

SA13: Land East of Keymer Road and South of Folders Lane - Index by ID Number

ID	Respondent	Organisation	BehalfOf	Respondent Category	Participate
600	Ms T Forte	Hassocks Parish Council		Town & Parish Council	<input checked="" type="checkbox"/>
639	Mr S Trice	Haywards Heath Town Council		Town & Parish Council	<input type="checkbox"/>
667	Mr S Cridland	Burgess Hill Town Council		Town & Parish Council	<input type="checkbox"/>
691	Mr A Meader	Pegasus Group	Persimmon - South Folders Lane	Promoter	<input checked="" type="checkbox"/>
692	Mr M Ruddock	Pegasus Group	Thakeham - South Folders Lane	Promoter	<input checked="" type="checkbox"/>
748	Ms L Brook	Sussex Wildlife Trust		Statutory Consultee	<input type="checkbox"/>
777	Mrs L Howard	South Downs National Park		Local Authority	<input type="checkbox"/>
1234	Mrs S Neumann	Burgess Hill Town Councillor		Resident	<input type="checkbox"/>
1250	Mr S Parlett			Resident	<input type="checkbox"/>
1256	Mr M Cornish			Resident	<input type="checkbox"/>
1479	Cllr J Henwood	Burgess Hill Town Councillor		District Councillor	<input type="checkbox"/>
1672	Mr P Bell	Motion	Broadlands Residents' Association	Organisation	<input type="checkbox"/>
1692	Ms C Dean			Resident	<input type="checkbox"/>
2065	Mr A Black	Andrew Black consulting	Denton - Horsham Road	Promoter	<input type="checkbox"/>
2067	Mr A Black	Andrew Black consulting	Denton Homes - Butlers green	Promoter	<input type="checkbox"/>
2079	Mr A Black	Andrew Black consulting	Vanderbilt Homes - Hurstwood HH	Promoter	<input type="checkbox"/>
2080	Mr A Black	Andrew Black consulting	Vanderbilt homes - CDR	Promoter	<input type="checkbox"/>
2185	Mrs S Hatton	District Councillor		District Councillor	<input type="checkbox"/>
2470	Ms E Lake			Resident	<input type="checkbox"/>

600

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA13

ID: 600

Response Ref: Reg19/600/1

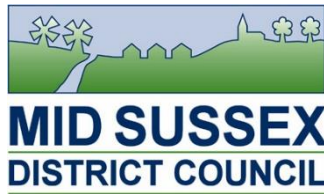
Respondent: Ms T Forte

Organisation: Hassocks Parish Council

On Behalf Of:

Category: Town & Parish Council

Appear at Examination? ✓



Site Allocations Development Plan Document Regulation 19 Submission Draft Consultation Form

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

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

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

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

The Site Allocations DPD is available to view at:

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

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

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

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

How can I respond to this consultation?

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

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

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

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

E-mail: LDFconsultation@midsussex.gov.uk

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

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

1. Personal Details

Title	<input type="text" value="Mrs"/>
First Name	<input type="text" value="Tracy"/>
Last Name	<input type="text" value="Forte"/>
Job Title (where relevant)	<input type="text" value="Deputy Clerk"/>
Organisation (where relevant)	<input type="text" value="Hassocks Parish Council"/>
Respondent Ref. No. (if known)	<input type="text"/>
On behalf of (where relevant)	<input type="text" value="Hassocks Parish Council"/>
Address Line 1	<input type="text" value="Parish Centre"/>
Line 2	<input type="text" value="Adastra Park"/>
Line 3	<input type="text" value="Keymer Road"/>
Line 4	<input type="text" value="Hassocks"/>
Post Code	<input type="text" value="BN6 8QH"/>
Telephone Number	<input type="text" value="01273 842714"/>
E-mail Address	<input type="text" value="info@hassocks-pc.gov.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:

Hassocks Parish Council

3a. Does your comment relate to:

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

3b. To which part does this representation relate?

Paragraph	<input type="text"/>	Policy SA	<input type="text" value="13"/>	Draft Policies Map	<input type="text"/>
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4. Do you consider the Site Allocations DPD is:

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

4b. Sound Yes ☐ No ☒

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

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

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

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

Hassocks Parish Council has significant concerns over SA13, Land South of Folders Lane and East of Keymer Road, Burgess Hill which proposes 300 dwellings all of which will be accessed via Ockley Lane. Based on extensive local knowledge of the area, it is considered that the traffic generated by a further 300 dwellings on Ockley Lane, in addition to the 500 dwellings already planned on the site North of Clayton Mills, will result in Ockley Lane, Lodge Lane, Brighton Road and the associated junctions being heavily overloaded. In particular Ockley Lane and Lodge Lane already have width restrictions in place and are semi-rural roads. Furthermore, the junctions between Lodge Lane/Brighton Road and Brighton Road/A273 are notoriously hazardous and a significant increase in traffic will only serve to exacerbate this. Increased traffic is not just a technical highways matter, but it significantly affects the quality of life of residents from noise, air pollution and the confidence and safety of pedestrians and cyclists to share the roads with vehicular traffic. Allocating this site is unjustified and contrary to paragraph 102 of the NPPF because the potential impacts of development on transport networks have not been addressed and the environmental adverse impacts of traffic have not been avoided or mitigated.

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.

SA13 should be deleted from the DPD. This will not be detrimental to the effectiveness of the DPD because it will still meet the District Plan target for new homes, but it will make it more compliant with national policy and justified for the reasons set out above.

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

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

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

☐

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

☒

Yes, I wish to participate at the oral examination

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

To represent the interests of the residents of Hassocks.

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:

Tracy Forte

On behalf of Hassocks Parish Council.

Date:

15/9/2020

Thank you for taking time to respond to this consultation

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA13

ID: 639

Response Ref: Reg19/639/3

Respondent: Mr S Trice

Organisation: Haywards Heath Town Council

On Behalf Of:

Category: Town & Parish Council

Appear at Examination? x

Mid Sussex District Council - Draft Site Allocations Development Plan Document (SADPD) - Regulation 19 Consultation

Members in reviewing the SADPD referred specifically to site allocation SA21 Rogers Farm and as per the regulation 18 consultation in November 2019 upheld their opposition to the site being included in the SADPD.

Rogers Farm SA 21

Haywards Heath Town Council (HHTC) objects to the inclusion of this additional site, on the grounds of its poor connectivity and sustainability (in relation to its setting and distance of the Town Centre and local services) and on the basis that it conflicts with Haywards Heath Neighbourhood Plan (HHNP) as it is not within the approved built line of the Town. HHTC objects to the consideration of any development in this area of the Town curtilage, which for the absence of doubt means we must object to the inclusion of Rogers Farm.

However, matters have moved on with regards to environmental flooding issues on the adjacent site of Gamblemead, which have deemed to be mitigated, but that still does not give HHTC comfort that Rogers Farm will not exacerbate any flooding issues or cause more environmental damage. The allocation of Rogers Farm is still vastly outweighed by the negative environmental challenges it poses to the neighbourhood and community, and therefore does not provide a significant addition to our combined 5 year land supply.

HHTC would again remind you of the subsequent appeal dismissed by an Inspector for the above reasons.

Please note (Previous) COMMENTS FROM HAYWARDS HEATH TOWN COUNCIL ON A SUPPLEMENTARY ISSUE RELATING TO APPLICATION NUMBER DM/19/2764 – GAMBLEMEAD, FOX HILL

Further to our comments supporting an additional 19 units on the Gamblemead site, Councillors have received direct complaints from residents in Cape Road, detailing serious flooding issues in, or proximate to, the restricted build area. The flooding has necessitated emergency removal of surface water. These actions have been required to prevent wider contamination of the nearby water course with foul/raw sewage. Considering this ongoing problem, the Town Council now requests that any decision to approve this additional build is deferred, pending a full drainage report detailing how this ongoing problem will be rectified. Currently, residents suffer noise from site gate opening and closing every few minutes during the night and the noise and disturbance from tankers entering and leaving the site. The antisocial noise emanating from this unwanted activity is reducing residents' enjoyment of their homes, and disturbing their sleep, so may constitute a further environmental health issue.

Further to (above) HHTC previous revised/additional comments for the additional 19 units at the Gamblemead development, 19/2764 submitted 31/10/2019 – HHTC do not have sufficient confidence to support or indeed promote any further development proximate to this location.

With specific reference to page 55 SA21 of the Draft Site Allocations DPD

****The requirement to prevent water course contamination evacuation of raw sewage/contaminated water via the ongoing provision of 24/7 tanker operation during adverse weather conditions is unacceptable.**

The SA 21 extracted sections below underline the gravity of the environmental

challenge this additional site would pose unless a permanent and sustainable solution is provided BEFORE any planning application is considered.

Biodiversity and Green Infrastructure

Undertake a holistic approach to Green Infrastructure provision through biodiversity and landscape enhancements within the site that connect to the surrounding area.

- Conserve and enhance areas of wildlife value to ensure there is a net gain to biodiversity. Avoid, mitigate and compensate for any loss to biodiversity through ecological protection, enhancement and mitigation measures.
- Incorporate SuDs within the Green Infrastructure provision to improve biodiversity and water quality.

No mitigation provided by MSDC/WSCC- Previous HHTC comments apply requiring provision of traffic lights at the junction of Fox Hill/Hurstwood Lane, combined with a speed limit reduction to 30 MPH.

Flood Risk and Drainage

The north western area of the site is at risk of surface water flooding due to the close proximity of watercourses and should not therefore be developed. Provide a Flood Risk Assessment (FRA) to inform the site layout and any necessary mitigation measures that may be required. Any existing surface water flow paths across the site must be maintained.

- Incorporate Sustainable Drainage Systems as an integral part of the Green Infrastructure and open space proposals to improve biodiversity and water quality.

Same comments apply to the extant permissions granted for the Gamblemead sit have NOT been delivered, and therefore remain in breach. Contaminated Land. No specific land contamination identified.

HHTC still would like to re-state its concern of the impact of Burgess Hill sites SA 12 to SA 17

With the development sites SA 12 to SA 17 being proximate to Haywards Heath, it will have a significant impact on Haywards Heath.

****note; there are already 15,000 car movements a day up and down Isaacs Lane with 1,500 in the rush hour. It is anticipated another 3,000 movements based on employment moves, another 2,000 from the 4000 homes developed plus 4,000 desire travel line car movements resulting from the new road network. We have considerable ongoing concerns relating to road safety and the impact for residents using Isaacs Lane and the Bolnore Roundabouts. In addition,*

Valebridge Road to Wivelsfield Station there are no transport links between HH and BH.

Contract needed with Metrobus reference sustainable transport between BH/HH.

Driving tendencies/consequences relating SA12-17 on HH. HHTC has considerable ongoing concerns relating to through traffic moving through the town on a north/south basis, to/from BH. HHTC further notes the constraints confirmed in 3.9 of the site allocations DPD "HH is particularly effected by the A272 passing around the Town and high car dependency. Drivers detouring through the town centre further exacerbate the problem

HH to BH cycle path must be delivered promised in 18/5114 Northern Arc application.

Due to increased traffic through HH, HHTC needs additional financial support to mitigate the adverse effects on the Town, by provision of section 106 contributions. We note this may not be appropriate and that direct provision of infrastructure improvements would be more practical such as improving major arterial roundabouts

Ends

Haywards Heath Town Council – 28/09/20

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA13

ID: 667

Response Ref: Reg19/667/2

Respondent: Mr S Cridland

Organisation: Burgess Hill Town Council

On Behalf Of:

Category: Town & Parish Council

Appear at Examination? x

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: SA13

ID: 691

Response Ref: Reg19/691/2

Respondent: Mr A Meader

Organisation: Pegasus Group

On Behalf Of: Persimmon - South Folders Lane

Category: Promoter

Appear at Examination? ✓



Site Allocations Development Plan Document Regulation 19 Submission Draft Consultation Form

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West Sussex
RH16 1SS

E-mail: LDFconsultation@midsussex.gov.uk

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

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

1. Personal Details

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



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Part B – Your Comments

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

Name or Organisation:

Pegasus Group on behalf of Persimmon Homes

3a. Does your comment relate to:

Site
Allocations
DPD

☐

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

13

Draft Policies Map

4. Do you consider the Site Allocations DPD is:

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

Yes ☐

No ☐

4b. Sound

Yes ☐

No ☐

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

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

Policy

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

Policy SA13 is considered to be sound, but amendments to the policy wording are requested in response to 6b below, in order to make it more effective.

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.

Policy SA13 relates to an allocation for 300 dwellings at 'Land E of Keymer Road and S of Folders Lane, Burgess Hill'. The allocation itself is supported, for reasons set out in the accompanying document titled, 'Assessment of SA 13'.

However, there are two aspects of the policy that should be amended prior to the adoption of the DPD.

Firstly, the policy, and associated Table 2.5, refers specifically to 300 dwellings. Whilst it is possible that the site could deliver 300 dwellings, it is also quite possible that after more detailed assessment, a scheme of slightly more or less than 300 dwellings is considered more appropriate.

A policy that requires 300 dwellings to be achieved therefore might not be the most appropriate solution to the site's development potential. It might result in insufficient parts of the site being properly retained and managed for landscape or biodiversity benefit. Alternatively, it might mean that the site does not deliver as many dwellings as it is capable of doing.

Whilst 300 is a reasonable estimate of what the site might accommodate given its constraints and opportunities, the identification of a precise number to be delivered when a more detailed assessment has not been undertaken or consulted upon is inappropriate.

The second aspect of the policy that requires amendment, is the requirement under the Objectives and Urban Design Principles for 'a central open space' within the eventual layout.

It is acknowledged that open space will be an important part of the eventual development. But whether this is one central open space or made up of smaller open spaces in different parts of the site is considered to be best informed by more detailed landscape and other assessments. This is illustrated by the fact that the Concept Masterplan and Landscape Principles Plan prepared to date by CSA Environmental, has identified two considerable separate areas of open space – one in the northern half of the site, and one in the southern half. Such an approach has been informed by a Landscape and Visual Appraisal which explains why the inclusion of the two distinct and separate areas of open space is considered more appropriate than one larger single area.

As a result, the policy reference to 'a central open space' being required is not necessary or justified.

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.

In order to improve Policy SA13, the following changes to the text are sought:

- Rather than refer to an allocation of 300 dwellings, it should refer to an allocation of 'approximately 300 dwellings'.

- Reference to 'a central open space' in the Objectives section of the policy, and to 'a main central open space' in the Urban Design Principles section should be removed. Instead, reference should be made to the importance of open space within the development, without detailing the form it should take. For example, an Objective as follows;

'To deliver a sympathetic and well-integrated extension to Burgess Hill, informed by a landscape led masterplan, which respects the setting of the South Downs National Park, creating purposeful open space incorporating attractive and convenient pedestrian and cycle routes.....'

