policy issue since the SPD was decided and published it has come to light that the decision to include sites SA12 & SA13 did NOT follow due process. When MSDC established a committee to discuss and decide on which sites should be included in the SPD it contained eight councillors, four of whom represented wards in the South of the district and who were knowledgeable about issues in the area.

However, at the May 2019 elections three of these four councillors lost their seats and they were never replaced. This left just one councillor from Hassocks to represent the interests of Burgess Hill, Hassocks & Keymer. Despite this, a meeting of the committee was called at short notice in August 2019 when the final decision on which sites would be included in the SPD was decided. It is claimed that up to this point sites SA12 & SA 13 were NOT part of the SPD and instead a site on the Haywards Heath Golf Club for 500 homes was.

Unfortunately the councillor from Hassocks was on holiday when this meeting was called so could not attend and another councillor failed to attend on the day leaving just three councillors from Haywards Heath, East Grinstead and the High Weald as attendees. At this point the meeting should have been cancelled as the committee no longer complied with its terms of reference however it went ahead and it is reported that it was at this meeting that the decision was taken to remove the Haywards Heath GC site and replace it with sites SA12 & 13. The background to this decision has been requested under a FOI request but to date MSDC has not provided any information so until this question is answered then the whole process of selection and whether it was fair and proper is in doubt.

In conclusion I believe the SPD clearly fails to comply with MSDCs own methodology on the selection of sites and deliverability and in key areas ignores the policies in the NPPF & District Plan and therefore it is UNSOUND.

Sites SA12 & SA13 are not sustainable in any sense of the criteria within the NPPF and District Plan and if allowed for development will inevitably result in significant harm to the local area in contravention of the NPPF and the District Plan Policies DP6, DP7, DP12, DP13, DP15, DP18, DP22, DP26, DP29, DP37, DP38 & DP41.

For all of the reasons above and others not touched on such as limited access to GP services, Schools etc they should be removed from the Site DPD and replaced with more suitable and deliverable sites which MSDC already know exist within the district.

Yours Sincerely

Peter Egan

850

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA12 - SA13

ID: 850

Response Ref: Reg19/850/1

Respondent: Mr I Hawes

Organisation:

On Behalf Of:

Category: Resident

Appear at Examination? x

[REDACTED]

From: Ian Hawes [REDACTED]
Sent: 27 September 2020 09:54
To: ldfconsultation
Subject: OBJECTION FIELDS SA12 and SA13

Dear Sir,

I must object to the allocation of housing to SA12 and 13 because :

- * the traffic situation is already awful in this area and particullly around Ditchling
- * we need to keep a gap between villages and development here will erode further that between Burgess Hill and Hassocks.
- * allocating these sites goes against the District Plan and National Planning Guidance.

May I ask you to consider this proposal very carefully.

Yours sincerely

I W HAWES

[REDACTED]

--

This email has been checked for viruses by AVG.

<https://eur02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.avg.com%2F&data=02%7C01%7CLDFconsultation%40midsussex.gov.uk%7C7a7bc5637551498cb5e808d862c2d293%7C248de4f9d13548cca4c8babd7e9e8703%7C0%7C1%7C637367936176777985&sdata=z8pZtrVNeVtGQp%2Byas5OFcHnNbfGyYP9PJTYhvnbo7Y%3D&reserved=0>

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA12 - SA13

ID: 853

Response Ref: Reg19/853/1

Respondent: Ms T Chisholm

Organisation:

On Behalf Of:

Category: Resident

Appear at Examination? x

[REDACTED]

From: Tae Chisholm [REDACTED]
Sent: 28 September 2020 11:16
To: ldfconsultation
Subject: Objection to the allocation of housing on sites SA12 and SA13 in the DPD

Dear Sir/Madam,

I write to strongly voice my objection to the inclusion of sites SA12 and SA13 for housing in the Mid Sussex DPD for the following reasons:

The site selection process was not done according to MSDC's own guidelines. No satisfactory explanation has been given for this. Representations made during the first consultation could not be found. This does not engender trust in MSDC's methods.

Allocating these sites SA12 and SA13 for housing is completely contrary to the District Plan and National Guidelines. If these sites get permission then what was the point of the District Plan? MSDC already has more than enough sites for housing and does not need more.

The traffic created by the scheme on these sites will be very substantial. Where is all this traffic to go? Apparently it can exit onto Folders Lane and Keymer Road. anyone who lives in these areas knows how congested these roads become already.

The biodiversity of the site is paramount, and preserving it is especially vital in these times when we need to preserve what trees, meadows, hedges and wildlife that we have to counter global warming. Where are all the wild animals, butterflies, moths, hedgehogs (endangered) grass snakes and slow worms (endangered) to go? They will be destroyed. Why has MSDC ignored the importance of this site?

As a Ditchling resident with relatives in Burgess Hill just off Folders Lane to the north I am most concerned that further building south of Folders Lane is the beginning of the end of the distinct nature of the villages, Hassocks, Keymer and Ditchling. This is a vital green gap which must be preserved. Once one patch is built on the rest will follow and we will merge into one big housing mass.

Where is the infrastructure for this development, I see none planned.

I very much hope you will find against the inclusion of these sites in the DPD.

Yours sincerely,

Teresa Chisholm
[REDACTED]

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA12 - SA13

ID: 859

Response Ref: Reg19/859/2

Respondent: Mr N Hudson

Organisation:

On Behalf Of:

Category: Resident

Appear at Examination? x

Name	Nigel Hudson
Address	[REDACTED]
Email	[REDACTED]
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	My objection is that the situation processes was dishonest and unrepresentative of MSDC's own guidance. Particularly because representations made during the initial consultation were not included having supposedly been lost.
If you wish to provide further documentation to support your response, you can upload it here	
If your representation is seeking a change, do you consider it necessary to attend and give evidence at the hearing part of the examination	No, I do not wish to participate at the oral examination
Date	23/09/2020

Name	Nigel Hudson
Address	[REDACTED]
Email	[REDACTED]
Which document are you commenting on?	Site Allocations DPD
Sites DPD Policy Number (e.g. SA1 - SA38)	S12/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	<p>I have a number of objection:</p> <ol style="list-style-type: none"> 1. I believe that this development will have a detrimental affect on the current traffic problems in the areas. The traffic report appears to be flawed as it is obvious by the traffic jams around the area there there are already issues. 2. This development with have a diminish the green gap between Burgess Hill and the villages to the south of the area. 3. Importantly this type of site development goes against the District plan and national planning guidance 4. Introducing yet more housing into the area is putting a strain on the infrastructure and there is nothing in the plan addressing that.
If you wish to provide further documentation to support your response, you can upload it here	
If your representation is seeking a change, do you consider it necessary to attend and give evidence at the hearing part of the examination	No, I do not wish to participate at the oral examination
Date	23/09/2020

860

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA12 - SA13

ID: 860

Response Ref: Reg19/860/1

Respondent: Mr C Paine

Organisation:

On Behalf Of:

Category: Resident

Appear at Examination? x

Name	Chris Paine
Address	[REDACTED]
Email	[REDACTED]
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	<p>First and foremost, the site selection process was dishonest, unrepresentative, did not follow MSDC's own guidance. Representations made during the first consultation were 'lost'.</p> <p>I find even considering this area for further development to be offensive. As a parent who takes his child to Birchwood Grove School each day, prior to Covid-19 lockdown, the traffic bottleneck at the top of Folders Lane meant masses of near stationary traffic. NEXT TO A SCHOOL.</p> <p>No new infrastructure appears to be planned and I'm aware that the traffic survey is fatally flawed and practically worthless.</p> <p>Also allocating these sites for housing goes against the District Plan and national planning guidance. On top of the fact that the area has already seen hundreds of new homes built and does not deserve to get any more. Where are the new schools being built? Where are the new roads going to cope with the extra traffic? Where are other facilities like Doctors Surgeries etc?</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>I feel these particular sites, SA 12 & SA13 should be removed as there are no reasonable grounds for them to be considered for development. As has been covered in previous detail.</p> <p>Quite simply there are other more favourable sites in the plan.</p> <p>Lastly, why is it that Burgess Hill seems to get the majority of planned developments when it doesn't even have a town centre worth visiting?</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	I do not feel there will be a fair consideration of the points raised and that they will otherwise get dismissed.

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	25/09/2020

867

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA12 - SA13

ID: 867

Response Ref: Reg19/867/2

Respondent: Ms S Forder

Organisation:

On Behalf Of:

Category: Resident

Appear at Examination? x

[REDACTED]

From: Sylvia Forder [REDACTED]
Sent: 27 September 2020 22:45
To: ldfconsultation
Subject: Objection to Site Allocations DPD

I am objecting to the inclusion of Sites SA12 & SA13 for housing:
They are unsuitable, unsustainable and undeliverable. Their inclusion contravenes District Plan policies DP6, DP7, DP12, DP13, DP15, DP18, DP37, DP38 and national planning law, and makes the whole DPD unsound.

[REDACTED]

From: Sylvia Forder [REDACTED]
Sent: 27 September 2020 22:43
To: ldfconsultation
Subject: SOFLAG

Follow Up Flag: Follow up
Flag Status: Completed

Categories: AUDIT

I fully and wholeheartedly support the SOFLAG objection submission and urge the Council to consider it fully and send it to the Inspector.

Sylvia Forder

Sent from my iPhone

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA12 - SA13

ID: 885

Response Ref: Reg19/885/1

Respondent: Mr H Loughton

Organisation:

On Behalf Of:

Category: Resident

Appear at Examination? x

Name	Hector Loughton
Address	[REDACTED]
Email	[REDACTED]
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	<p>I am objecting to SA12/SA13 on several grounds:</p> <ol style="list-style-type: none"> 1) The proposals did not follow Mid Sussex Council's own guidance. 2) Insufficient concern has been paid to the traffic issues that would arise. The volume of traffic would become unsustainable and unacceptable. 3) The green space between Burgess Hill and the Downs villages is narrowing too much. The threat to the green space is unacceptable. <p>These developments must not be allowed to pass</p>
If you wish to provide further documentation to support your response, you can upload it here	
If your representation is seeking a change, do you consider it necessary to attend and give evidence at the hearing part of the examination	No, I do not wish to participate at the oral examination
Date	13/09/2020

891

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA12 - SA13

ID: 891

Response Ref: Reg19/891/1

Respondent: Mr A Howarth

Organisation:

On Behalf Of:

Category: Resident

Appear at Examination? x

Name	Alastair Howarth
Address	[REDACTED]
Email	[REDACTED]
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	<p>I am objecting to the allocation of housing sites SA12 & SA13 in the DPD because:</p> <ol style="list-style-type: none"> 1. The site selection process was dishonest, unrepresentative, did not follow MSDC's own guidance. Representations made during the first consultation were 'lost'. 2. The traffic report produced for MSDC is fatally flawed. The traffic situation is already at breaking point with very long queues stretching back down Folders Lane in morning peak periods. This situation will be exacerbated when current development already taking place off Folders Lane is occupied. Nothing substantive has been proposed nor can be done to address this. 3. This will coalesce - the green gap between Burgess Hill and the villages to the south will be lost forever. 4. There is a lack of infrastructure and nothing is showing in the proposals to address this. In particular where it is proposed that families occupying 350 new houses plus developments send children to school. Local schools within walking distance will not be able to cope which is likely to result in further car journeys in peak periods further exacerbating traffic congestion and resultant air pollution. 5. Allocating these sites for housing goes against the District Plan and national planning guidance houses
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.	None. Proposal should be scrapped.
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

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA12 - SA13

ID: 897

Response Ref: Reg19/897/3

Respondent: Mr M Vosper

Organisation:

On Behalf Of:

Category: Resident

Appear at Examination? x

Name	Mark Vosper
Address	[REDACTED]
Email	[REDACTED]
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 site selection process was unrepresentative, did not follow MSDC's own guidance. Representations made during the first consultation were 'lost'.
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	27/09/2020

Name	Mark Vosper
Address	[REDACTED]
Email	[REDACTED]
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	<p>The biodiversity within the site makes it unsuitable for development and MSDC have ignored this.</p> <p>Allocating these sites for housing goes against the District Plan and national planning guidance</p>
If you wish to provide further documentation to support your response, you can upload it here	
If your representation is seeking a change, do you consider it necessary to attend and give evidence at the hearing part of the examination	No, I do not wish to participate at the oral examination
Date	27/09/2020

[REDACTED]

From: [REDACTED]
Sent: 27 September 2020 18:42
To: ldfconsultation
Subject: Site Allocations DPD Consultation SA12 & SA13

Dear Sir / Madam,

Please accept this email as my support to the SOFLAG objection submission and I'm urging the Council to consider it fully and send it to the Inspector.

Regards,

Mark Vosper.

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA12 - SA13

ID: 902

Response Ref: Reg19/902/1

Respondent: Mrs A Wood

Organisation:

On Behalf Of:

Category: Resident

Appear at Examination? x

Name	Anita Wood
Address	[REDACTED]
Email	[REDACTED]
Name or Organisation	Anita wood
Which document are you commenting on?	Site Allocations DPD
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	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>They are unsuitable, unsustainable and undeliverable. Their inclusion contravenes District Plan policies DP6, DP7, DP12, DP13, DP15, DP18, DP37, DP38 and national planning law, and makes the whole DPD unsound.</p> <p>If they're allocated, developers get the green light, traffic in Burgess Hill will be gridlocked and the green gap between Burgess Hill and the Downs villages could be completely lost.</p>
If you wish to provide further documentation to support your response, you can upload it here	
If your representation is seeking a change, do you consider it necessary to attend and give evidence at the hearing part of the examination	No, I do not wish to participate at the oral examination
Please notify me when-The Plan has been submitted for Examination	yes
Date	27/09/2020

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA12 - SA13

ID: 905

Response Ref: Reg19/905/1

Respondent: Mrs K Jepson

Organisation:

On Behalf Of:

Category: Resident

Appear at Examination? x

Name	Kathryn Jepson
Address	[REDACTED]
Email	[REDACTED]
Name or Organisation	All others
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	<p>I am objecting to the allocation of housing sites SA12 and SA13 in the DPD for the following reasons -</p> <ol style="list-style-type: none"> 1. The traffic report prepared for MSDC is fatally flawed. The traffic situation in that area is already awful, particularly in the morning and evening peak period. Nothing significant can be done to address this. I cannot see how additional development in the area makes any sense at all. 2. Proposed development in the area will close the green gap between Burgess Hill and the villages to the south will be lost forever. <p>Please reconsider this proposed allocation - there are other more suitable sites available.</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.	I do not believe that any changes will address the above issues.
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 publication of the recommendations from the Examination	yes
Date	27/09/2020

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA12 - SA13

ID: 909

Response Ref: Reg19/909/1

Respondent: Mr S Standing

Organisation:

On Behalf Of:

Category: Resident

Appear at Examination? x

Name	Stephen Standing
Address	[REDACTED]
Phone	[REDACTED]
Email	[REDACTED]
Name or Organisation	Steve Standing
Which document are you commenting on?	Site Allocations DPD
Sites DPD Policy Number (e.g. SA1 - SA38)	SA12 and 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 plan to build houses at sites SA12 & SA13 will blur the boundaries between Burgess Hill and Hassocks / Keymer / Ditchling. Traffic in the area will vastly increase and lead to unnecessary congestion. Any increase in traffic will most likely cause total gridlock at the MacDonalds roundabout, which is already horrendous. Burgess Hill does not have the infrastructure to support more houses. The town centre and Martlets area has been destroyed and nothing seems to be happening with the promised redevelopment. The expansion of Burgess Hill cannot continue without significant development of the infrastructure, including schools, doctors water supply etc. all of which needs to be in place prior to any increase in housing.
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.	Stop the development.
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	19/09/2020

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA12 - SA13

ID: 911

Response Ref: Reg19/911/2

Respondent: Dr I Wade

Organisation:

On Behalf Of:

Category: Resident

Appear at Examination? x

[REDACTED]

From: Imogen Wade [REDACTED]
Sent: 28 September 2020 23:02
To: ldfconsultation
Subject: SOFLAG objection submission to SA12 & SA13

To Whom It May Concern,

I support the SOFLAG objection submission and I urge the Council to consider it fully and send it to the Inspector.

I have just registered my objection to SA 12 & SA13 in the DPD via the online form.

Yours sincerely,
Dr Imogen WADE

Name	Imogen Wade
Job title	Research Fellow
Organisation	University of Sussex
Address	[REDACTED]
Email	[REDACTED]
Name or Organisation	Imogen Wade
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	<p>I am objecting to the inclusion of Sites SA12 & SA13 for housing because they are unsuitable sites, unsustainable, and undeliverable. Specifically:</p> <p>1) The process for selecting the sites was unrepresentative and did not follow MSDC's own guidance. Moreover, representations made to the first consultation were mysteriously '\lost\'.</p> <p>2) the proposed sites would make the traffic problems in the south-east of Burgess Hill even worse than they are. I walk across the roundabout where Folders Lane meets Keymer road almost daily for exercise, and I often have to wait for upto 10 minutes before I can safely cross due to the volume of traffic. Nothing substantive can be done to address these traffic problems. The traffic report done for MSDC contains major errors.</p> <p>3) the unique biodiversity within the site makes the site unsuitable for development; MSDC have not adequately taken this into consideration.</p> <p>4) Building more houses on the proposed site would greatly reduce, and potentially set a precedent for removing altogether, the critically important green gap between Burgess Hill and the villages to the south (e.g. Hassocks, Keymer). This would mean the boundaries of Burgess Hill coming right up to the boundary of the South Downs national park.</p> <p>5) There is an absence of infrastructure and nothing is noted in the proposals to address this.</p> <p>6) Their inclusion contravenes District Plan policies DP6, DP7, DP12, DP13, DP15, DP18, DP37, DP38 and national planning law, and makes the whole DPD unsound.</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.	I am not qualified to make any suggestions here but I would just say that I think the only way to make the SA DPD legally compliant or sound is to change the location of the proposed new housing (e.g. on the northern side of Burgess Hill).
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

Name	Richard Griffin
Address	[REDACTED]
Email	[REDACTED]
Which document are you commenting on?	Site Allocations DPD
Sites DPD Policy Number (e.g. SA1 - SA38)	Da12/da13
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 development is not sustainable and outside the district plan
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

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA12 - SA13

ID: 919

Response Ref: Reg19/919/1

Respondent: Mr R Griffin

Organisation:

On Behalf Of:

Category: Resident

Appear at Examination? x

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA12 - SA13

ID: 920

Response Ref: Reg19/920/1

Respondent: Mrs T Rose

Organisation:

On Behalf Of:

Category: Resident

Appear at Examination? x

Name	Tanveer Rose
Address	[REDACTED]
Email	[REDACTED]
Name or Organisation	Mrs Tanveer Rose
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 site selection process is woefully inadequate, and was carried out in an undemocratic and extremely dishonest way. The residents in Burgess Hill have not been properly represented. Information and evidence of the 'traffic survey' has been withheld from the public. MSDC have failed to be transparent in their actions. It does not follow MSDC's own guidelines and representations made during the first consultation were 'lost'.
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.	An urgent independent public consultation needs to take place to address this egregious affront to democracy by MSDC councillors. There is something very wrong with the way this site allocation has been forced through despite robust public objection. These site should not be allocated for housing it goes against the district plan and national planning guidance.
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

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA12 - SA13

ID: 921

Response Ref: Reg19/921/1

Respondent: Mr M Rose

Organisation:

On Behalf Of:

Category: Resident

Appear at Examination? x

Name	Michael Rose
Address	[REDACTED]
Email	[REDACTED]
Name or Organisation	Mr Michael Rose
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	<p>The site selection process was dishonest, unrepresentative and did not follow MSDC's own guidance. The site selection process was undemocratic, as representations made during the first consultation were allegedly 'lost.'</p> <p>The traffic report is flawed and inaccurate. People that live near area know this report to not reflect the reality of the traffic situation. When asked to share further information on the traffic report MSDC have withheld information from the public.</p> <p>Burgess Hill does not have the infrastructure to support this house building.</p> <p>The biodiversity within the site makes it unsuitable for development.</p> <p>Allocating these sites for housing goes against the District Plan and national planning guidance.</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.	This site is not suitable for housing.
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

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA12 - SA13

ID: 929

Response Ref: Reg19/929/1

Respondent: Mr L Plyming

Organisation:

On Behalf Of:

Category: Resident

Appear at Examination? x

Name	Lionel Plyming
Address	[REDACTED]
Email	[REDACTED]
Name or Organisation	Lionel Plyming
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	<p>The site selection process was unrepresentative and did not follow the District Council's own guidance. Comments made during the first consultation were "lost".</p> <p>The traffic report produced for the Council was quite inadequate. There is a massive amount of traffic congestion at peak times.</p> <p>Development on these sites will further reduce the already small gap between Burgess Hill and Hassocks.</p> <p>Allocating these sites for housing is contrary to the District Plan and national planning guidance.</p>
If you wish to provide further documentation to support your response, you can upload it here	
If your representation is seeking a change, do you consider it necessary to attend and give evidence at the hearing part of the examination	No, I do not wish to participate at the oral examination
Please notify me when-The Plan has been submitted for Examination	yes
Please notify me when-The publication of the recommendations from the Examination	yes
Please notify me when-The Site Allocations DPD is adopted	yes
Date	18/09/2020

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA12 - SA13

ID: 931

Response Ref: Reg19/931/1

Respondent: Mrs A Plyming

Organisation:

On Behalf Of:

Category: Resident

Appear at Examination? x

Name	Ann Plyming
Address	[REDACTED]
Email	[REDACTED]
Name or Organisation	Ann Plyming
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	<p>The site selection process was unfair and did not follow the District Council's own advice.</p> <p>The traffic report produced by the Council was wholly inaccurate and did not investigate the major traffic congestion problems faced at peak times.</p> <p>The biodiversity within the sites make them unsuitable for development</p> <p>Allocating these sites for housing goes against the District Plan and national planning guidance</p>
If you wish to provide further documentation to support your response, you can upload it here	
If your representation is seeking a change, do you consider it necessary to attend and give evidence at the hearing part of the examination	No, I do not wish to participate at the oral examination
Please notify me when-The Plan has been submitted for Examination	yes
Please notify me when-The publication of the recommendations from the Examination	yes
Please notify me when-The Site Allocations DPD is adopted	yes
Date	18/09/2020

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA12 - SA13

ID: 942

Response Ref: Reg19/942/1

Respondent: Mr M Thornely

Organisation:

On Behalf Of:

Category: Resident

Appear at Examination? x

Name	Michael Thornely
Address	[REDACTED]
Email	[REDACTED]
Name or Organisation	MICHAEL THORNELY
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	<p>I would like to object to the allocation of housing sites SA12 & SA13 in the DPD because:</p> <p>I wholly believe the site selection process was conducted in a dishonest, unrepresentative manner and did not follow MSDC's own guidance. There are many far more suitable locations for development but these which have been unjustifiably disregarded.</p> <p>The traffic report produced for MSDC is fatally flawed and wasn't a true reflection of the traffic chaos we experience on a daily basis, especially considering the current levels of houses in the area. Clearly the traffic situation is already at breaking point and nothing substantive can be done to address this. The roads are in very poor condition, speed restrictions aren't sufficient or abided by. The result is dangerous roads which could contribute towards further accidents occurring.</p> <p>There is a currently a severe lack of infrastructure and nothing is showing in the proposals to address this. Allocating these sites for housing goes against the District Plan and national planning guidance.</p> <p>The biodiversity within the site makes it unsuitable for development and MSDC have completely ignored this. This will completely and needlessly destroy the green gap between Burgess Hill and the villages to the south will be lost forever.</p>
If you wish to provide further documentation to support your response, you can upload it here	
If your representation is seeking a change, do you consider it necessary to attend and give evidence at the hearing part of the examination	No, I do not wish to participate at the oral examination
Please notify me when-The Plan has been submitted for Examination	yes

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

yes

Date

28/09/2020

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA12 - SA13

ID: 943

Response Ref: Reg19/943/1

Respondent: Mrs K Williams

Organisation:

On Behalf Of:

Category: Resident

Appear at Examination? x

Name	Kristina Williams
Address	[REDACTED]
Email	[REDACTED]
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	<p>I object because:</p> <p>The site selection process was dishonest, unrepresentative, did not follow MSDC's own guidance.</p> <p>Representations made during the first consultation were 'lost'.</p> <p>The traffic report produced for MSDC is fatally flawed.</p> <p>Clearly the traffic situation is already at breaking point and nothing substantive can be done to address this.</p> <p>The biodiversity within the site makes it unsuitable for development and MSDC have ignored this.</p> <p>This will coalesce - the green gap between Burgess Hill and the villages to the south will be lost forever.</p> <p>There is a lack of infrastructure and nothing is showing in the proposals to address this. Recent water loss issues are one example.</p> <p>Allocating these sites for housing goes against the District Plan and national planning guidance.</p>
If you wish to provide further documentation to support your response, you can upload it here	
If your representation is seeking a change, do you consider it necessary to attend and give evidence at the hearing part of the examination	No, I do not wish to participate at the oral examination
Please notify me when-The Plan has been submitted for Examination	yes
Please notify me when-The publication of the recommendations from the Examination	yes
Please notify me when-The Site Allocations DPD is adopted	yes
Date	28/09/2020

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA12 - SA13

ID: 945

Response Ref: Reg19/945/15

Respondent: Mr S Gelnar

Organisation:

On Behalf Of:

Category: Resident

Appear at Examination? x

[REDACTED]

From: Stuart Gelnar [REDACTED]
Sent: 24 September 2020 22:31
To: ldfconsultation
Subject: Sites SA12/SA13

STUART GELNAR
[REDACTED]

I object to the allocation of housing to sites SA12 and SA13 in the DPD because all eminent naturalists including Sir David Attenborough are very concerned about our vanishing wildlife. Little regard by developers for wildlife is taken into account, only profit matters to them. Developers are allowed to run roughshod over the homes of our native wildlife and plants. These fields are some of the oldest pastures in Sussex and form homes for snakes, slow worms, harvest mice, dormice, shrews, bats, Newts and Toads and the very endangered hedgehogs. Plus a nesting area for many species of birds.

This Grass snake is a visitor to our garden from the fields. All these animals would be made homeless and die if the development goes ahead. For most animals it is not possible that they can be reallocated and survive in an area that is alien to them. Many would be killed by the current native wildlife of that area.