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

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

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

☐

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

☐

Yes, I wish to participate at the oral examination

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

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

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

10. Please notify me when:

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

☐☐☐

Signature:

Date:

28/09/20

Thank you for taking time to respond to this consultation

MID SUSSEX SITE ALLOCATIONS DPD (REG 19)

REPRESENTATIONS ON BEHALF OF PERSIMMON HOMES

POLICY SA13

Pegasus Group

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

T 01344 203265 | **W** www.pegasuspg.co.uk

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

PLANNING | **DESIGN** | **ENVIRONMENT** | **ECONOMICS**

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1. Introduction

- 1.1 These representations are in respect of the Council's Regulation 19 Consultation on the Council's Site Allocations Development Plan Document (July 2020) on behalf of our client Persimmon Homes. Persimmon are one of the owners of the site referred to in the document as '*Land East of Keymer Road and South of Folders Lane, Burgess Hill*'. The site has been allocated for development within the document under Policy SA13 and as such, the focus of these representations will be on this policy.
 - 1.2 The site has an area of 15.2ha and is allocated for 300 dwellings including 30% affordable housing which would have a density of 19.6dph across the site as a whole. Our client is in agreement with much of the content of Policy SA13, but objection is raised to some aspects of it, as explained within the representation form, with recommended amendments accordingly.
 - 1.3 This accompanying submission explains why the principle of the SA13 allocation at Land east of Keymer Road and south of Folders Lane, Burgess Hill, is considered to be sound, and is consistent with relevant policies of the District Plan and the NPPF.
 - 1.4 Policy SA13 covers the whole of the site, and as acknowledged by the Policy it is under the control of housebuilders, however separate parts of the site are owned by separate housebuilders and a landowner who are working collaboratively to deliver the site. As the policy covers the site as a whole, this representation will cover the site as a whole where possible however there are instances where it has been necessary to focus on the extent of our client's control only.
 - 1.5 This representation has been informed by the following documents relating to the site, all of which are available on the Site Allocations Library on the Council's website, under SA13;
 - Landscape and Visual Appraisal (CSA Environmental, April 2020)
 - Highways Appraisal (Odyssey, July 2020)
 - Ecological Deliverability Report (EAD Ecology, July 2020)
 - Cultural Heritage Statement (RPS, July 2020)
 - Flood Risk and Drainage Appraisal Technical Note (Odyssey, July 2020)
-

- Utilities and Services Appraisal Technical Note (Odyssey, July 2020)

1.6 A separate representation has been made in respect of the Sustainability Appraisal.

2. Assessment of Policy SA13

Commentary is provided below on the different sub-sections of Policy SA13, and the appropriateness or otherwise of the requirements within them.

Objectives

- 2.1 The objective of Policy SA13 is *'To deliver a sympathetic and well-integrated extension to Burgess Hill, informed by a landscape led masterplan, which respects the setting of the South Downs National Park, creating a focal point with a central open space incorporating attractive and convenient pedestrian and cycle routes throughout the site providing good connections to local services and facilities.'*
- 2.2 Objection has been made to the requirement for a 'central open space' within the site's layout. Whilst it is possible that such an arrangement might introduce the most appropriate layout for various reasons, this is not yet known. Open space will be an important part of any subsequent layout, but to suggest it needs to be provided in one central open space is considered overly prescriptive and could potentially prevent the opportunity for the scheme to properly respond to the constraints and opportunities present. For reasons set out on the representation form, whilst the principle of the allocation is sound, it is requested that the associated wording of this objective should be amended accordingly. The other objectives set out within the policy are however supported.
- 2.3 Although the site is at present outside the settlement boundary defined by the Mid Sussex District Plan Policies Maps, it is adjacent to areas of settlement within Burgess Hill to the north and the west and as stated within the Council's Sustainability Appraisal is 15 minutes' walk from Burgess Hill Town Centre, which includes the railway station. As such, development of the site would form a natural extension to Burgess Hill that would integrate well with surrounding development, in a sustainable location.
- 2.4 Over time the development will blend into its surroundings and be read as part of the wider residential areas of Burgess Hill. It is considered that the allocation of such a site for residential development is consistent with the requirements of the NPPF to make sufficient provision for housing with the objective of contributing to the achievement of sustainable development and promoting an effective use of land in meeting the need for homes.
-

- 2.5 The Concept Masterplan at Appendix F of the Landscape and Visual Appraisal reinforces how the site would be able to form a sympathetic extension to the existing settlement boundary and would be well integrated with the surrounding development, with pedestrian links through the site connecting it to the north and the west. Notable open space would form an integral part of the scheme, albeit in different areas, rather than one central location. A substantial amount of soft landscaping around and through the site would ensure that the development creates a semi-rural feel reflective of its urban edge location.

Urban Design and Layout

- 2.6 Policy SA13 requires development to follow various urban design principles, such as ensuring that it shall be sympathetic to the semi-rural character of Keymer Road and Folders Lane, integrating landscape features and established trees into the development and establishing a strong sense of place through the creation of a main central open space to provide a focus for the development with higher density housing in close proximity to benefit from the provision. This is consistent with the aims of Policy DP26 of the Council's District Plan which requires developments to be of high quality design including appropriate landscaping and greenspace, to create a sense of place and protect landscape features that contribute to the character of the area.
- 2.7 As demonstrated by the Concept Masterplan and Landscape Principles Plan included within the Landscape and Visual Appraisal, the development would be landscape-led with substantial amounts of soft landscaping ensuring that the development would be sympathetic to the semi-rural character of the surrounding area. The existing trees and landscaping will be integrated into the development as a whole, providing visual separation between residential areas and creating a sense of place through an attractive setting and high-quality design. In addition to providing an appropriate development within the site for future users, the retention and strengthening of established landscape features will help ensure the scheme sits comfortably within its surroundings.
- 2.8 As such, the Concept Masterplan demonstrates that appropriate development of the site can be delivered that will be consistent with the underlying requirements of District Local Plan Policy DP26 in terms of its layout and urban design.
-

Landscaping

- 2.9 Policy SA13 correctly requires the applicant to undertake a Landscape and Visual Impact Assessment to inform the site layout, capacity and mitigation requirements in order to minimise impact in the most visible parts of the site on the wider countryside and any potential views from the South Downs National Park to the south. The policy also requires that the character and amenity of the existing public footpath to the south of the site shall be protected. As set out above, District Plan Policy DP26 requires development to include appropriate landscaping and greenspace and protect landscape features that contribute to the character of the area. The allocation at SA13 has therefore given proper consideration to the guiding comments set out within the relevant District Plan policy on landscape matters.
- 2.10 As explained within the Visibility section of the Landscape and Visual Appraisal ("LVA"), the site is very well contained in views from the surrounding area by virtue of the adjoining built development that borders the site to the north, and by existing mature vegetation to the west, south and east. There will be very few opportunities for public views of the new houses, with glimpsed framed views of the new houses and access road junctions, possible from Broadlands and Greenacres.
- 2.11 The LVA refers at paragraph 6.6 to the proposed development being well screened in views from the South Downs National Park, with any potential glimpsed views limited to highpoints in the middle distance, where panoramic views towards Ditchling, Keymer and Burgess Hill are possible. Where available, these glimpsed views will not be discernible to the naked eye and will be limited to the rooftops of the new houses seen as a continuation of the built up area of Burgess Hill, set within the mature landscape framework. Close range views from the South Downs National Park where it is closest to the Site, will be well screened by the densely vegetated land to the south and east of the Site.
- 2.12 The LVA concludes at paragraph 6.7 that the Site is capable of accommodating development in line with that shown on the Concept Masterplan and Landscape Principles Plan, without resulting in significant harm to the surrounding local landscape character, or views from the surrounding area, including the South Downs National Park.
-

- 2.13 As explained at paragraph 4.32 of the LVA, the site is not covered by any designations relating to landscape character or quality, and due to its physical containment it does not provide an important setting for the adjacent housing areas and is not an important component for the setting of the South Downs National Park. As has been noted in the published capacity assessments it does not provide separation between Burgess Hill and the nearby settlements to the south. As such it is not considered a valued landscape which are offered protection by Paragraph 170 of the NPPF.
- 2.14 The Concept Masterplan demonstrates that the layout will minimise the impact of the most visible parts of the site on the wider countryside to the east and the south through retaining and reinforcing the tree cover on these boundaries. This will also serve to protect the character and amenity of the public footpath to the south. Landscaping will be integral to the development, with large areas of open space and green corridors to be provided which will provide visual separation between residential areas creating an attractive setting and sense of place. The layout will maintain the existing landscape structure and field pattern, and the tree cover on the boundaries will minimise the impact on the neighbouring properties.
- 2.15 As such it has been demonstrated that the identification of SA13 as an allocation will enable a development to be delivered that would include appropriate landscaping and greenspace, minimise views from outside the site and protect landscape features that contribute to the character of the area. Such development would comply with the relevant requirements of District Local Plan Policy DP26 in respect of landscaping.

Social and Community

- 2.16 Policy SA13 requires the site to provide a '*suitably managed and designed on site public open space, equipped children's playspace/kickabout area*'. And to '*mitigate increased demand for formal sport to the satisfaction of the LPA*'.
- 2.17 Such an approach is consistent with the NPPF's encouragement of healthy and safe communities at Chapter 8.
- 2.18 The Concept Masterplan demonstrates how large areas of public open space can be provided within the eventual scheme that would include children's playspace / kickabout areas. As such, development can be delivered that complies with national guidance and Policy SA13's requirements in this regard.
-

Historic Environment

- 2.19 Local Plan Policy DP34 requires development to protect listed buildings and their settings, policy DP37 refers to the protection of historic hedgerows, whilst the NPPF sets out how the historic environment should be conserved and enhanced at Chapter 16. Policy SA13 of the draft Allocations DPD therefore correctly notes that there are Grade II Listed Buildings in the vicinity of the site, the closest being High Chimneys which is located to the west. This representation has therefore been informed by the Cultural Heritage Statement prepared by RPS dated July 2020.
- 2.20 The Statement advises that High Chimneys is a designated heritage asset of high significance. This significance is primarily provided by the architectural and historic special interest of the building's fabric and form. The enclosed, domesticated grounds, part of the immediate setting, provide a notable contribution to the asset's significance. Although there is no character or appearance of the former farmstead surviving, the wider setting, of which the Site at SA13 forms a small part, provides a secondary, minor level of contribution to the asset's significance.
- 2.21 The Site's development will result in change to a small part of the asset's wider setting with the introduction of built form to the east within the Site. Any of the screened and filtered views from High Chimneys to the Site will consequently include some legibility of the new development. The Site's development with two storey buildings would be likely to cause less than substantial harm to the significance of High Chimneys. The quantum of harm to the asset's significance would likely be towards the lower end of this spectrum.
- 2.22 With regards archaeological evaluation, the Statement concludes that overall the archaeological potential for remains at the site varies from low for the Roman, Anglo-Saxon, Medieval and Post Medieval periods, and low to moderate for Prehistoric remains. The Cultural Heritage Statement concludes that any necessary modelling would be most appropriately undertaken post planning, secured by an appropriately worded condition on any planning consent.
- 2.23 The hedgerows on site have been assessed within the Cultural Heritage Statement to establish whether they should be defined as historic hedgerows, with one found to mark the historic parish boundary. The Statement
-

recommends the substantial retention of the boundary and internal hedgerows, taking opportunities to strengthen the hedgerow's planting.

- 2.24 The Concept Masterplan allows for all such Heritage matters to be appropriately addressed through the informed layout and development of the site, thereby adhering with relevant Local Plan policy and national guidance.

Biodiversity

- 2.25 Policy SA13 requires development to provide biodiversity enhancements within the site and surrounding area, and to conserve and enhance areas of wildlife value to ensure there is a net gain for biodiversity. This is consistent with the requirements of Local Plan Policy DP38 and the NPPF.
- 2.26 This representation has been informed by an Ecological Deliverability Report prepared by EAD Ecology in July 2020. The report advises that *'no impacts on statutory or non-statutory designated sites are considered likely as a result of the development of the site. The development would seek to retain and protect existing habitats of moderate to high ecological value such as hedgerows, semi-natural broadleaved woodland, mature trees and standing water, and to deliver Biodiversity Net Gain through habitat creation and enhancement in Public Open Space. The key species constraints are considered likely to be bats, birds, reptiles and amphibians. A comprehensive mitigation strategy for these species, including provision of suitable habitat/movement corridors within the site, would ensure that the conservation status of populations of these species was maintained.'*
- 2.27 The report concludes that *'There are no over-riding ecological constraints to the development of the site. It is considered that development could deliver biodiversity net gain overall and could be undertaken in compliance with designated-site and protected-species legislation. This would accord with paragraphs 170, 174 and 175 of the NPPF (2019) and Policies DP37 and DP38 of the Mid Sussex District Plan.'*

Highways and Access

- 2.28 Policy SA13 requires the development to provide a sustainable transport strategy to identify sustainable transport infrastructure improvements, demonstrating how the development will integrate with the existing network, providing safe and convenient routes for walking, cycling and public transport through the development and linking with existing networks. Good permeability should be
-

provided across the site with attractive and convenient pedestrian and cyclepath access connecting onto Folders Lane and Keymer Road to improve links to services in Burgess Hill.

- 2.29 In addition to such requirements adhering with the NPPF's support for sustainable transport as set out at Chapter 9 of the NPPF, they are also consistent with District Local Plan Policy DP21. This requires development to provide opportunities to facilitate and promote the increased use of alternative means of transport to the private car such as the provision of, and access to, safe and convenient routes for walking, cycling and public transport and that the scheme protects the safety of road users and pedestrians. It also requires development proposals to take into account whether the scheme is sustainably located to minimise the need for travel, that adequate car parking will be provided and to avoid severe traffic congestion, taking account of any proposed mitigation.
- 2.30 A Highways Appraisal for the site has been prepared by Odyssey, dated July 2020, and is included within the Examination Evidence for Site SA13. This explains how the site would be able to take advantage of existing public transport networks, with bus routes along both Folders Lane and Keymer Road providing services to Burgess Hill town centre and also other nearby settlements such as Haywards Heath. Contributions to, or the direct provision of, improved bus stop infrastructure at the existing stops on Keymer Road and Folders Lane is entirely feasible.
- 2.31 Burgess Hill railway station is located approximately 1km to the north which provides a frequent service to Brighton (a 10-15 minute journey) and London Victoria (a 50 minute journey). The station is also served by the Thameslink Brighton to Bedford service which provides access to various stations in London together with Gatwick and Luton airports. Contributions could be made towards improvements at Burgess Hill station, for example relating to the provision of new or improved cycle infrastructure.
- 2.32 There are also pedestrian routes along both Folders Lane and Keymer Road as existing leading to the facilities within Burgess Hill town centre, which as stated by the Council is within 15 minutes' walk of the site. Separate pedestrian accesses to the site are proposed to both the north and the west. As such the scheme is sustainably located as to minimise the need to travel and can promote the use of alternative means of transport to the private car, linking with existing networks.
-

- 2.33 The site as a whole will have two vehicular access points, both via Keymer Road to the west. The Highway Appraisal explains that the approved site access junction from Greenacres onto Keymer Road was designed to cater for future development within the Policy SA13 site and if appropriately widened and extended is not expected to present highway concerns with regard to design, capacity or safety.
- 2.34 Any forthcoming planning application will be accompanied by a full Transport Assessment which will demonstrate the acceptability of these access points in terms of capacity and visibility to ensure that there would not be an adverse impact on highway safety as a result. Although it is acknowledged that there would be an increase in traffic as a result of the development, the Mid Sussex Transport Study has indicated that there is sufficient capacity in the highway network to appropriately accommodate the allocation. It is recognised that traffic movements are often an issue of concern to residents in the vicinity of a new housing scheme and that SA13 is no different in this respect. Our clients will work alongside the highway authority to ensure such concerns are taken account of in subsequent detailed designs for on and off-site proposed works in order to minimise the development's impact in this respect.
- 2.35 The Concept Masterplan identifies a layout that will ensure permeability throughout the site providing safe and convenient routes for walking, cycling and public transport through the development and linking with existing networks, as required by Policy SA13. The development would also provide opportunities to facilitate and promote the increased use of alternative means of transport to the private car due to its sustainable location and links. Adequate car parking will be provided, and it will be ensured that safe access is provided and that the traffic impacts will be acceptable, with mitigation included where required. It will therefore be ensured that a development is delivered that complies with District Local Plan Policy DP21 in this regard.

Flood Risk & Drainage

- 2.36 Policy SA13 states that measures are required to address flood risk associated with the site and in particular the watercourse which runs across the site and down the western boundary. It goes on to advise that development should avoid areas at risk of surface water flooding and adjacent to the watercourse. The policy requires that the development will need to incorporate SuDS to minimise flood risk.
-

- 2.37 A Flood Risk and SuDS Appraisal Technical Note for the site has been prepared by Odyssey, dated July 2020, and is available on the Council's Examination Library under Site SA13. The note explains why there are no major issues from a flood risk or drainage perspective that would pose a constraint to the proposed development at SA13.
- 2.38 The Note advises that it is anticipated the most feasible method of surface water discharge would be "to a surface water body"; the second most-preferred option of the drainage hierarchy as set out in the PPG. Surface water flows generated from the proposed development would pass through suitably designed SuDS features before discharging to the Ordinary Watercourse flowing through the centre of the site. The note goes on to comment that SuDS features are expected to consist of permeable paving and/or an attenuation basin, determined at the outline stage of the scheme and informed by soakage tests. Any discharge offsite would be limited to QBAR equivalent rates, to ensure that flood risk to downstream areas is not exacerbated by the proposed development during flood events up to and including the 1 in 100 year plus 40% climate change event.
- 2.39 The requirements of Policy SA13 regarding drainage, and ability of the scheme to achieve them, will therefore be in adherence with the associated District Plan Policy DP 41 and relevant national guidance on the matter.
-

3. Conclusion

- 3.1 The accompanying Representation Form explains why some aspects of Policy SA13 are proposed to be changed. In particular, this relates to the precise number of dwellings to be delivered at the site, and the requirement for one main central open space area within it. For reasons explained within the Representation Form, such concerns can be addressed effectively by minor re-wording to the policy.
- 3.2 This submission has explained why the principle of development at SA13 for approximately 300 dwellings is appropriate and sound. The site's sustainability credentials, located at the edge of a major settlement within the District, ensure it lies within an appropriate location. This representation, together with the documents within the Examination Library under SA13, have demonstrated that a development can be delivered at the site which follows the objectives of Policy SA13 in terms of urban design and layout, landscaping, social and community facilities, historic environment, biodiversity, highways and access, and flood risk. Such objectives have been shown to adhere with the relevant requirements of the District Plan and the NPPF for reasons explained above.
- 3.3 It is therefore considered that the principle of Policy SA13 is sound and should be retained within the emerging Plan, subject to the minor re-wording referred to above.
-

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA13

ID: 692

Response Ref: Reg19/692/1

Respondent: Mr M Ruddock

Organisation: Pegasus Group

On Behalf Of: Thakeham - South Folders Lane

Category: Promoter

Appear at Examination? ✓



Site Allocations Development Plan Document Regulation 19 Submission Draft Consultation Form

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

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

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

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

The Site Allocations DPD is available to view at:

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

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	Andy
Last Name	Meader
Job Title (where relevant)	Senior Director
Organisation (where relevant)	Pegasus Group
Respondent Ref. No. (if known)	
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Line 2	Station Road
Line 3	Bracknell
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Information will only be used by Mid Sussex District Council and its employees in accordance with the Data Protection Act 1998. Mid Sussex District Council will not supply information to any other organisation or individual except to the extent permitted by the Data Protection Act and which is required or permitted by law in carrying out any of its proper functions.

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

Part B – Your Comments

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

Name or Organisation:

Pegasus Group on behalf of Thakeham Homes Limited

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

13

Draft Policies Map

4. Do you consider the Site Allocations DPD is:

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

Yes ☐

No ☐

4b. Sound

Yes ☐

No ☐

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

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

Policy

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

Policy SA13 is considered to be sound, but amendments to the policy wording are requested in response to 6b below, in order to make it more effective.

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.

Policy SA13 relates to an allocation for 300 dwellings at 'Land E of Keymer Road and S of Folders Lane, Burgess Hill'. The allocation itself is supported, for reasons set out in the accompanying document titled, 'Assessment of SA 13'.

However, there are two aspects of the policy that should be amended prior to the adoption of the DPD.

Firstly, the policy, and associated Table 2.5, refers specifically to 300 dwellings. Whilst it is possible that the site could deliver 300 dwellings, it is also quite possible that after more detailed assessment, a scheme of slightly more or less than 300 dwellings is considered more appropriate.

A policy that requires 300 dwellings to be achieved therefore might not be the most appropriate solution to the site's development potential. It might result in insufficient parts of the site being properly retained and managed for landscape or biodiversity benefit. Alternatively, it might mean that the site does not deliver as many dwellings as it is capable of doing.

Whilst 300 is a reasonable estimate of what the site might accommodate given its constraints and opportunities, the identification of a precise number to be delivered when a more detailed assessment has not been undertaken or consulted upon is inappropriate.

The second aspect of the policy that requires amendment, is the requirement under the Objectives and Urban Design Principles for 'a central open space' within the eventual layout.

It is acknowledged that open space will be an important part of the eventual development. But whether this is one central open space or made up of smaller open spaces in different parts of the site is considered to be best informed by more detailed landscape and other assessments. This is illustrated by the fact that the Concept Masterplan and Landscape Principles Plan prepared to date by CSA Environmental, has identified two considerable separate areas of open space – one in the northern half of the site, and one in the southern half. Such an approach has been informed by a Landscape and Visual Appraisal which explains why the inclusion of the two distinct and separate areas of open space is considered more appropriate than one larger single area.

As a result, the policy reference to 'a central open space' being required is not necessary or justified.

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.

In order to improve Policy SA13, the following changes to the text are sought:

- Rather than refer to an allocation of 300 dwellings, it should refer to an allocation of 'approximately 300 dwellings'.

- Reference to 'a central open space' in the Objectives section of the policy, and to 'a main central open space' in the Urban Design Principles section should be removed. Instead, reference should be made to the importance of open space within the development, without detailing the form it should take. For example, an Objective as follows;

'To deliver a sympathetic and well-integrated extension to Burgess Hill, informed by a landscape led masterplan, which respects the setting of the South Downs National Park, creating purposeful open space incorporating attractive and convenient pedestrian and cycle routes.....'

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

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

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

☐

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

☐

Yes, I wish to participate at the oral examination

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

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

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

10. Please notify me when:

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

☐☐☐

Signature:

Date:

28/09/20

Thank you for taking time to respond to this consultation

MID SUSSEX SITE ALLOCATIONS DPD (REG 19)

REPRESENTATIONS ON BEHALF OF THAKEHAM HOMES LIMITED

POLICY SA13

Pegasus Group

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Manchester

PLANNING | **DESIGN** | **ENVIRONMENT** | **ECONOMICS**

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1. Introduction

- 1.1 These representations are in respect of the Council's Regulation 19 Consultation on the Council's Site Allocations Development Plan Document (July 2020) on behalf of our client Thakeham Homes. Thakeham is one of the owners of the site referred to in the document as '*Land East of Keymer Road and South of Folders Lane, Burgess Hill*'. The site has been allocated for development within the document under Policy SA13 and as such, the focus of these representations will be on this policy. Thakeham has a proven track record for delivery as demonstrated by the implementation of the adjoining site to the west, formerly known as Greenacres (now 'Willowhurst') for seven dwellings granted under permission DM/16/260.
 - 1.2 The site has an area of 15.2ha and is allocated for 300 dwellings including 30% affordable housing which would have a density of 19.6dph across the site as a whole. Our client is in agreement with much of the content of Policy SA13, but objection is raised to some aspects of it, as explained within the representation form, with recommended amendments accordingly.
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- Utilities and Services Appraisal Technical Note (Odyssey, July 2020)

1.6 A separate representation has been made in respect of the Sustainability Appraisal, and an accompanying Vision Document is also submitted which sets out Thakeham's intentions for the site, based around their core values of sustainable placemaking and community. Separate submissions are made by Persimmon Homes, who control part of Site SA13.

2. Assessment of Policy SA13

Commentary is provided below on the different sub-sections of Policy SA13, and the appropriateness or otherwise of the requirements within them.

Objectives

- 2.1 The objective of Policy SA13 is *'To deliver a sympathetic and well-integrated extension to Burgess Hill, informed by a landscape led masterplan, which respects the setting of the South Downs National Park, creating a focal point with a central open space incorporating attractive and convenient pedestrian and cycle routes throughout the site providing good connections to local services and facilities.'*
- 2.2 Objection has been made to the requirement for a 'central open space' within the site's layout. Whilst it is possible that such an arrangement might introduce the most appropriate layout for various reasons, this is not yet known. Open space will be an important part of any subsequent layout, but to suggest it needs to be provided in one central open space is considered overly prescriptive and could potentially prevent the opportunity for the scheme to properly respond to the constraints and opportunities present. For reasons set out on the representation form, whilst the principle of the allocation is sound, it is requested that the associated wording of this objective should be amended accordingly. The other objectives set out within the policy are however supported.
- 2.3 Although the site is at present outside the settlement boundary defined by the Mid Sussex District Plan Policies Maps, it is adjacent to areas of settlement within Burgess Hill to the north and the west and as stated within the Council's Sustainability Appraisal is 15 minutes' walk from Burgess Hill Town Centre, which includes the railway station. As such, development of the site would form a natural extension to Burgess Hill that would integrate well with surrounding development, in a sustainable location.
- 2.4 Over time the development will blend into its surroundings and be read as part of the wider residential areas of Burgess Hill. It is considered that the allocation of such a site for residential development is consistent with the requirements of the NPPF to make sufficient provision for housing with the objective of contributing to the achievement of sustainable development and promoting an effective use of land in meeting the need for homes.
-

- 2.5 The Concept Masterplan at Appendix F of the Landscape and Visual Appraisal reinforces how the site would be able to form a sympathetic extension to the existing settlement boundary and would be well integrated with the surrounding development, with pedestrian links through the site connecting it to the north and the west. Notable open space would form an integral part of the scheme, albeit in different areas, rather than one central location. A substantial amount of soft landscaping around and through the site would ensure that the development creates a semi-rural feel reflective of its urban edge location.

Urban Design and Layout

- 2.6 Policy SA13 requires development to follow various urban design principles, such as ensuring that it shall be sympathetic to the semi-rural character of Keymer Road and Folders Lane, integrating landscape features and established trees into the development and establishing a strong sense of place through the creation of a main central open space to provide a focus for the development with higher density housing in close proximity to benefit from the provision. This is consistent with the aims of Policy DP26 of the Council's District Plan which requires developments to be of high quality design including appropriate landscaping and greenspace, to create a sense of place and protect landscape features that contribute to the character of the area.
- 2.7 As demonstrated by the Concept Masterplan and Landscape Principles Plan included within the Landscape and Visual Appraisal, the development would be landscape-led with substantial amounts of soft landscaping ensuring that the development would be sympathetic to the semi-rural character of the surrounding area. The existing trees and landscaping will be integrated into the development as a whole, providing visual separation between residential areas and creating a sense of place through an attractive setting and high-quality design. In addition to providing an appropriate development within the site for future users, the retention and strengthening of established landscape features will help ensure the scheme sits comfortably within its surroundings.
- 2.8 As such, the Concept Masterplan demonstrates that appropriate development of the site can be delivered that will be consistent with the underlying requirements of District Local Plan Policy DP26 in terms of its layout and urban design.
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Landscaping

- 2.9 Policy SA13 correctly requires the applicant to undertake a Landscape and Visual Impact Assessment to inform the site layout, capacity and mitigation requirements in order to minimise impact in the most visible parts of the site on the wider countryside and any potential views from the South Downs National Park to the south. The policy also requires that the character and amenity of the existing public footpath to the south of the site shall be protected. As set out above, District Plan Policy DP26 requires development to include appropriate landscaping and greenspace and protect landscape features that contribute to the character of the area. The allocation at SA13 has therefore given proper consideration to the guiding comments set out within the relevant District Plan policy on landscape matters.
- 2.10 As explained within the Visibility section of the Landscape and Visual Appraisal ("LVA"), the site is very well contained in views from the surrounding area by virtue of the adjoining built development that borders the site to the north, and by existing mature vegetation to the west, south and east. There will be very few opportunities for public views of the new houses, with glimpsed framed views of the new houses and access road junctions, possible from Broadlands and Greenacres.
- 2.11 The LVA refers at paragraph 6.6 to the proposed development being well screened in views from the South Downs National Park, with any potential glimpsed views limited to highpoints in the middle distance, where panoramic views towards Ditchling, Keymer and Burgess Hill are possible. Where available, these glimpsed views will not be discernible to the naked eye and will be limited to the rooftops of the new houses seen as a continuation of the built up area of Burgess Hill, set within the mature landscape framework. Close range views from the South Downs National Park where it is closest to the Site, will be well screened by the densely vegetated land to the south and east of the Site.
- 2.12 The LVA concludes at paragraph 6.7 that the Site is capable of accommodating development in line with that shown on the Concept Masterplan and Landscape Principles Plan, without resulting in significant harm to the surrounding local landscape character, or views from the surrounding area, including the South Downs National Park.
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- 2.13 As explained at paragraph 4.32 of the LVA, the site is not covered by any designations relating to landscape character or quality, and due to its physical containment it does not provide an important setting for the adjacent housing areas and is not an important component for the setting of the South Downs National Park. As has been noted in the published capacity assessments it does not provide separation between Burgess Hill and the nearby settlements to the south. As such it is not considered a valued landscape which are offered protection by Paragraph 170 of the NPPF.
- 2.14 The Concept Masterplan demonstrates that the layout will minimise the impact of the most visible parts of the site on the wider countryside to the east and the south through retaining and reinforcing the tree cover on these boundaries. This will also serve to protect the character and amenity of the public footpath to the south. Landscaping will be integral to the development, with large areas of open space and green corridors to be provided which will provide visual separation between residential areas creating an attractive setting and sense of place. The layout will maintain the existing landscape structure and field pattern, and the tree cover on the boundaries will minimise the impact on the neighbouring properties.
- 2.15 As such it has been demonstrated that the identification of SA13 as an allocation will enable a development to be delivered that would include appropriate landscaping and greenspace, minimise views from outside the site and protect landscape features that contribute to the character of the area. Such development would comply with the relevant requirements of District Local Plan Policy DP26 in respect of landscaping.

Social and Community

- 2.16 Policy SA13 requires the site to provide a '*suitably managed and designed on site public open space, equipped children's playspace/kickabout area*'. And to '*mitigate increased demand for formal sport to the satisfaction of the LPA*'.
- 2.17 Such an approach is consistent with the NPPF's encouragement of healthy and safe communities at Chapter 8.
- 2.18 The Concept Masterplan demonstrates how large areas of public open space can be provided within the eventual scheme that would include children's playspace / kickabout areas. As such, development can be delivered that complies with national guidance and Policy SA13's requirements in this regard.
-

Historic Environment

- 2.19 Local Plan Policy DP34 requires development to protect listed buildings and their settings, policy DP37 refers to the protection of historic hedgerows, whilst the NPPF sets out how the historic environment should be conserved and enhanced at Chapter 16. Policy SA13 of the draft Allocations DPD therefore correctly notes that there are Grade II Listed Buildings in the vicinity of the site, the closest being High Chimneys which is located to the west. This representation has therefore been informed by the Cultural Heritage Statement prepared by RPS dated July 2020.
- 2.20 The Statement advises that High Chimneys is a designated heritage asset of high significance. This significance is primarily provided by the architectural and historic special interest of the building's fabric and form. The enclosed, domesticated grounds, part of the immediate setting, provide a notable contribution to the asset's significance. Although there is no character or appearance of the former farmstead surviving, the wider setting, of which the Site at SA13 forms a small part, provides a secondary, minor level of contribution to the asset's significance.
- 2.21 The Site's development will result in change to a small part of the asset's wider setting with the introduction of built form to the east within the Site. Any of the screened and filtered views from High Chimneys to the Site will consequently include some legibility of the new development. The Site's development with two storey buildings would be likely to cause less than substantial harm to the significance of High Chimneys. The quantum of harm to the asset's significance would likely be towards the lower end of this spectrum.
- 2.22 With regards archaeological evaluation, the Statement concludes that overall the archaeological potential for remains at the site varies from low for the Roman, Anglo-Saxon, Medieval and Post Medieval periods, and low to moderate for Prehistoric remains. The Cultural Heritage Statement concludes that any necessary modelling would be most appropriately undertaken post planning, secured by an appropriately worded condition on any planning consent.
- 2.23 The hedgerows on site have been assessed within the Cultural Heritage Statement to establish whether they should be defined as historic hedgerows, with one found to mark the historic parish boundary. The Statement
-

recommends the substantial retention of the boundary and internal hedgerows, taking opportunities to strengthen the hedgerow's planting.