Name	Stuart GELNAR
Address	[REDACTED]
Email	[REDACTED]
Name or Organisation	Stuart Gelnar
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	<p>I object to the allocation of housing to sites SA12 and SA13 in the DPD because</p> <p>There is a lack of infrastructure and nothing is showing in the proposals to address this.</p> <p>The water pressure in this area is extremely low and with more houses the situation will only get much worse. What is the legal minimum water pressure? South East Water already admit that during a heatwave they cannot provide adequate water supply. As we experienced this summer.</p> <p>GP surgeries and other important health care facilities? School places insufficient for additional children.</p> <p>The huge housing estate to be built down Ockley Lane will further put pressure on schools and healthcare, GPs and water supply.</p> <p>Ockley Lane is already not suitable for additional traffic, being narrow and dark. it is already a dangerous place for cyclists. Additional traffic is likely to cause injuries and possible deaths to cyclists and pedestrians. What responsibility will the planners take for this?</p>
If you wish to provide further documentation to support your response, you can upload it here	
If your representation is seeking a change, do you consider it necessary to attend and give evidence at the hearing part of the examination	No, I do not wish to participate at the oral examination
Please notify me when-The Plan has been submitted for Examination	yes
Please notify me when-The publication of the recommendations from the Examination	yes
Please notify me when-The Site Allocations DPD is adopted	yes

Name	Stuart Gelnar
Address	[REDACTED]
Email	[REDACTED]
Name or Organisation	Stuart Gelnar
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	<p>I object to the allocation of housing to sites SA12 and SA13 in the DPD because</p> <p>Allocating these sites for housing goes against the District Plan and National Planning Guidance.</p> <p>The Liberal Democrats have consistently opposed development of this site as it "runs up to the South Downs National Park, risks a merger of Burgess Hill with Hassocks and creates significant traffic problems through the Folders Lane, Keymer Road, Station Road and Queen Elizabeth Avenue corridor.</p> <p>The new pedestrian crossing at Hoadleys roundabout is already causing congestion on the roundabout and this will be worsened with additional traffic from all the new developments in this area.</p> <p>Only a fool would think this site suitable for development.</p>
If you wish to provide further documentation to support your response, you can upload it here	
If your representation is seeking a change, do you consider it necessary to attend and give evidence at the hearing part of the examination	No, I do not wish to participate at the oral examination
Please notify me when-The Plan has been submitted for Examination	yes
Please notify me when-The publication of the recommendations from the Examination	yes
Please notify me when-The Site Allocations DPD is adopted	yes
Date	24/09/2020

Name	Stuart Gelnar
Address	[REDACTED]
Email	[REDACTED]
Name or Organisation	STUART GELNAR
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	<p>I object to the allocation of housing to sites SA12 and SA13 in the DPD because</p> <p>It introduces a footpath where there has never been one. This apparently comes up our drive .</p> <p>There is insufficient room for any vehicle to pass a pedestrian and this could cause innumerable problems. Furthermore, it would be an area where people exercise their dogs and there is likely to be a considerable amount of dog poo on the track.</p>
If you wish to provide further documentation to support your response, you can upload it here	
If your representation is seeking a change, do you consider it necessary to attend and give evidence at the hearing part of the examination	No, I do not wish to participate at the oral examination
Please notify me when-The Plan has been submitted for Examination	yes
Please notify me when-The publication of the recommendations from the Examination	yes
Please notify me when-The Site Allocations DPD is adopted	yes
Date	24/09/2020

Name	STUART GELNAR
Address	[REDACTED]
Email	[REDACTED]
Name or Organisation	STUART GELNAR
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	<p>I object to the allocation of housing to sites SA12 and SA13 in the DPD because</p> <p>the District Plan says that Burgess Hill has met its "minimum housing requirement for the full plan period and will not be expected to identify further sites within their Neighbourhood Plans."</p> <p>Why was the Haywards Heath Golf Club turned down for development when it was proved suitable for housing, as opposed to our fields which are proved not to be suitable for so many reasons?</p>
If you wish to provide further documentation to support your response, you can upload it here	
If your representation is seeking a change, do you consider it necessary to attend and give evidence at the hearing part of the examination	No, I do not wish to participate at the oral examination
Please notify me when-The Plan has been submitted for Examination	yes
Please notify me when-The publication of the recommendations from the Examination	yes
Please notify me when-The Site Allocations DPD is adopted	yes
Date	24/09/2020

Name	STUART GELNAR
Address	[REDACTED]
Email	[REDACTED]
Name or Organisation	STUART GELNAR
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	<p>I object to the allocation of housing to sites SA12 and SA13 in the DPD because</p> <p>these sites are part of an Ancient Field System, unchanged for at least 150 years.</p> <p>See map published 1879 from survey taken in 1873, also aerial photo from 1952. There are very few pastures in this area that have not been cultivated and as such they should be preserved.</p> <p>It is likely that the pasture will contain many grasses and plant species that no longer exist in cultivated pastures.</p> <p>The old hedges were cut down by the Developer against the existing regulations on hedges. We can only assume that this was done so that they can tear out the hedges that they had to replant, without restrictions! I feel very strongly that any developer that so wilfully destroys the countryside, should not be allowed to develop a site.</p>
If you wish to provide further documentation to support your response, you can upload it here	
If your representation is seeking a change, do you consider it necessary to attend and give evidence at the hearing part of the examination	No, I do not wish to participate at the oral examination
Please notify me when-The Plan has been submitted for Examination	yes
Please notify me when-The publication of the recommendations from the Examination	yes
Please notify me when-The Site Allocations DPD is adopted	yes
Date	24/09/2020

Name	STUART GELNAR
Address	[REDACTED]
Email	[REDACTED]
Name or Organisation	STUART GELNAR
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	<p>I object to the allocation of housing to sites SA12 and SA13 in the DPD because</p> <p>the runoff of water from houses, drives and the roads will increase dramatically the amount of water flowing into the River Adur and hence unbalancing the eco system of the river.</p> <p>This could possibly risk flooding downstream.</p>
If you wish to provide further documentation to support your response, you can upload it here	
If your representation is seeking a change, do you consider it necessary to attend and give evidence at the hearing part of the examination	No, I do not wish to participate at the oral examination
Please notify me when-The Plan has been submitted for Examination	yes
Please notify me when-The publication of the recommendations from the Examination	yes
Please notify me when-The Site Allocations DPD is adopted	yes
Date	24/09/2020

Name	STUART GELNAR
Address	[REDACTED]
Email	[REDACTED]
Name or Organisation	Stuart Gelnar
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	<p>I object to the allocation of housing to sites SA12 and SA13 in the DPD because</p> <p>The decision making process was not fit for purpose, with the final crucial recommendations being made by a depleted, unrepresentative working group. We all believe MSDC are trying to hide the truth.</p>
If you wish to provide further documentation to support your response, you can upload it here	
If your representation is seeking a change, do you consider it necessary to attend and give evidence at the hearing part of the examination	No, I do not wish to participate at the oral examination
Please notify me when-The Plan has been submitted for Examination	yes
Please notify me when-The publication of the recommendations from the Examination	yes
Please notify me when-The Site Allocations DPD is adopted	yes
Date	24/09/2020

Name	STUART GELNAR
Address	[REDACTED]
Email	[REDACTED]
Name or Organisation	STUART GELNAR
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	<p>I object to the allocation of housing to sites SA12 and SA13 in the DPD because</p> <p>Developing the vital green gap between Burgess Hill and the villages to the south, Keymer and Hassocks, would result in coalescence. Burgess Hill's urban sprawl would eat further into neighbouring southern boundaries.</p> <p>We are close to the South Downs National Park. Further development to the south would obstruct views, add pollution and generally downgrade the whole area.</p> <p>A green light would go to all developers and planners to extend further and further, especially in the fields to the south.</p>
If you wish to provide further documentation to support your response, you can upload it here	
If your representation is seeking a change, do you consider it necessary to attend and give evidence at the hearing part of the examination	No, I do not wish to participate at the oral examination
Please notify me when-The Plan has been submitted for Examination	yes
Please notify me when-The publication of the recommendations from the Examination	yes
Please notify me when-The Site Allocations DPD is adopted	yes
Date	24/09/2020

Name	STUART GELNAR
Address	[REDACTED]
Email	[REDACTED]
Name or Organisation	STUART GELNAR
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	<p>I object to the allocation of housing to sites SA12 and SA13 in the DPD because</p> <p>These sites have a unique biodiversity, making them unsuitable for development. MSDC have totally ignored our objections regarding this. They have ignored all the flora and fauna surveys which have taken place.</p> <p>The UK's most eminent naturalists are hugely concerned about the large-scale destruction of habitat for our natural species. This biodiverse area should be protected from future development. If the natural species in this area had a voice, they would cry out "Save our Home". Man must respect his environment and this area is of great importance to the rare local flora and fauna.</p> <p>The great Naturalist David Attenborough has called for new laws to ensure the UK's wild places can once more thrive. We now live in one of the most nature-depleted places on the planet.</p> <p>Do the planners really want to destroy such a rich bio diverse area as we have here in rural Sussex?</p>
If you wish to provide further documentation to support your response, you can upload it here	
If your representation is seeking a change, do you consider it necessary to attend and give evidence at the hearing part of the examination	No, I do not wish to participate at the oral examination
Please notify me when-The Plan has been submitted for Examination	yes
Please notify me when-The publication of the recommendations from the Examination	yes
Please notify me when-The Site Allocations DPD is adopted	yes

Name	STUART GELNAR
Address	[REDACTED]
Email	[REDACTED]
Name or Organisation	STUART GELNAR
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	<p>I object to the allocation of housing to sites SA12 and SA13 in the DPD because</p> <p>The traffic report produced by MSDC is fatally flawed. The traffic situation is already at breaking point and nothing substantive can be done to address this.</p> <p>The roads are gridlocked daily and it is difficult for us to leave our drive to get on to Keymer Road, especially during rush hours and school drop off and collection times.</p> <p>Photos of long queues on all the surrounding roads have been shown to MSDC but they have completely ignored the situation.</p> <p>Further traffic would make it even more difficult for schools in the area eg. Burgess Hill Girls and Birchwood Grove primary. More accidents waiting to happen.</p>
If you wish to provide further documentation to support your response, you can upload it here	
If your representation is seeking a change, do you consider it necessary to attend and give evidence at the hearing part of the examination	No, I do not wish to participate at the oral examination
Please notify me when-The Plan has been submitted for Examination	yes
Please notify me when-The publication of the recommendations from the Examination	yes
Please notify me when-The Site Allocations DPD is adopted	yes
Date	24/09/2020

Name	STUART GELNAR
Address	[REDACTED]
Email	[REDACTED]
Name or Organisation	Stuart Gelnar
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	<p>I object to the allocation of housing to sites SA12 and SA13 in the DPD because</p> <p>The site selection process was unsound, unrepresentative and did not follow MSDC's own guidance. Representations and objections made to the first consultation were evidently "lost"! ??? All very suspicious!</p>
If you wish to provide further documentation to support your response, you can upload it here	
If your representation is seeking a change, do you consider it necessary to attend and give evidence at the hearing part of the examination	No, I do not wish to participate at the oral examination
Please notify me when-The Plan has been submitted for Examination	yes
Please notify me when-The publication of the recommendations from the Examination	yes
Please notify me when-The Site Allocations DPD is adopted	yes
Date	24/09/2020

[REDACTED]

From: Stuart Gelnar [REDACTED]
Sent: 28 September 2020 17:53
To: ldfconsultation
Subject: Site Allocations DPD Consultation

Follow Up Flag: Follow up
Flag Status: Completed

Categories: [REDACTED]

I am objecting to the inclusion of sites SA12 and SA13 for housing and I support the SOFLAG objection submission.

I urge the Council to consider it fully and send it to the Inspector.

Stuart Gelnar

[REDACTED]

[REDACTED]

From: Stuart Gelnar [REDACTED]
Sent: 28 September 2020 17:57
To: ldfconsultation
Subject: Site Allocations DPD Consultation

Follow Up Flag: Follow up
Flag Status: Completed

Categories: [REDACTED]

I am objecting to the inclusion of sites SA12 and SA13 for housing as they are unsuitable, unsustainable and undeliverable.
Their inclusion contravenes District Plan policies DP6, DP7, DP12, DP13, DP15, DP18, DP37, DP38 and national planning law.
This makes the whole DPD unsound.

Stuart Gelnar

[REDACTED]

[REDACTED]

From: Stuart Gelnar [REDACTED]
Sent: 28 September 2020 18:07
To: ldfconsultation
Subject: Site Allocations DPD Consultation

Categories: [REDACTED]

I am objecting to the inclusion of Sites SA12 and SA13 for housing.

As Boris Johnson says today, immediate action is needed to save wildlife and habitats which are disappearing at a "frightening rate". "Biodiversity loss is happening today. Left unchecked, the consequences will be catastrophic for us all.

Extinction is forever so our action must be immediate."

MSDC - be proud to be part of this and save our fields and wildlife. Be proud to be Conservative and back our Prime Minister.

Stuart Gelnar

[REDACTED]

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA12 - SA13

ID: 949

Response Ref: Reg19/949/2

Respondent: Ms L Toltz

Organisation:

On Behalf Of:

Category: Resident

Appear at Examination? x

[REDACTED]

From: Lynnea Toltz [REDACTED]
Sent: 28 September 2020 18:37
To: ldfconsultation
Subject: Proposed Housing Development Sites SA12 and SA 13

Categories: [REDACTED]

I am sending this email in full support the SOFLAG objection submission and urging the Council to consider it fully and send it to the Inspector.

I strongly object to the inclusion of SA12 & SA13 for housing:
They are unsuitable, unsustainable and undeliverable.

Their inclusion contravenes District Plan policies DP6, DP7, DP12, DP13, DP15, DP18, DP37, DP38 and national planning law, and makes the whole DPD unsound.