- 2.24 The Concept Masterplan allows for all such Heritage matters to be appropriately addressed through the informed layout and development of the site, thereby adhering with relevant Local Plan policy and national guidance.

Biodiversity

- 2.25 Policy SA13 requires development to provide biodiversity enhancements within the site and surrounding area, and to conserve and enhance areas of wildlife value to ensure there is a net gain for biodiversity. This is consistent with the requirements of Local Plan Policy DP38 and the NPPF.
- 2.26 This representation has been informed by an Ecological Deliverability Report prepared by EAD Ecology in July 2020. The report advises that *'no impacts on statutory or non-statutory designated sites are considered likely as a result of the development of the site. The development would seek to retain and protect existing habitats of moderate to high ecological value such as hedgerows, semi-natural broadleaved woodland, mature trees and standing water, and to deliver Biodiversity Net Gain through habitat creation and enhancement in Public Open Space. The key species constraints are considered likely to be bats, birds, reptiles and amphibians. A comprehensive mitigation strategy for these species, including provision of suitable habitat/movement corridors within the site, would ensure that the conservation status of populations of these species was maintained.'*
- 2.27 The report concludes that *'There are no over-riding ecological constraints to the development of the site. It is considered that development could deliver biodiversity net gain overall and could be undertaken in compliance with designated-site and protected-species legislation. This would accord with paragraphs 170, 174 and 175 of the NPPF (2019) and Policies DP37 and DP38 of the Mid Sussex District Plan.'*

Highways and Access

- 2.28 Policy SA13 requires the development to provide a sustainable transport strategy to identify sustainable transport infrastructure improvements, demonstrating how the development will integrate with the existing network, providing safe and convenient routes for walking, cycling and public transport through the development and linking with existing networks. Good permeability should be
-

provided across the site with attractive and convenient pedestrian and cyclepath access connecting onto Folders Lane and Keymer Road to improve links to services in Burgess Hill.

- 2.29 In addition to such requirements adhering with the NPPF's support for sustainable transport as set out at Chapter 9 of the NPPF, they are also consistent with District Local Plan Policy DP21. This requires development to provide opportunities to facilitate and promote the increased use of alternative means of transport to the private car such as the provision of, and access to, safe and convenient routes for walking, cycling and public transport and that the scheme protects the safety of road users and pedestrians. It also requires development proposals to take into account whether the scheme is sustainably located to minimise the need for travel, that adequate car parking will be provided and to avoid severe traffic congestion, taking account of any proposed mitigation.
- 2.30 A Highways Appraisal for the site has been prepared by Odyssey, dated July 2020, and is included within the Examination Evidence for Site SA13. This explains how the site would be able to take advantage of existing public transport networks, with bus routes along both Folders Lane and Keymer Road providing services to Burgess Hill town centre and also other nearby settlements such as Haywards Heath. Contributions to, or the direct provision of, improved bus stop infrastructure at the existing stops on Keymer Road and Folders Lane is entirely feasible.
- 2.31 Burgess Hill railway station is located approximately 1km to the north which provides a frequent service to Brighton (a 10-15 minute journey) and London Victoria (a 50 minute journey). The station is also served by the Thameslink Brighton to Bedford service which provides access to various stations in London together with Gatwick and Luton airports. Contributions could be made towards improvements at Burgess Hill station, for example relating to the provision of new or improved cycle infrastructure.
- 2.32 There are also pedestrian routes along both Folders Lane and Keymer Road as existing leading to the facilities within Burgess Hill town centre, which as stated by the Council is within 15 minutes' walk of the site. Separate pedestrian accesses to the site are proposed to both the north and the west. As such the scheme is sustainably located as to minimise the need to travel and can promote the use of alternative means of transport to the private car, linking with existing networks.
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- 2.33 The site as a whole will have two vehicular access points, both via Keymer Road to the west. The Highway Appraisal explains that the approved site access junction from Greenacres onto Keymer Road was designed to cater for future development within the Policy SA13 site and if appropriately widened and extended is not expected to present highway concerns with regard to design, capacity or safety.
- 2.34 Any forthcoming planning application will be accompanied by a full Transport Assessment which will demonstrate the acceptability of these access points in terms of capacity and visibility to ensure that there would not be an adverse impact on highway safety as a result. Although it is acknowledged that there would be an increase in traffic as a result of the development, the Mid Sussex Transport Study has indicated that there is sufficient capacity in the highway network to appropriately accommodate the allocation. It is recognised that traffic movements are often an issue of concern to residents in the vicinity of a new housing scheme and that SA13 is no different in this respect. Our clients will work alongside the highway authority to ensure such concerns are taken account of in subsequent detailed designs for on and off-site proposed works in order to minimise the development's impact in this respect.
- 2.35 The Concept Masterplan identifies a layout that will ensure permeability throughout the site providing safe and convenient routes for walking, cycling and public transport through the development and linking with existing networks, as required by Policy SA13. The development would also provide opportunities to facilitate and promote the increased use of alternative means of transport to the private car due to its sustainable location and links. Adequate car parking will be provided, and it will be ensured that safe access is provided and that the traffic impacts will be acceptable, with mitigation included where required. It will therefore be ensured that a development is delivered that complies with District Local Plan Policy DP21 in this regard.

Flood Risk & Drainage

- 2.36 Policy SA13 states that measures are required to address flood risk associated with the site and in particular the watercourse which runs across the site and down the western boundary. It goes on to advise that development should avoid areas at risk of surface water flooding and adjacent to the watercourse. The policy requires that the development will need to incorporate SuDS to minimise flood risk.
-

- 2.37 A Flood Risk and SuDS Appraisal Technical Note for the site has been prepared by Odyssey, dated July 2020, and is available on the Council's Examination Library under Site SA13. The note explains why there are no major issues from a flood risk or drainage perspective that would pose a constraint to the proposed development at SA13.
- 2.38 The Note advises that it is anticipated the most feasible method of surface water discharge would be "to a surface water body"; the second most-preferred option of the drainage hierarchy as set out in the PPG. Surface water flows generated from the proposed development would pass through suitably designed SuDS features before discharging to the Ordinary Watercourse flowing through the centre of the site. The note goes on to comment that SuDS features are expected to consist of permeable paving and/or an attenuation basin, determined at the outline stage of the scheme and informed by soakage tests. Any discharge offsite would be limited to QBAR equivalent rates, to ensure that flood risk to downstream areas is not exacerbated by the proposed development during flood events up to and including the 1 in 100 year plus 40% climate change event.
- 2.39 The requirements of Policy SA13 regarding drainage, and ability of the scheme to achieve them, will therefore be in adherence with the associated District Plan Policy DP 41 and relevant national guidance on the matter.
-

3. Conclusion

- 3.1 The accompanying Representation Form explains why some aspects of Policy SA13 are proposed to be changed. In particular, this relates to the precise number of dwellings to be delivered at the site, and the requirement for one main central open space area within it. For reasons explained within the Representation Form, such concerns can be addressed effectively by minor re-wording to the policy.
- 3.2 This submission has explained why the principle of development at SA13 for approximately 300 dwellings is appropriate and sound. The site's sustainability credentials, located at the edge of a major settlement within the District, ensure it lies within an appropriate location. This representation, together with the documents within the Examination Library under SA13 and the accompanying Vision Document, have demonstrated that a development can be delivered at the site which follows the objectives of Policy SA13 in terms of urban design and layout, landscaping, social and community facilities, historic environment, biodiversity, highways and access, and flood risk. Such objectives have been shown to adhere with the relevant requirements of the District Plan and the NPPF for reasons explained above.
- 3.3 It is therefore considered that the principle of Policy SA13 is sound and should be retained within the emerging Plan, subject to the minor re-wording referred to above.
-

VISION DOCUMENT



THAKEHAM

LAND EAST OF KEYMER ROAD AND SOUTH OF FOLDERS LANE
BURGESS HILL

A NEW SUSTAINABLE NEIGHBOURHOOD

THE SITE

The site has a total area of 15.2 hectares;

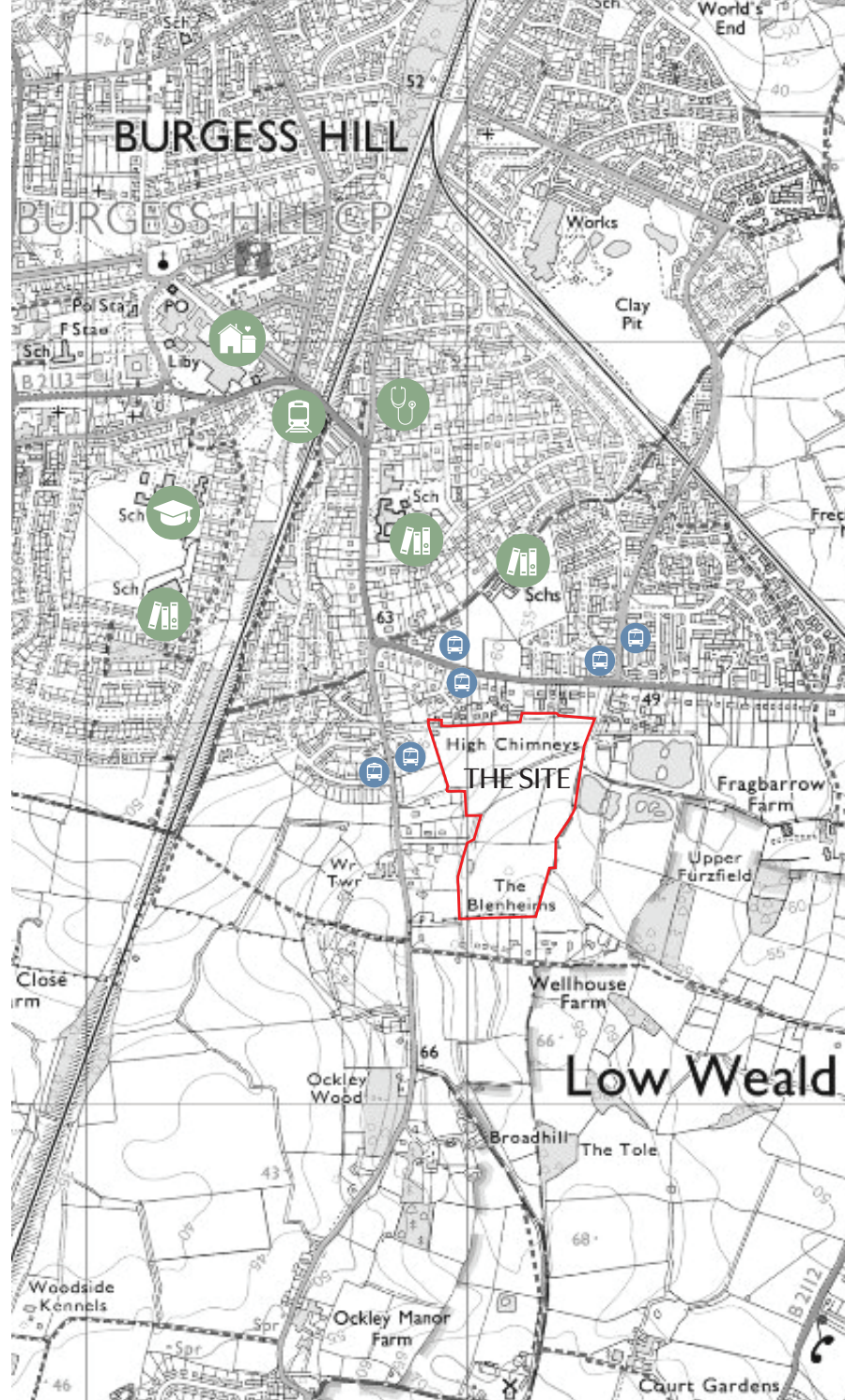
The site is located on the southern edge of Burgess Hill, and adjoins existing residential development along its northern, western and southern boundaries.

The site is in a sustainable location in close proximity to local services:

- 6 bus stops within 0.1miles surrounding the site;
- Burgess Hill train station is c. 0.5miles to the north-west;
- Birchwood Grove County Primary School is c. 0.3miles to the north;
- The Burgess Hill Academy School is c. 0.6miles to the west; and
- Burgess Hill town centre is c. 0.7miles to the north-west.

The site is:

- Outside the AONB and South Downs National Park;
- Not in an area of flood risk;
- Not affected by Ancient Woodland; and
- Not in a Conservation Area.



0.1 miles -
Nearest Bus Stop



0.3 miles -
Primary School



0.5 miles -
Surgery



0.5 miles -
Burgess Hill Train Station



0.6 miles -
Secondary School /College

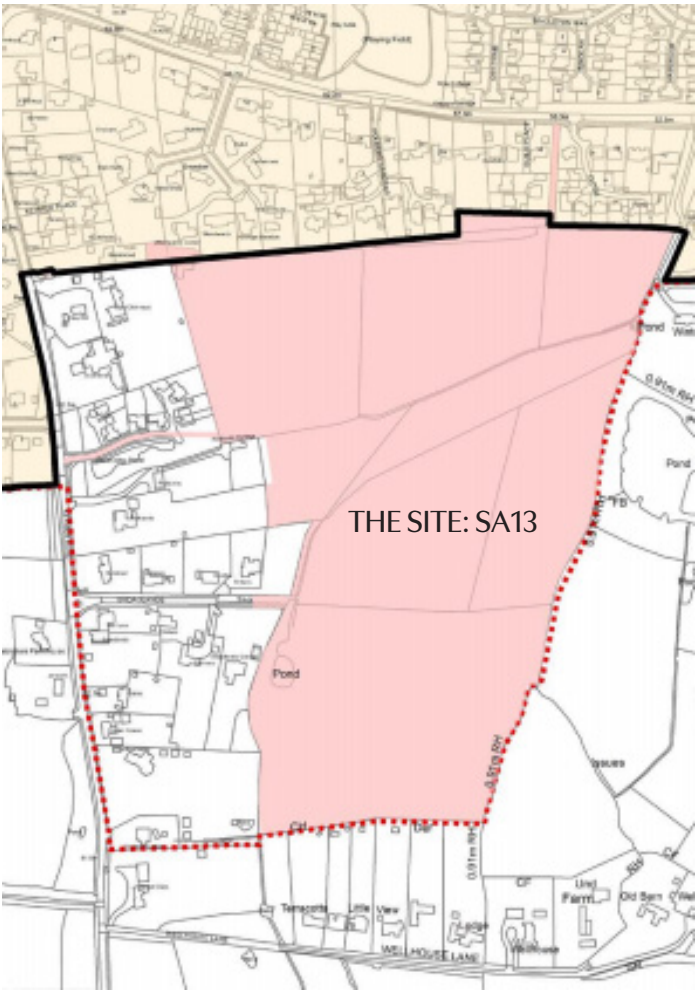


0.7 miles -
Town Centre

DRAFT SITE ALLOCATION SA13

Land east of Keymer Road and south of Folders Lane, Burgess Hill.

The site is jointly owned/ controlled by Thakeham Homes and Persimmon Homes and has a draft allocation within the Mid Sussex District Site Allocations Development Plan Document under Policy SA13.



The Policy requires:

- Provision of 300 dwellings

Design:

- Development to be sympathetic to the character of Keymer Road/Folders Lane
- Integration of existing landscape features and trees
- On site public open space, equipped children's playspace/kickabout area

Heritage:

- Protection of the setting of Grade II Listed High Chimneys

Biodiversity and Green Infrastructure:

- Conservation and enhancement of areas of wildlife value
- Biodiversity net gain

Highways:

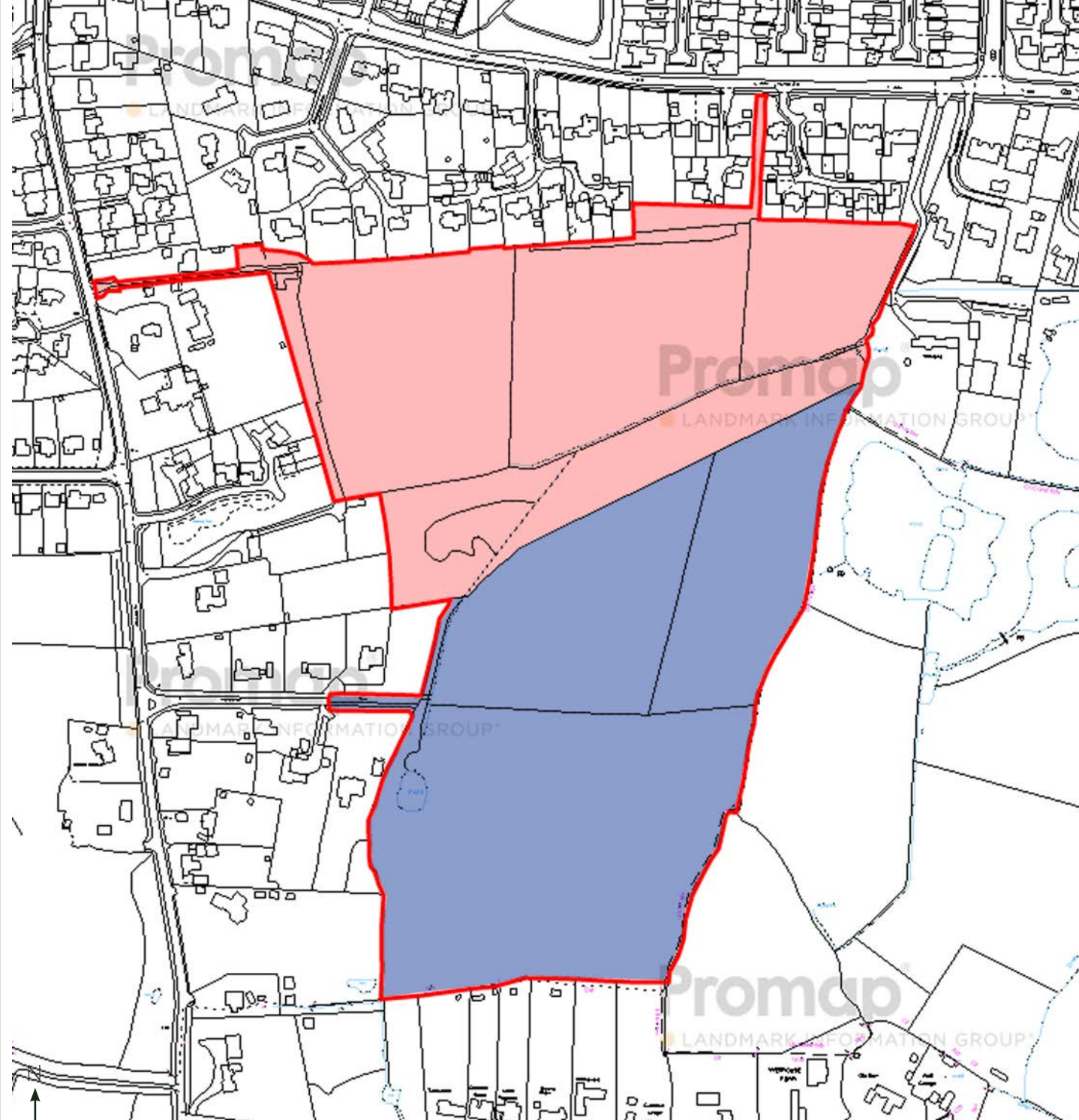
- Sustainable transport enhancements, with highways mitigation where required
- Provision of safe and convenient routes for walking, cycling and public transport
- Provision of vehicular access onto Keymer Road and make any necessary safety improvements

Flood Risk & Drainage:

- Surface Water Drainage System (SuDS)

OWNERSHIP

Thakeham Homes own / control the northern parcels of the site (red), and Persimmon Homes own the southern parcels (blue).



Key

- Thakeham Owned / Controlled
- Persimmon Owned

CONCEPT MASTERPLAN



Key

- Boundary Line
- Proposed Developable Area
- Proposed Site Access
- Proposed Vehicular Route
- Potential Cycle/Pedestrian Route
- Proposed Green Infrastructure
- Proposed Play Area
- Existing Vegetation
- Proposed Vegetation

THAKEHAM WILL DELIVER

At the heart of the design process are the core Thakeham values of sustainable placemaking and community. These, alongside a review of the constraints and opportunities, have informed the landscape led concept masterplan.

- Approximately 100 new homes;
- Policy compliant affordable homes;
- All homes will be carbon neutral in production and zero carbon in lifetime operation;
- A biodiversity net gain on-site;
- A policy compliant provision of electric vehicle charging points;
- A new country park;
- Generous provisions of new public open green spaces;
- Locally Equipped Area of Play;
- Sustainable urban drainage systems;
- New soft and hard landscaping features;
- New pedestrian and cycle links between the site and surrounding area via Folders Lane and Keymer Road; and
- A new vehicular access linking the site with Keymer Road via the Willowhurst development.



- Key**
- Boundary Line
 - Proposed Developable Area
 - Proposed Site Access
 - Proposed Vehicular Route
 - Potential Cycle/Pedestrian Route
 - Proposed Green Infrastructure
 - Proposed Play Area
 - Existing Vegetation
 - Proposed Vegetation



ZERO CARBON
HOMES

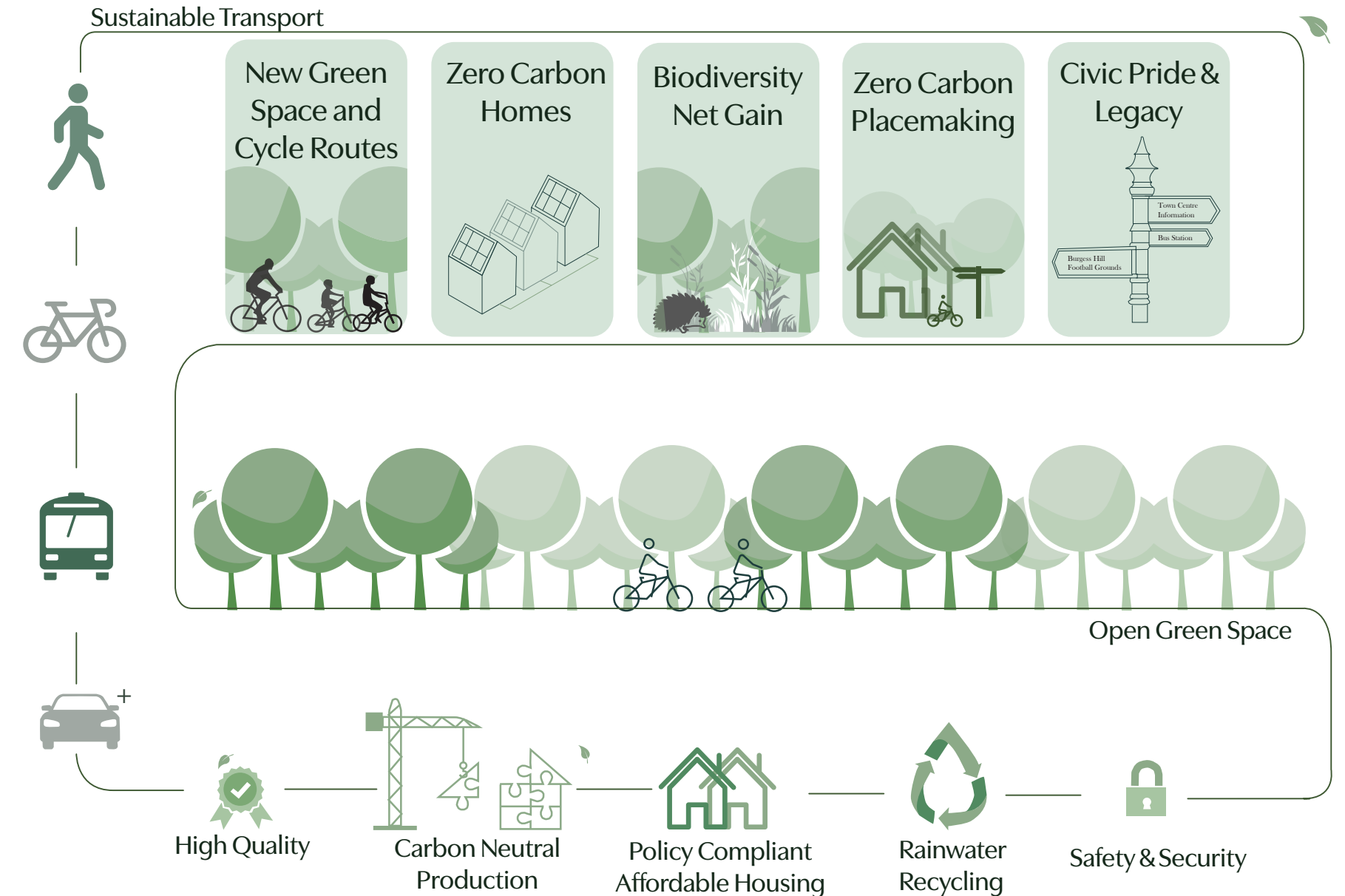
BIODIVERSITY
NET GAIN

INFRASTRUCTURE
LED

ELECTRIC VEHICLE
CHARGING

POLICY COMPLIANT
AFFORDABLE
HOMES

THAKEHAM'S SUSTAINABLE VISION FOR BURGESS HILL



VISION

Thakeham's vision is to create an amazing place to live. A place that is an asset to its surroundings and the local community.

Thakeham's approach is one that ensures we leave a legacy behind that everyone we work with, and the Thakeham team, can be proud of.

Zero Carbon Homes

All Thakeham homes will be net-zero in lifetime use.

Carbon Neutral Production

All Thakeham homes will be carbon neutral in production. Our off site panelised system will make construction more efficient, enhancing quality, and reducing construction traffic.

Infrastructure-led

We deliver infrastructure early in the construction programme, such as community facilities or highways enhancements / improvements.

Community Benefits

New open space, a new country park and play space for the wider community alongside policy-compliant affordable homes.

Sustainable Transport

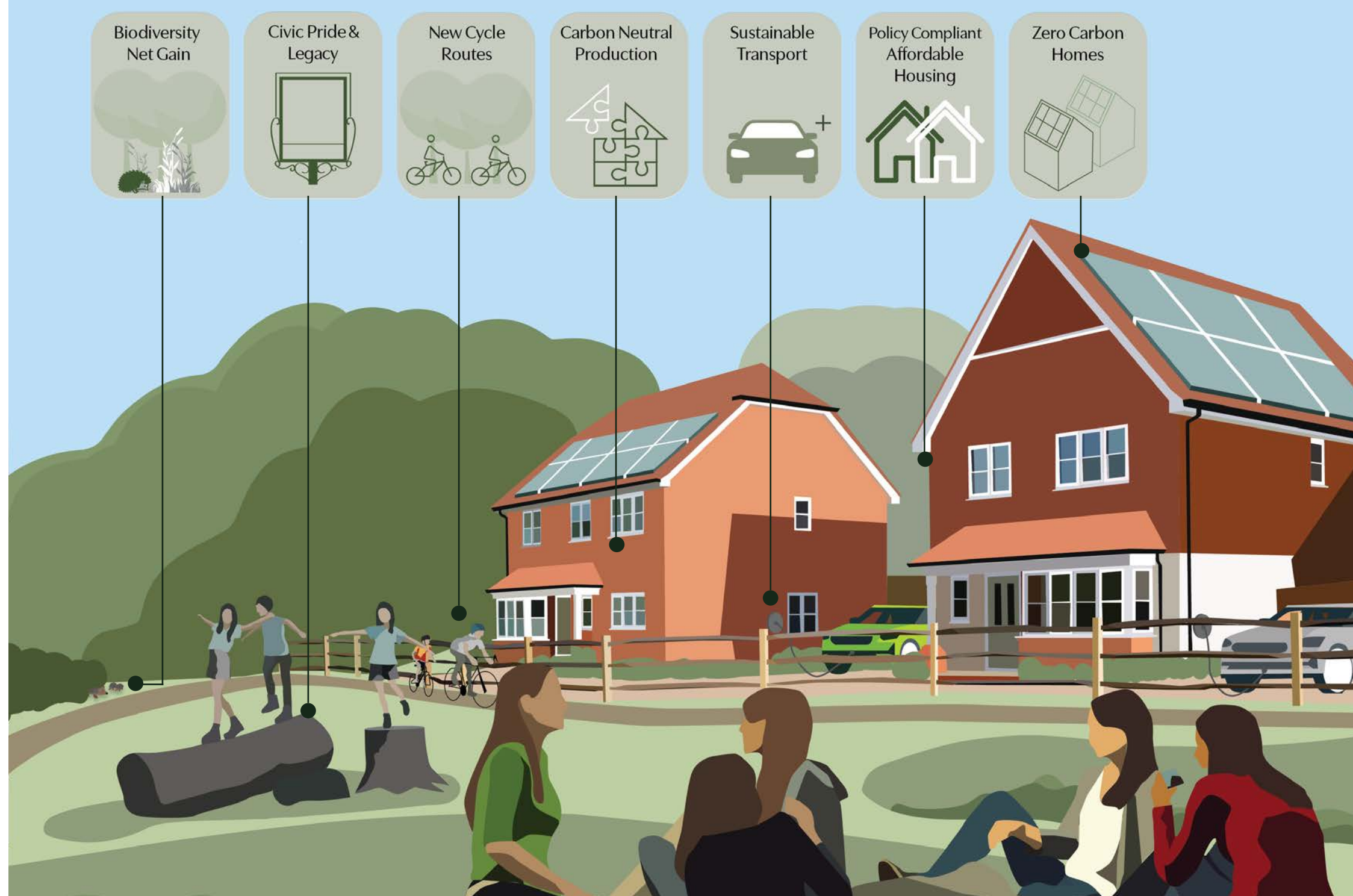
We prioritise walking and cycling over car travel. All Thakeham homes will have a fast-electric vehicle charging point. Thakeham will also provide incentives for cycle ownership

Biodiversity

Our landscaping will provide a biodiversity net gain, including hedgehog highways, year-round variation for wildlife, as well as green and blue infrastructure, open space and play space.

Education

Thakeham will engage local primary schools with their 'Eddie & Ellie the Ecologists' initiative to promote the importance of ecology and biodiversity.



The Healthy New Towns Network is a collaboration between [NHS](#) England, Public Health England, Housing Developers and Housing Associations.

Thakeham is one of only 12 organisations selected to become a member of the network.

Thakeham is committed to advocating the Healthy New Towns principles, prioritising health and wellbeing within our developments and creating the healthy neighbourhoods, towns and cities of the future.

Our approach sets us apart from our competitors. We deliver our schemes with a focus on sustainable development, looking ahead of current housing standards.

SUSTAINABLE CONSTRUCTION

Thakeham is at the forefront to combat climate change within the housebuilding industry, with one key approach being through sustainable construction.