Kind regards

L. Toltz
[REDACTED]
[REDACTED]

Name	Lynnea Toltz
Address	[REDACTED]
Phone	[REDACTED]
Email	[REDACTED]
Name or Organisation	L.Toltz
Which document are you commenting on?	Site Allocations DPD
Sites DPD Policy Number (e.g. SA1 - SA38)	SA12 and 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	<p>The site selection process was dishonest, unrepresentative, did not follow MSDC's own guidance. Representations made during the first consultation were 'lost'.</p> <p>The traffic report produced for MSDC is fatally flawed. Clearly the traffic situation is already at breaking point and nothing substantive can be done to address this.</p> <p>The biodiversity within the site makes it unsuitable for development and MSDC have ignored this.</p> <p>This will coalesce - the green gap between Burgess Hill and the villages to the south will be lost forever.</p> <p>There is a lack of infrastructure and nothing is showing in the proposals to address this.</p> <p>Allocating these sites for housing goes against the District Plan and national planning guidance</p>
Please set out what change(s) you consider necessary to make the Site Allocations DPD legally compliant or sound, having regard to the reason you have identified at question 5 above where this relates to soundness.	<p>The above point clearly demonstrates that the process was unsound.</p> <p>It is hoped a thorough investigation by an impartial inspector will agree.</p>
If you wish to provide further documentation to support your response, you can upload it here	
If your representation is seeking a change, do you consider it necessary to attend and give evidence at the hearing part of the examination	No, I do not wish to participate at the oral examination
Please notify me when-The Plan has been submitted for Examination	yes
Please notify me when-The publication of the recommendations from the Examination	yes
Date	28/09/2020

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA12 - SA13

ID: 953

Response Ref: Reg19/953/12

Respondent: Mrs C Gelnar

Organisation:

On Behalf Of:

Category: Resident

Appear at Examination? x

Name	CLARE GELNAR
Address	[REDACTED]
Email	[REDACTED]
Name or Organisation	Clare Gelnar
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	<p>I am objecting to the allocation of housing to sites SA12 and SA13 in the DPD because: The site selection process was not honest or representative and did not follow MSDC's own guidance. I understand that representations made during the 1st consultation were "lost" ?!</p> <p>I attended the last Advisory Group meeting of the MSDC and felt very suspicious of the proceedings - lack of listening to some of those members who wished to speak, a general bad atmosphere. It felt as if the whole proposal was sealed and delivered and there seemed to be no interest in listening to any objections to the proposed sites SA12 and SA13.</p>
If you wish to provide further documentation to support your response, you can upload it here	
If your representation is seeking a change, do you consider it necessary to attend and give evidence at the hearing part of the examination	No, I do not wish to participate at the oral examination
Please notify me when-The Plan has been submitted for Examination	yes
Please notify me when-The publication of the recommendations from the Examination	yes
Please notify me when-The Site Allocations DPD is adopted	yes
Date	23/09/2020

Name	Clare Gelnar
Address	[REDACTED]
Email	[REDACTED]
Name or Organisation	Clare Gelnar
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	<p>I am objecting to the allocation of housing to sites SA12 and SA13 in the DPD because: The traffic report produced for MSDC is fatally flawed. Building another 350 homes would bring more traffic chaos to Burgess Hill, Hassocks and Ditchling, with a devastating effect on local businesses and services. The traffic situation is already chaotic and it can take a while before we can even get out of our drive on to Keymer Road. The roads are frequently gridlocked especially Folders Lane, Keymer Road and Station Road.</p> <p>Our independent traffic consultation proved that building on sites SA12 and SA13 would cripple the transport network not just around Folders Lane and Keymer Road but throughout Burgess Hill and beyond. The roads and particularly the narrow pavements in many places, non-existent in some places, cannot support additional traffic. Extra traffic around the Girls' School and Birchwood Grove School will cause even more of a nightmare for attendees at the school and for through traffic.</p>
If you wish to provide further documentation to support your response, you can upload it here	
If your representation is seeking a change, do you consider it necessary to attend and give evidence at the hearing part of the examination	No, I do not wish to participate at the oral examination
Please notify me when-The Plan has been submitted for Examination	yes
Please notify me when-The publication of the recommendations from the Examination	yes
Please notify me when-The Site Allocations DPD is adopted	yes
Date	24/09/2020

Name	Clare Gelnar
Address	[REDACTED]
Email	[REDACTED]
Name or Organisation	CLARE GELNAR
Which document are you commenting on?	Site Allocations DPD
Sites DPD Policy Number (e.g. SA1 - SA38)	SA12 and 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	<p>I am objecting to the allocation of housing to sites SA12 and SA13 in the DPD because:</p> <p>The unique biodiversity within the site makes it unsuitable for development and MSDC have ignored this.</p> <p>Our garden backs on to the fields and we enjoy the company of grass snakes, slow worms and Great Crested Newts on occasions! Even a Natterjack Toad a while ago!</p> <p>These sites are part of an Ancient Field System unchanged for at least 150 years. See map published 1879 from a survey taken in 1873. Also aerial photograph taken 1952.</p> <p>MSDC already has our long lists of protected species found in the fields, but they have totally disregarded this aspect. One Developer has even suggested that building houses and roads over this greenfield site will increase the biodiversity!!!</p> <p>If, and as, it was illegal for Thakeham Homes to tear down hedges and trees in the fields 5 years ago, how is it suddenly legal for them to tear down the same in 2020/2021 onwards?</p> <p>David Attenborough pleads for us to rewild, to protect what natural environments we have left. How dare MSDC feel they can just totally ignore the devastation to this area that will be caused by building a housing estate?</p> <p>"What's the use of a fine house if you haven't got a tolerable planet to put it on?"</p> <p>Henry David Thoreau</p>
If you wish to provide further documentation to support your response, you can upload it here	
If your representation is seeking a change, do you consider it necessary to attend and give evidence at the hearing part of the examination	No, I do not wish to participate at the oral examination
Please notify me when-The Plan has been submitted for Examination	yes
Please notify me when-The publication of the recommendations from the Examination	yes

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

yes

Date

24/09/2020

Name	CLARE GELNAR
Address	[REDACTED]
Email	[REDACTED]
Name or Organisation	Clare Gelnar
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	<p>I am objecting to the allocation of housing to sites SA12 and SA13 in the DPD because: Developing the vital green gap between Burgess Hill and the villages to the south will result in coalescence. Burgess Hill's urban sprawl will eat further into neighbouring Hassock's and Keymer's boundaries, the green gap lost for ever.</p> <p>Building housing estates in these fields would give the green light to any developer to build on any greenfield site, especially further fields south of Folders Lane.</p>
If you wish to provide further documentation to support your response, you can upload it here	
If your representation is seeking a change, do you consider it necessary to attend and give evidence at the hearing part of the examination	No, I do not wish to participate at the oral examination
Please notify me when-The Plan has been submitted for Examination	yes
Please notify me when-The publication of the recommendations from the Examination	yes
Please notify me when-The Site Allocations DPD is adopted	yes
Date	24/09/2020

Name	Clare GELNAR
Address	[REDACTED]
Email	[REDACTED]
Name or Organisation	Clare Gelnar
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	<p>I am objecting to the allocation of housing to sites SA12 and SA13 in the DPD because: There is a lack of infrastructure and nothing is showing in the proposals to address this.</p> <p>Have local schools been consulted? Are there sufficient places in schools for hundreds more children?</p> <p>Have local GP Surgeries been consulted? As far as I am aware surgeries are full to capacity and hundreds more houses would place a huge burden on local health care.</p>
If you wish to provide further documentation to support your response, you can upload it here	
If your representation is seeking a change, do you consider it necessary to attend and give evidence at the hearing part of the examination	No, I do not wish to participate at the oral examination
Please notify me when-The Plan has been submitted for Examination	yes
Please notify me when-The publication of the recommendations from the Examination	yes
Please notify me when-The Site Allocations DPD is adopted	yes
Date	24/09/2020