Our level of commitment to sustainability means that we are streets ahead of our competitors and aiming for a far higher level of impact. Our sites will include the following sustainability improvements:

- All Thakeham homes will be carbon neutral in production and zero carbon in lifetime operation by 2025.
- On all Thakeham developments we follow industry best-practice by taking a ‘fabric first approach’, which looks at how design and materials can contribute to the energy performance of the completed building.
- We will also consider the potential for incorporating sustainable energy features, such as air-source or ground-source heat pumps, communal rainwater recycling, solar panels, battery storage, renewable energy tariffs, and highly efficient heating and hot water systems.
- Thakeham uses a UK-based factory which manufactures panels using timber from sustainable sources. The off-site panelised system improves efficiency, speed of construction, quality, and reduces carbon emissions.
- Our Sustainable Procurement Policy encourages the use of recycled materials, such as otherwise non-recyclable waste plastics (One tonne of MacRebur mix contains the equivalent of 80,000 plastic bottles), as well as utilise products part of a circular economy.
- On site, we monitor and aim to minimise construction travel emissions, construction waste and energy consumption and are registered with the Considerate Constructors Scheme.

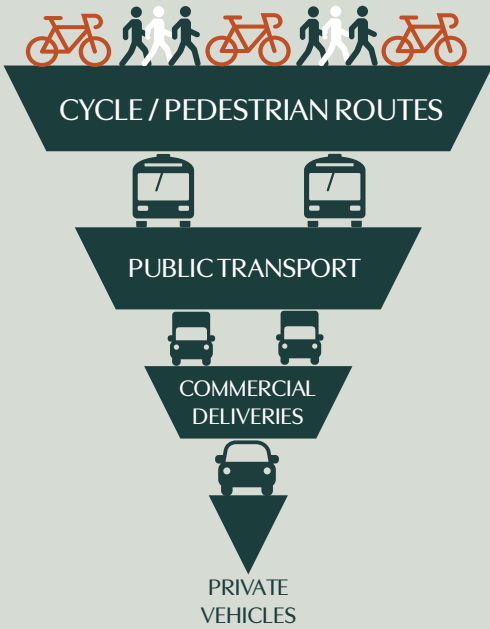








Greenacres, Burgess Hill

SUSTAINABLE MOVEMENT

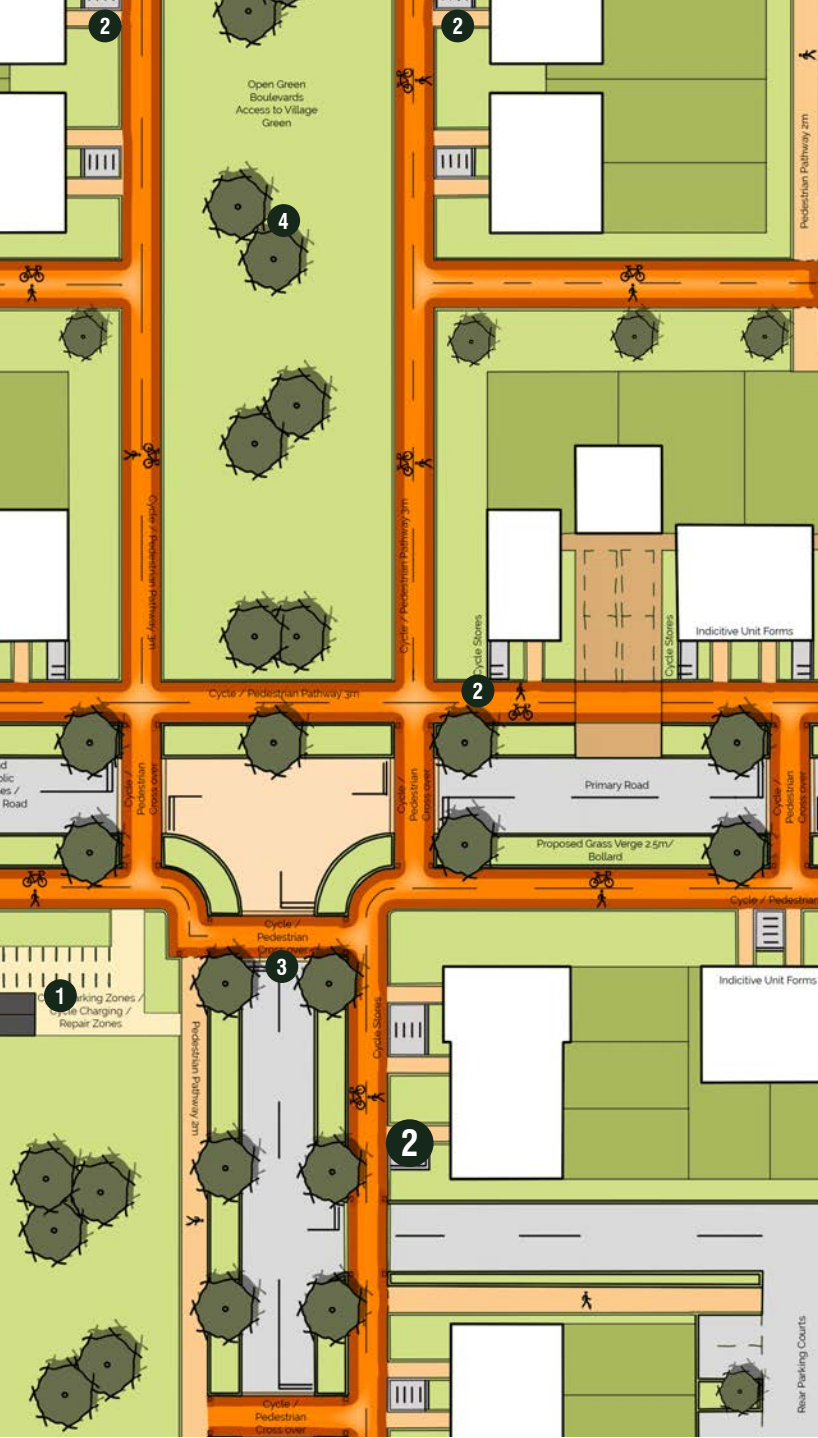
Thakeham has created a masterplan that encourages cycle and pedestrian using the following sustainable travel hierarchy:

- Walking and cycling routes will have priority crossing over vehicles
- Bike maintenance stations , fast electric charging points and easy cycle storage with charging points
- Efficient and improved access to public transport



-  Cycle / Pedestrian Routes
-  Pedestrian Routes Only
-  1 Cycle Parking Zones / Cycle Charging / Repair Zones
-  2 Residents Cycle Storage
-  3 Cycle / Pedestrian Priority Crossovers
-  4 Open Green Corridors

Parcel Principles Diagram Key



Parcel Principles Diagram

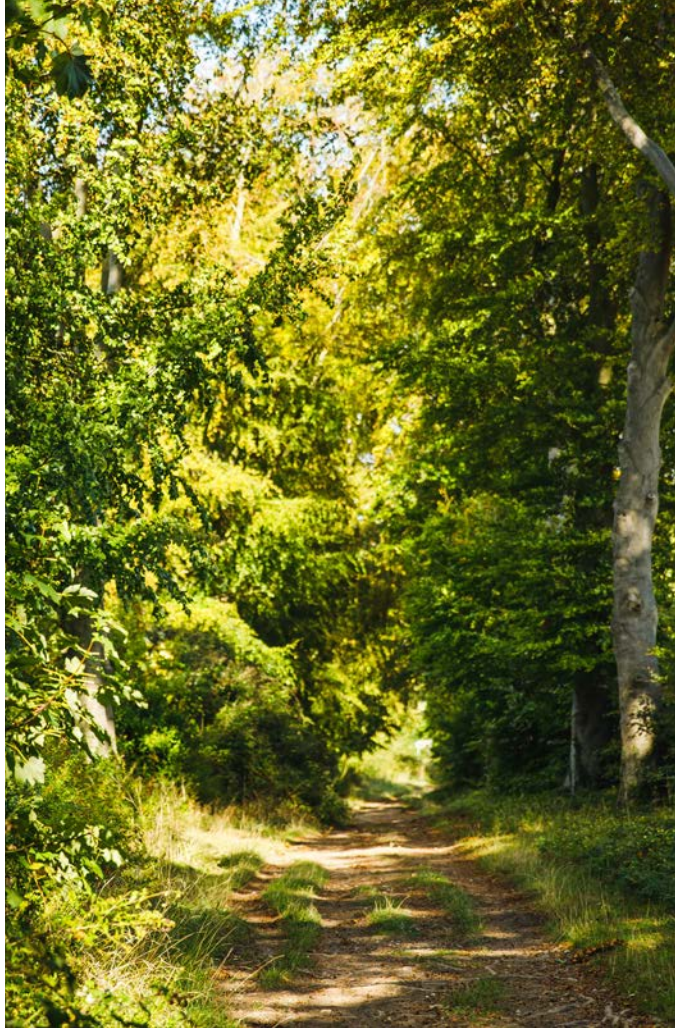
OPEN SPACE & BIODIVERSITY

Providing biodiversity net gain on site.

The proposals will provide a generous amount of usable open space for use by the community and existing local residents.

Biodiversity and landscaping will form a key part of the proposal, and we will be seeking to provide biodiversity net gain. We will aim to achieve this through:

- Improving the quality of the open space
- Potentially reducing garden areas to increase the amount of high value habitats
- Creating more higher value habitats, such as ponds and hedgerows
- Providing hedgehog highways through the development
- Every house provided with indigenous seeds to plant in their gardens



COMMUNITY AT OUR CORE

At Thakeham, community is at the heart of everything we do. Whether it's the village green, schools, shops, cafés, community hubs, allotments or play areas, we strive to ensure we create the sustainable communities for the future.

All Thakeham developments seek to focus community facilities at the heart of developments, ensuring they are within easy reach of new and existing residents.

Thakeham will not only deliver the on-site facilities, but work to ensure they survive the test of time. Working in partnership with The Plunkett Foundation, a charity that has been running for over 100 years that specializes in helping communities set up and run community businesses, we enable the community to run and operate these facilities by and for themselves.



DELIVERING EXCELLENCE

Thakeham is committed to delivering sustainable, infrastructure-led development and have a track record of doing just that on sites across the South.



A £4m Primary School, funded and delivered by Thakeham ahead of the planning requirement. Woodgate, Pease Pottage School (above).



£7m of highway works delivered before a single home sold. Woodgate, Pease Pottage entrance roundabout (above).



Examples of residential units at Woodgate, Pease Pottage (top left) and Martingales, Bookham (top right & bottom left) presenting great examples of how Thakeham homes are designed and built to a high standard and use high quality materials that reflect the local character.

THAKEHAM

Thakeham delivers developments with a focus on sustainable placemaking and enhancing communities. From the quality of our developments to our social responsibilities, we always go the extra mile.

A Thakeham development will always be an asset to its surroundings and the local community. We aim to enhance the quality of life for everyone in the community, not just the people who buy our homes.

We don't just build houses; we are placemakers. We're committed to creating new, extraordinary places, with the highest attention to detail.

We are always aiming for higher environmental standards, both on our developments and in our own working practices.

As a socially responsible developer, we make a positive contribution to the lives of local communities. Essential in bringing people together, we sponsor several local sports teams in the locality of our developments. Our recruitment strategy includes local apprenticeships throughout the entire lifecycle of a development.

Our 'Eddie & Ellie The Ecologists' programme is designed to deliver an industry-leading holistic education package aligned with Thakeham's values of placemaking and enhancing communities.

At every stage, Thakeham's approach is one that ensures we leave a legacy behind that everyone can all be proud of.

“Each development is different and tailored to its locality, with careful consideration of the area's character, as well as the environment”



Goodwood - Festival of Speed Sponsors



Horsham Rugby Club Sponsors



DELIVERY

The site is available, suitable and achievable.

AVAILABLE

The site is within Thakeham's control and is available for residential development.

SUITABLE

The site is sustainable, logical and viable for the siting of development.

ACHIEVABLE

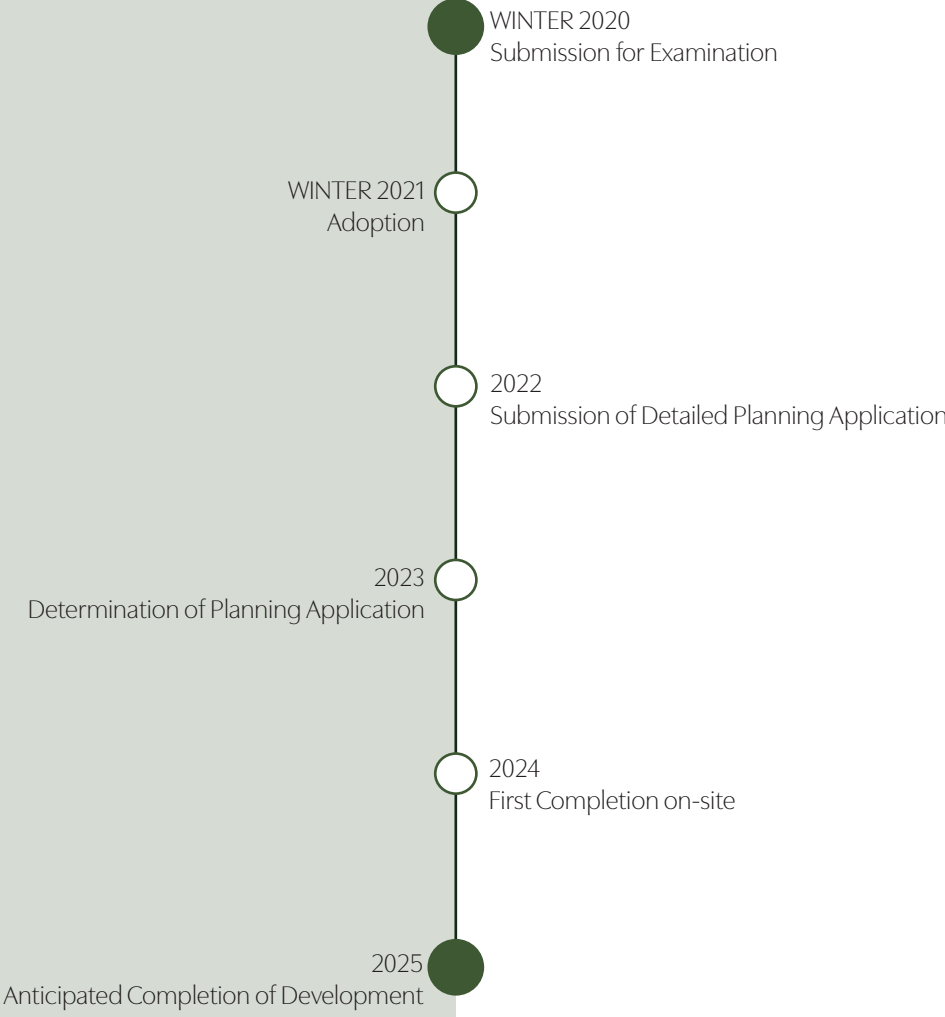
The site will deliver a high-quality sustainable development within the first five years of the plan period.

Promoted by Thakeham, it is estimated that the site could deliver around 75 homes per annum, leading to a construction timeframe of approximately 1-2 years including initial infrastructure enabling works.

Based on the Council's latest development scheme, the entirety of the site can come forward to deliver a new sustainable development early in the Local Plan period up to 2025.

To read more about the principles of Healthy New Towns please visit the website link below:

<https://www.england.nhs.uk/ourwork/innovation/healthy-new-towns/>





THAKEHAM

Thakeham House, Summers Place, Stane Street
Billingshurst, West Sussex, RH14 9GN

For further information, contact: info@thakeham.com

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA13

ID: 748

Response Ref: Reg19/748/4

Respondent: Ms L Brook

Organisation: Sussex Wildlife Trust

On Behalf Of:

Category: Statutory Consultee

Appear at Examination? x



Sussex
Wildlife Trust

Contact: Laura Brook
E-mail: swtconservation@sussexwt.org.uk
Date: 28 September 20

By email only
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Mid Sussex District Council Submission Draft Site Allocations Development Plan Document (DPD) (Regulation 19 Consultation August – September 2020)

The Sussex Wildlife Trust wish to submit the following comments to the Regulation 19 consultation for the - Mid Sussex District Council Submission Draft Site Allocations Development Plan Document (DPD)

Overview comments - Site Allocations

As stated in our Regulation 18 comments The Sussex Wildlife Trust (SWT) appreciates that the DPD site selection methodology led to the exclusion of sites that were likely to result in an impact on locally designated sites, as explained in figure 3.1 of the Site Selection Paper 3. This is very welcome and SWT considers this approach to be in line with the NPPF requirement to distinguish between the hierarchy of designated sites and allocate land with the least environmental or amenity value (paragraph 171). Local Wildlife Sites act as core areas within the district's ecological network and therefore should be maintained and enhanced.

That said, overall SWT is very concerned about the proportion of greenfield sites being allocated within the DPD, particularly given that no site specific ecological data appears to have been provided or considered in the site selection process.

The NPPF is clear that local authorities should make as much use as possible of previously developed land. However with over 60% of housing allocations obviously on greenfield, and another 18% appearing to contain some element of greenfield, SWT are particularly concerned

SWT therefore does not believe that the DPD is consistent with national policy as it does not comply with paragraph 118 of the NPPF.

In the Regulation 18 Consultation submitted by SWT, we highlighted that The NPPF is clear that plans and policies need to be justified – based on proportional and up-to date evidence (paragraphs 31 and 35). SWT acknowledge that we were given the opportunity in October 2018 to comment on a number of candidate sites which had the potential to impact on locally designated sites. In our letter to MSDC (dated 15/10/18) we stated that:

'Should MSDC decide that SHELAA sites proceed to allocation within the DPD, SWT recommends that they are subject to up to date ecological surveys. This will enable MSDC to evaluate each allocation's suitability for delivering sustainable development, in line with the Mid Sussex Local Plan evidence base and in particular, policies 37 (Trees woodland and Hedgerow) and 38 (Biodiversity).'

SWT note that all of the housing site allocation policies include requirements under 'Biodiversity and Green Infrastructure' which is welcome. However, these do not appear to be strategic in nature in terms of considering a robust evidence base. In particular, it appears that it is assumed that sites will be able to deliver both the number

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of dwellings allocated and net gains to biodiversity, when no evidence has been provided of the current biodiversity value or how this is likely to be impacted.

SWT is therefore disappointed that we are unable to identify any site-specific ecological evidence by this final round of consultation. Given the current uncertainty of the ecological value individually and cumulatively of the site allocations. **It is not clear how MSDC can ensure the net environmental gains will be delivered by the DPD as required by paragraphs 8, 32, 170 and 174 of the NPPF.**

Overview comments – Sustainability

We also see no evidence that consideration has been given to the capacity for the district's natural capital to absorb this level and location of development. The NPPF is clear that delivering sustainable development means meeting the needs of the present without compromising the ability of future generations to meet their own needs. In achieving this, local planning authorities must pursue all three objectives; economic, social and environmental, in mutually supportive ways ensuring net gains across all three.

It is not clear that any of the greenfield sites allocated meet the environmental objective. In Particular, none of the allocated greenfield sites are considered to have a positive impact on any of the 8 environmental objectives within the Sustainability Appraisal (SA). Many have negative or unknown impacts, and for biodiversity it appears that only formal designations have been considered.

Although the lack of ecological information available makes it very hard for SWT to assess the potential impact of any of the site allocations or the assessment of their suitability against the SA objectives, we are particularly concerned about additional sites that are not considered to be sustainable, namely SA12 and SA13.

The addition of these two 'marginal' sites takes the number of units allocated within Category 1 settlements to 1409, this is 703 units above the minimum residual housing figure for Category 1 as demonstrated in *Table 2.4: Spatial Distribution of Housing Requirement*. If you take account of the undersupply for some of the other sized settlements, there is still a total oversupply of 484 dwellings as demonstrated in *Table 2.5 Sites DPD housing Allocations*. This oversupply is not justified within the DPD or supporting evidence base. Removing these 'marginal' sites will still result in the DPD that delivers more than the minimum housing requirement in the lifetime of the local plan. We note that again the impacts on biodiversity for these sites are listed as unknown in the SA simply because no site specific ecological information has been assessed.

SWT asks MSDC to reduce the amount of greenfield land allocated within the DPD and consider the environmental capacity of the district in a more robust fashion. Any assessment of allocated sites should look at their individual, collective and multifunctional role in delivering connectivity and function for biodiversity. This would ensure the DPD reflects the requirements under sections 170 & 171 of the NPPF.

SA GEN: General Principles for Site Allocations

It appears that this policy has now been placed in the main body of the Draft Plan. SWT welcomes the inclusion of wording within this policy that recognises the importance of biodiversity informing planning applications. We also acknowledge that it highlights the importance of delivering biodiversity net gains through forthcoming development.

For clarity SWT would propose that there is an amendment to the wording relating to ecological information as we want to ensure that developers are aware that this information is required before validation/determination of the application, so earliest opportunity is not misunderstood as after permission has been approved.

SWT propose the following amendment to the first bullet point under the section references Biodiversity and Green Infrastructure (~~struck through~~ means a proposed deletion and **bolded text** references a proposed addition)

- Carry out **and submit** habitat and species surveys at the earliest opportunity in order **to inform the design and** ~~to~~ conserve important ecological assets from negative direct and indirect effects.

Comments for Site Allocations

As stated previously, without more detailed ecological information for each of the allocated sites it is difficult for SWT to assess their suitability for development. However, we will make some site specific comments based on the aerial photographs and desktop information available to us.

A lack of comments does not constitute support for the allocation.

SA12: Land South of 96 Folders Lane, Burgess Hill

As stated under our general comments, SWT does not believe that the allocation of this greenfield site is justified. It is not required to deliver the overall minimum residual housing requirement or that required for Category 1 settlements and is not considered sustainable within the SA. We acknowledge that the number of the dwellings for the site has been reduced by 3, however the biodiversity impacts for this site are still listed as unknown as no site specific ecological information has been provided. The site appears to contain hedgerow and trees and is clearly connected to a wider network of linear habitats.

SWT therefore does not believe that the Allocation is consistent with national policy as it does not comply with paragraph 171 of the NPPF.

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

As with SA12, SWT objects to the allocation of this greenfield site. It is not justified by MSDC's own evidence base and does not represent sustainable development. Again the biodiversity impacts for this site are still listed as unknown as no site specific ecological information has been provided. However, the site appears to contain rough grassland, hedgerows and trees and is clearly connected to a wider network of linear habitats and ponds with potential for priority species.

SWT therefore does not believe that the Allocation is consistent with national policy as it does not comply with paragraph 171 of the NPPF.

SA15: Land South of Southway, Burgess Hill

SWT objects to the allocation of a designated Local Green Space for housing. This is not compliant with NPPF paragraph 101 which states that policies for managing development within Local Green Space should be consistent with those for Green Belts i.e. in line with the requirements of chapter 13 of the NPPF.

We do not believe that MSDC have justified the 'inappropriate construction of new buildings' within a local green space. In particular, the fact that this area of the LGS is 'overgrown and inaccessible' does not negate its value. The Burgess Hill Neighbourhood Plan states that this LGS is an important "green lung" for the west of Burgess Hill, a function which does not require accessibility. The NPPF is clear that LGSs should only be designated where they are demonstrably special. The Planning Inspector who examined the Burgess Hill Neighbourhood Plan clearly felt that this had been demonstrated and therefore the site should be protected.

SWT therefore does not believe that the Allocation is consistent with national policy as it does not comply with paragraphs 99-101 of the NPPF.

SA19: Land south of Crawley Down Road, Felbridge

SWT is very concerned about this significant greenfield allocation given the lack of any baseline biodiversity data and its proximity to Hedgecourt Lake SSSI and The Birches ancient woodland. SWT would like to see much more evidence of the current value of the site, in particular in terms of ecosystem services delivery. There also needs to be further consideration of the cumulative impacts when combined with policy SA20.

SWT therefore does not believe that the Allocation is consistent with national policy as it does not comply with paragraph 171 & 175 of the NPPF.

SA20: Land south and west of Imberhorne Upper School, Imberhorne Lane, East Grinstead

SWT commented on this allocation in our letter dated (dated 15/10/18) and stated that up to date ecological surveys should be conducted in order to assess the site's suitability for delivering sustainable development. It is disappointing that this information has not been provided. Without it we cannot assess the ability of this site to meet the environmental objectives required by the NPPF. We note that the allocation boundary appears to be amended from the Regulation 18 consultation and that a section of the Worth Way LWS, namely part of Imberhorne Cottage Shaw ancient woodland, appears to no longer be within the allocation. We would ask MSDC to inform SWT if this is not the case.

SWT remain concerned that this Allocation is not consistent with national policy as it does not comply with paragraph 171 & 175 of the NPPF

SWT note the policy requirements under Biodiversity and Green Infrastructure heading includes a bullet point which states:

Potential impacts of the development on Hedgecourt Lake SSSI, which is accessible via existing PRoW to the north and the Worth Way LWS to the south should be understood and adequately mitigated.

SWT propose the following amendment to this bullet point to ensure clarity of the importance of avoid within the mitigation hierarchy is fulfilled as per 175 of the NPPF (~~struck through~~ means a proposed deletion and **bolded text** references a proposed addition)

*Potential impacts of the development on Hedgecourt Lake SSSI, which is accessible via existing PRoW to the north and the Worth Way LWS to the south should be understood **so they can be avoided and if this is not possible** adequately mitigated **or, as a last resort, compensated for.***

DEVELOPMENT POLICIES

SA35: Safeguarding of Land for delivery of Strategic Highways improvements

SWT acknowledges that the Regulation 19 consultation now includes maps of the broad locations for the safeguarding, which did not appear to be present in the main body of the Regulation 18 draft DPD.

We note that the policy refers to how new development in the area of safeguarding should be carefully designed. Given that the NPPF encourages a net gain to biodiversity through development, we would expect the policy wording to reflect that biodiversity gains are design carefully into the development to ensure they are not compromised by future schemes. We therefore propose the following amendments to the policy wording to ensure that it complies with sections 170 & 171 of the NPPF.

SWT propose the following amendment to the Policy Wording (~~struck through~~ means a proposed deletion and **bolded text** references a proposed addition)

*'New Development in these areas should be carefully designed having regard to matters such as building layout , noise insulation, landscaping , the historic environment, **biodiversity net gains** and means of access.'*

SA36: Wivelsfield Railway Station

While we support the integrated use of sustainable transport it is disappointing to see another area allocated as Local Green Space within a made Neighbourhood Plan being developed. As stated in our comments for policy SA15, the suitability of the LGS designation was assessed by a Planning Inspector and found sound. It should therefore be preserved through the DPD. SWT is particularly concerned as the Burgess Hill Neighbourhood Plan states that this Local Green Space is:

'Land immediately west of Wivelsfield Station, north and south of Leylands Road: The land parcel is rich in birdlife and reflective of the historic field pattern. The Land is an important open space that is particularly well used by dog walkers.'

Whilst it appears that not all of the LGS has been allocated for the upgrading of the station, we are not clear of the biodiversity value of the area that has been allocated. If MSDC are minded to retain the policy, SWT would like to see consideration of the compensation required for the loss of the LGS and in particular the rest of the LGS managed/enhanced in a way that benefits the assets lost.

SWT therefore does not believe that the Development Policy is consistent with national policy as it does not comply with sections 99-101 of the NPPF.

SA37: Burgess Hill /Haywards Heath Multifunctional Network

SWT remain supportive of measures to embed multifunctional networks in delivering non-motorised sustainable transport options, but remain concerned at the level of uncertainty from this policy. We appreciate that the regulation 19 consultation now embeds a map within the main document, which provides an indication of safeguarded routes for the cycleway. As stated in our Regulation 18 comments the creation of a network could aid or hinder connection and function in the natural environment, therefore the policy should be clear in its intention. In particular, we are unclear how this route has been selected and what ecological information has been considered. Any impacts on biodiversity should be avoided through good design and particular consideration should be given to the value of sensitive linear habitats such as hedgerows. Lighting and increased recreational use both have the potential to harm biodiversity and must be considered at an early stage. It would not be appropriate to safeguard a route that has not yet been assessed in terms of potential biodiversity impacts.

Yours sincerely,

Laura Brook
Conservation Officer
Sussex Wildlife Trust

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA13

ID: 777

Response Ref: Reg19/777/3

Respondent: Mrs L Howard

Organisation: South Downs National Park

On Behalf Of:

Category: Local Authority

Appear at Examination? x



Planning Policy Team
Mid-Sussex District Council
Oaklands Road
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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.

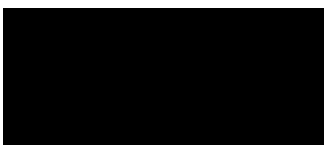
It is now noted that this has been amended to state 'provision of either a tunnel or footbridge'. We are concerned that provision of a footbridge would limit access to the countryside for wider NMU's and suggest that wording be amended to state 'provision of a tunnel or overbridge suitable for non-motorised 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

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

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

1234

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA13

ID: 1234

Response Ref: Reg19/1234/3

Respondent: Mrs S Neumann

Organisation: Burgess Hill Town Councillor

On Behalf Of:

Category: Resident

Appear at Examination? x

Name	Sylvia Neumann
Job title	Councillor Burgess Hill Town Council
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	Yes
(1) Positively prepared	Unsound
(2) Justified	Unsound
(3) Effective	Sound
(4) Consistent with national policy	Unsound

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

1. The number of houses already allocated for Burgess Hill was understated in Table 2.2 of the SADPD as 3500 for the Northern Arc and 480 on Kingsway. In fact there are about 900 houses being built on Kingsway, counting the Quarry Site (Kings Weald) and land east of Kingsway (Unicorn Road) plus 73 houses behind 88 Folders Lane.

2. Selection of Sites SA12 and SA13 is contrary to several policies stated in the District Plan and the Burgess Hill Neighbourhood Plan:

SA12 Land South of 96 Folders Lane (43 dwellings on 1.3ha) is an area of unimproved grassland, with hedges and mature trees, with a TPO area north and east. Development on the site could be visible from the South Downs National Park.

SA13 Land east of Keymer Road and South of Folders Lane (300 dwellings on 15.3 ha) is an area of ancient meadowland, with hedges and mature trees, which has significant value for wildlife. Development could be visible from the South Downs National Park. The soil is heavy clay and the site includes a stream that flows into the River Adur.

Folders Lane is an area of townscape value in the Burgess Hill Neighbourhood Plan and development here would be harmful to it, against policy Policy H3.

Development on either site would be harmful to the setting of and views from the South Downs National Park, contrary to District Plan Policy 18,

Development here would be an intrusion into the strategic gap between Burgess Hill and villages to the south. This would be against District Plan Policy DP13 Preventing Coalescence.

It would be an intrusion into countryside, against District Plan 12 Protection of the Countryside.

Traffic assessments have found that the east-west roads in this area are inadequate to carry further development. The roundabouts at the junctions of Folders Lane and Keymer Road and the Hoadley's corner roundabout are particularly badly affected. The construction of 900 houses along Kingsway will further exacerbate the position.

No provision has been made for additional school places at Birchwood Grove or the Burgess Hill Academy, or for doctors' surgeries.

There are grounds for saying the decision to include SA12 and SA13 was unfairly taken.

Mid Sussex District Councillors wanted to add a buffer to ensure there was enough land to last the period of the District Plan. They faced a choice between the Folders Lane/Keymer Road sites and Haywards Heath Golf Club. The site selection panel met after the May 2019 local elections to make their final decisions. Several councillors had lost their seats, changing the political balance on the panel. There was only 1 member from Burgess Hill and Hassocks on the panel, who was on holiday at the time the decision was taken to include SA12 and SA13. The site selection panel did not, therefore, properly represent the interests of Burgess Hill.

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.

Remove sites SA12 and SA13 and reconsider the question whether Burgess Hill has contributed sufficiently to fulfilling the housing requirements of Mid Sussex.