Name	CLARE GELNAR
Address	[REDACTED]
Email	[REDACTED]
Name or Organisation	CLARE GELNAR
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	<p>I am objecting to the allocation of housing to sites SA12 and SA13 in the DPD because: Allocating these sites for housing goes against the District Plan and National Planning Guidance.</p> <p>Burgess Hill is already making a major contribution to district housing targets accepting 36% (5697) of the number of homes required by government (which is more than the combined total of Haywards Heath and East Grinstead).</p> <p>The District Plan says Burgess Hill has met its "minimum housing requirement for the full plan period and will not be expected to identify further sites within their Neighbourhood Plans."</p> <p>Development south of Folders Lane would run right up to the South Downs National Park.</p> <p>What is the point of Neighbourhood Plans and District Plans if they are continually ignored by the Mid Sussex District Council?</p>
If you wish to provide further documentation to support your response, you can upload it here	
If your representation is seeking a change, do you consider it necessary to attend and give evidence at the hearing part of the examination	No, I do not wish to participate at the oral examination
Please notify me when-The Plan has been submitted for Examination	yes
Please notify me when-The publication of the recommendations from the Examination	yes
Please notify me when-The Site Allocations DPD is adopted	yes
Date	24/09/2020

Name	CLARE GELNAR
Address	[REDACTED]
Email	[REDACTED]
Name or Organisation	CLARE GELNAR
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	<p>I am objecting to the allocation of housing to sites SA12 and SA13 in the DPD because:</p> <p>It seems that a public footpath will run adjacent to our property.</p> <p>We do not own this track but have right of access to our house and back garden.</p> <p>How does our use of cars fit in with general public walking on the same path?</p> <p>Children walking and cycling etc as we drive up to the house?</p> <p>People walking dogs as we are driving in and out? Path litter including dogs' faeces?</p> <p>How do we access our back garden with gardening machinery and equipment, from the path, without creating an easy access for anyone wishing to access our property uninvited?</p> <p>We have a long side boundary which would suddenly become public property, putting a full stop to our privacy.</p> <p>PLEASE DO NOT LET THIS HAPPEN. IT WOULD BE DEVASTATING TO US.</p>
If you wish to provide further documentation to support your response, you can upload it here	
If your representation is seeking a change, do you consider it necessary to attend and give evidence at the hearing part of the examination	No, I do not wish to participate at the oral examination
Please notify me when-The Plan has been submitted for Examination	yes
Please notify me when-The publication of the recommendations from the Examination	yes
Please notify me when-The Site Allocations DPD is adopted	yes
Date	24/09/2020

Name	CLARE GELNAR
Address	[REDACTED]
Email	[REDACTED]
Name or Organisation	Clare Gelnar
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	<p>I am objecting to the allocation of housing to sites SA12 and SA13 in the DPD because:</p> <p>The River Adur flows through SA13 Site, resulting in marshland. How would a new estate, and recreation area proposed, be affected by this?</p> <p>This is another reason why site SA13 is not suitable and cannot properly or legally be made suitable for development into a housing estate.</p>
If you wish to provide further documentation to support your response, you can upload it here	
If your representation is seeking a change, do you consider it necessary to attend and give evidence at the hearing part of the examination	No, I do not wish to participate at the oral examination
Please notify me when-The Plan has been submitted for Examination	yes
Please notify me when-The publication of the recommendations from the Examination	yes
Please notify me when-The Site Allocations DPD is adopted	yes
Date	24/09/2020

Name	CLARE GELNAR
Address	[REDACTED]
Email	[REDACTED]
Name or Organisation	CLARE GELNAR
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	<p>I am objecting to the allocation of housing to sites SA12 and SA13 in the DPD because:</p> <p>MSDC has gone ahead regardless of the suitability of the site or the wishes of local residents who would be impacted by future development.</p> <p>What are MSDC hiding?</p> <p>Why were these sites included at the very last minute in the MSDC list of sites for development?</p> <p>Especially rather than the far more suitable Haywards Heath Golf Club?</p> <p>What was the response to SOFLAG\'s request for information under "Freedom of Information"?</p> <p>What were the Information Commissioner\'s findings reference MSDC refusal to give us details from the final Working Group Meeting?</p> <p>Please bring those responsible, or indeed complicit, to account. There is a series of unbelievable, shocking statements by MSDC over the last few years, which makes me suspicious of why they are pushing so hard for development on these beautiful, ancient green fields.</p>
If you wish to provide further documentation to support your response, you can upload it here	
If your representation is seeking a change, do you consider it necessary to attend and give evidence at the hearing part of the examination	No, I do not wish to participate at the oral examination
Please notify me when-The Plan has been submitted for Examination	yes
Please notify me when-The publication of the recommendations from the Examination	yes
Please notify me when-The Site Allocations DPD is adopted	yes
Date	24/09/2020

[REDACTED]

From: Clare Gelnar [REDACTED]
Sent: 28 September 2020 18:24
To: ldfconsultation
Subject: Site Allocations DPD Consultation

Categories: [REDACTED]

I object to the inclusion of sites SA12 and SA13 for housing as they are unsuitable, unsustainable and undeliverable.

I support the SOFLAG objection submission and urge the Council to consider it fully and send it to the Inspector.

Clare Gelnar

[REDACTED]

[REDACTED]

From: Clare Gelnar [REDACTED]
Sent: 28 September 2020 18:29
To: ldfconsultation
Subject: Site Allocations DPD Consultation

Categories: [REDACTED]

I am objecting to the inclusion of sites SA12 and SA13 for housing.
Their inclusion contravenes District Plan Policies DP6, DP7, DP12, DP13, DP15, DP18, DP37 and DP38.
It also contravenes national planning law and makes the whole DPD unsound.

Clare Gelnar

[REDACTED]

[REDACTED]

From: Clare Gelnar [REDACTED]
Sent: 28 September 2020 18:44
To: ldfconsultation
Subject: Site Allocations DPD Consultation

Categories: [REDACTED]

I am objecting to the inclusion of sites SA12 and SA13 for housing.

Boris Johnson today warns that immediate action is needed to save wildlife and habitats which are disappearing at a "frightening rate".

He is pledging to boost Britain's nature at the same time as MSDC is wishing to destroy the precious nature in our fields.

Boris says "we cannot afford to dither and delay because diversity loss is happening today. Left unchecked, the consequences will be catastrophic for us all. Extinction is forever so our action must be immediate."

His commitment will boost the amount of protected land at the same time as MSDC will unlawfully be stripping our ancient fields south of Folders Lane to build houses and roads.

Will MSDC be proud to know they have caused extinction of protected flora and fauna in our fields?

Let us ALL be proud to say we have saved a little part of nature in this beautiful part of Sussex.

Clare Gelnar
[REDACTED]