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	15/09/2020

1250

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA13

ID: 1250

Response Ref: Reg19/1250/1

Respondent: Mr S Parlett

Organisation:

On Behalf Of:

Category: Resident

Appear at Examination? x

Name	Scott Parlett
Address	[REDACTED]
Email	[REDACTED]
Name or Organisation	Scott Parlett
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 particularly concerned that if these sites are developed that, it will have an irreversible impact on the green space in the area. I visit regularly with family and we spend much time walking in the wonderful countryside there. Seeing the big development not even a mile away at Clayton Mills and a further piece of land south of Wellhouse Lane known as SHEELA ID 682 also up for development, I fear that if SA12 and SA13 get allocated for development, that vital unofficial green gap that protects Keymer from even greater levels of development will be eroded. You can see clearly on the SHEELA 2020 Hassocks map the level of coalescence will occur if SA12 and SA13 are built on.</p> <p>The biodiversity within SA13 in particular is incredibly rich, how can this site be a priority over other areas without such green credentials? Surely, we have a responsibility to protect such ancient untouched green fields?</p> <p>Also from personal experience I know in terms of energy supply and water management, this area is having problems coping. They are frequent powercuts... in this day and age in this area of Burgess Hill. This together with very little waste water capacity, thick clay ground and a high water table here make development on SA12 and SA13 particularly risky. It is a poor site for selection.</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.	Please remove SA12 and Sa13 from the Site Selection DPD.
If you wish to provide further documentation to support your response, you can upload it here	
If your representation is seeking a change, do you consider it necessary to attend and give evidence at the hearing part of the examination	No, I do not wish to participate at the oral examination
Date	28/09/2020

1256

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA13

ID: 1256

Response Ref: Reg19/1256/2

Respondent: Mr M Cornish

Organisation:

On Behalf Of:

Category: Resident

Appear at Examination? x

Name	Matthew Cornish
Address	[REDACTED]
Phone	[REDACTED]
Email	[REDACTED]
Name or Organisation	Matthew Cornish
Which document are you commenting on?	Site Allocations DPD
Sites DPD Policy Number (e.g. SA1 - SA38)	SA12
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>Selection of Sites SA12 (and SA13) is contrary to several policies stated in the District Plan and the Burgess Hill Neighbourhood Plan:</p> <p>SA12 Land South of 96 Folders Lane (43 dwellings on 1.3ha) is an area of unimproved grassland, with hedges and mature trees, with a TPO area north and east. Development on the site could be visible from the South Downs National Park.</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.	Remove SA12 from Site Allocations DPD completely.
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	16/09/2020

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA13

ID: 1479

Response Ref: Reg19/1479/2

Respondent: Cllr J Henwood

Organisation: Burgess Hill Town Councillor

On Behalf Of:

Category: District Councillor

Appear at Examination? x

[REDACTED]

From: Cllr Janice Henwood [REDACTED]
Sent: 17 September 2020 14:04
To: ldfconsultation
Subject: Response to Site Allocation SA 12 and SA13 in Burgess Hill, Mid Sussex

Follow Up Flag: Follow up
Flag Status: Completed

Categories: SiteDPD

to the Inspector

I will address my remarks to the environmental impact of any development on SA12 and SA13

SA12 is an unimproved grassland with hedge rows and some mature trees - the site is visible from the South Downs National Park - they objected to a previous planning application to build on this site (the application was withdrawn)

SA13 most importantly consists of an historic meadows at least 150 years old (photographic proof exists verifying this statement) This site can also be seen from the South Downs National Park.
In some cases, it is possible to translocate species eg. great crested newts - but it would be impossible to re-locate an ancient meadow which contains (verified by Sussex Biodiversity Records Centre):

Animals:

7 species of Bats (protected by International legislation)
amphibians
mammals (Hazel Dormice - protected)
butterflies and moths
28 species of birds - 8 of which are protected by international law)
some 27 other bird species designated with a "notable status"
an additional 44 other species having been found by Sussex Biodiversity Records Centre
additional habitats showing a diverse variety of wildlife eg. foxes

Vegetation:

11 species of plants on the Red List of the International Union for the Conservation of Nature
plus, hedgerows and mature, healthy trees.

To protect the ecological importance and the rich biodiversity of this site, it should be designated as a Conservation Area not a building site.

Regards

Janice Henwood
Burgess Hill Town Councillor and Mid Sussex District Councillor

Cllr Janice Henwood
Burgess Hill Town Councillor
(Franklands Ward)

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1672

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA13

ID: 1672

Response Ref: Reg19/1672/1

Respondent: Mr P Bell

Organisation: Motion

On Behalf Of: Broadlands Residents' Association

Category: Organisation

Appear at Examination? x

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 Sita 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

Summary	ATC 1 (North of Access)			Southbound																	
	Total	RunTot	Bicycle	Motor	Car /	Car /	R2 /	R3 /	R4	A3	A4	A5	A6	A6	A7	Vmin	Mean	Vmax	>PSL	>PSL%	Vpp
				Cycle	Van	Van (T)	Bus	Bus						[2]	[2]				60	60	85
	19957	19957	154	103	18546	53	1026	14	34	10	8	4	5	0	0	1.5	36.2	75.9	30	0.2	41.8
	ATC 2 (South of Access)			Northbound																	
	Total	RunTot	Bicycle	Motor	Car /	Car /	R2 /	R3 /	R4	A3	A4	A5	A6	A6	A7	Vmin	Mean	Vmax	>PSL	>PSL%	Vpp
				Cycle	Van	Van (T)	Bus	Bus						[2]	[2]				60	60	85
	19435	19435	51	109	18064	47	1075	31	34	9	9	4	2	0	0	0.7	34.3	73	16	0.1	39.8

1692

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA13

ID: 1692

Response Ref: Reg19/1692/1

Respondent: Ms C Dean

Organisation:

On Behalf Of:

Category: Resident

Appear at Examination? x

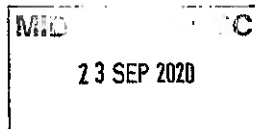
[REDACTED]
[REDACTED]
22nd Sept.

Dear Sir.

I would like to register your
curiosity about the Faldens house development.
Site SA13. The amount of building and
the addition of more chaos on the
roads in Sussex is simply ruining
the County and adding great stress to
the people already living here.
I do hope the appropriate will be

Thank you.

Yours faithfully,
[REDACTED]
/



2065

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA13

ID: 2065

Response Ref: Reg19/2065/4

Respondent: Mr A Black

Organisation: Andrew Black consulting

On Behalf Of: Denton - Horsham Road

Category: Promoter

Appear at Examination? x



Mid Sussex District Council

Draft Site Allocations DPD (Regulation 19)
Consultation

Representation on behalf of Denton Homes – Land
North of Horsham Road, Pease Pottage

September 2020

Project MSDC Draft Site Allocations DPD

ABC Reference ABC/0075/07a

Local Authority Mid Sussex District Council

Client Denton Homes

Issue Final

Author Andrew Black

Date September 2020

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

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1. Introduction

- 1.1 These representations for the Draft Site Allocations DPD (Regulation 19) Consultation (Herein referred to as the 'SADPD') are submitted by Andrew Black Consulting on behalf of Denton Homes regarding two linked sites within their control at Horsham Road in Pease Pottage.
- 1.2 The two sites are known as *Land at former Driving Range, Horsham Road, Pease Pottage* (SHELAA ID 219) and *Land north of the Former Golf House, Horsham Road, Pease Pottage* (SHELAA ID 818)
- 1.3 It is understood that the SADPD has been produced in accordance with the Planning and Compulsory Purchase Act 2004, and other relevant regulations.
- 1.4 The NPPF states that Development Plan Documents should be prepared in accordance with the legal and procedural requirements. To be found to be 'sound', plans must be:
 - a) *positively prepared*
 - b) *justified*
 - c) *effective, and*
 - d) *consistent with national policy.*
- 1.5 It is with this in mind that these representations are made.
- 1.6 The draft SADPD has been prepared using an extensive and legally compliant evidence base including a Sustainability Appraisal, Habitat Regulations Assessment, Community Involvement Plan, Equalities Impact Assessment, and various technical reports and studies. Of particular note is the Built Up Area Boundary and Policies Map Topic Paper (TP1) produced in August 2020.
- 1.7 The Site Allocations DPD proposes to allocate 22 sites to meet this residual necessary to meet the overall agreed housing requirement for the plan period as reflected in the 'stepped trajectory' and in accordance with the District Plan.
- 1.8 These representations set out the detail of the Site and Surroundings and a response to the detailed parts of the SADPD.

2. Site and Surroundings

- 2.1 The two sites are located within close proximity of each other as highlighted in the below SHELAA map.

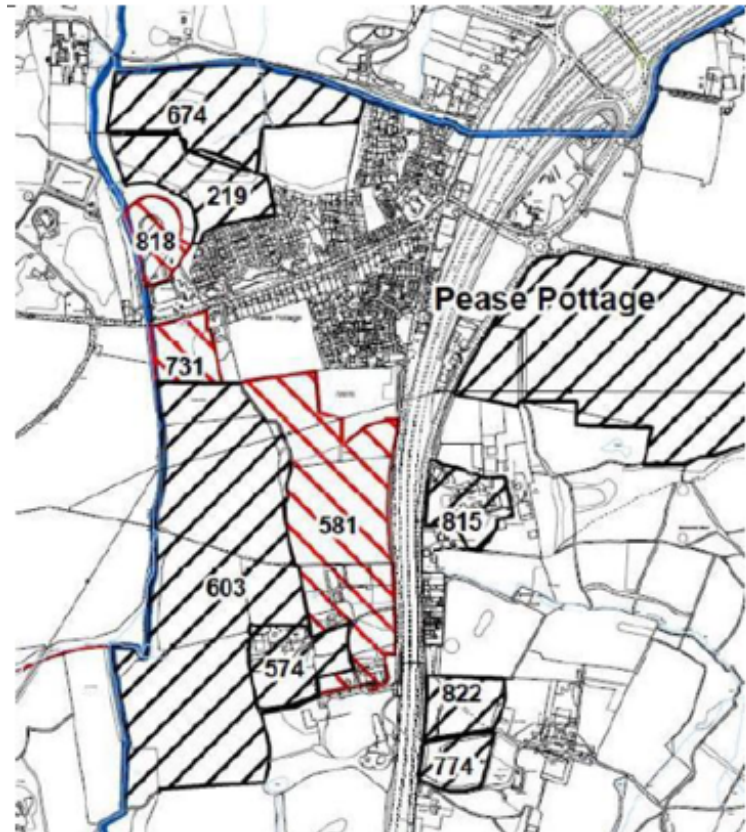


Figure 1 – SHELAA Extract

- 2.2 The sites were assessed in the most recent under SHELAA (Ref 219 and 818) as Suitable, Available and Achievable in the Medium to Long Term (The full extract of the SHELAA is set out in Appendix 1). Several constraints were noted within the SHELAA form which are addressed below.

Surrounding Developments and Proposed Allocations

- 2.3 Both sites are in close proximity to areas which have been developed for housing in recent years.
- 2.4 To the south of the sites, permission was granted at appeal for the redevelopment of the former area of Golf Course for 95 dwellings which has been subsequently completed.
- 2.5 The application was submitted in 2013 (13/02994/OUT) and refused at local level before being allowed at appeal in 2014 (ref APP/D3830/A/2215289)



Figure 2 – Riverdale Homes site layout

- 2.6 The site directly to the west of the Golf Course site which comprised of the former club house and driving range was granted permission for the *demolition of existing buildings and redevelopment of the site to provide 25no. dwellings with associated access, parking and landscaping and other associated works* (Ref DM/17/0747).



Figure 3 – Approved layout on land to south (forming access road)

- 2.7 The site provides an access to the further parcels at the rear of the site (SHELAA ref 219 and 818)
- 2.8 The Proposals Map for the SADPD shows the significant growth forecasted in Pease Pottage in the lifetime of the plan.

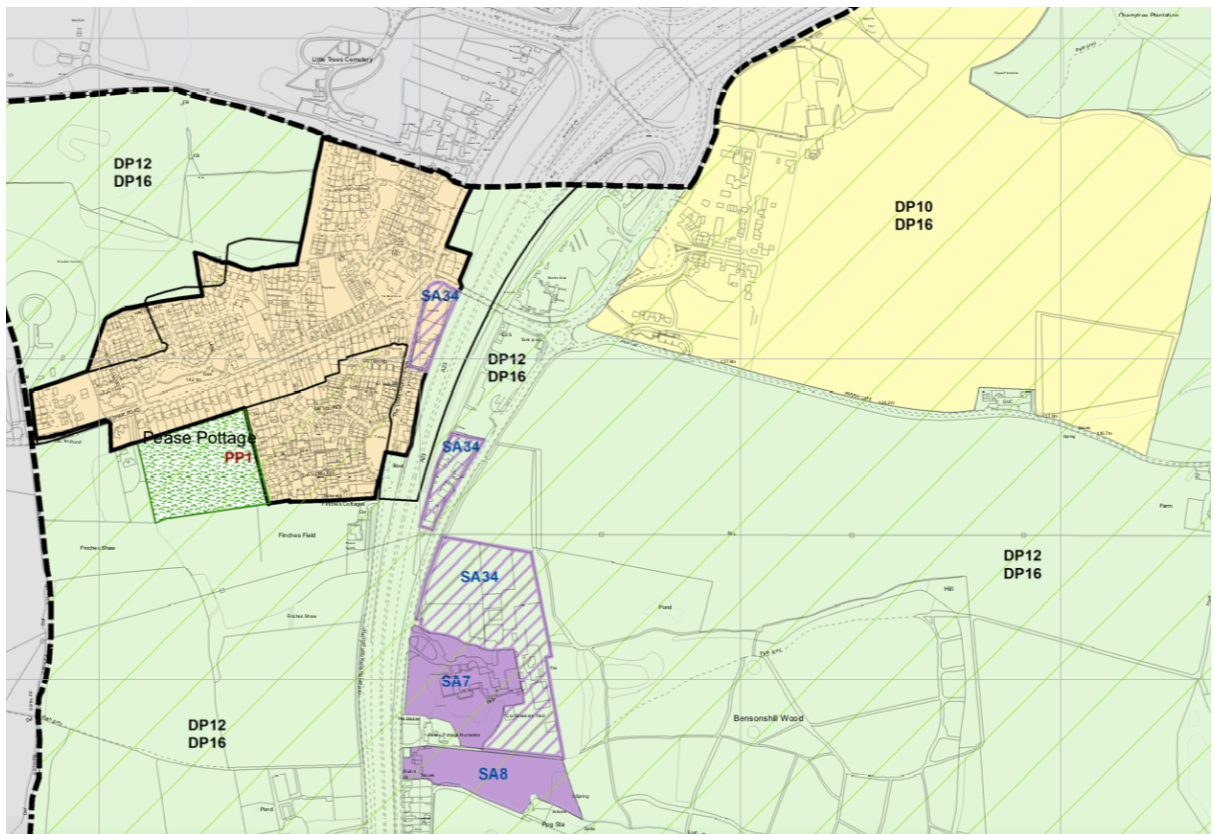


Figure 4 – SADPD Proposals Map

- 2.9 The large development to the East of Pease Pottage is being brought forward by Thakeham Homes and will deliver a substantial portion of housing together with new facilities for the Village including a new Primary School, Village Shop, Village Café and areas of open space.
- 2.10 The site was dismissed within the Site Selection Process for its lack of proximity to services

Part 3 - Sustainability / Access to Services

14 - Education	More than 20 Minute Walk
15 - Health	More than 20 Minute Walk
16 - Services	10-15 Minute Walk
17 - Public Transport	Poor

- 2.11 This may be the case at present but will substantially improve with the development of the Thakeham site.
- 2.12 Sites SA7 Cedars (Former Crawley Forest School) and SA8 Pease Pottage Nurseries are allocated within the SADPD for B1, B2 and B8 employment.

- 2.13 All of the new development coming forward with Pease Pottage is also within the AONB. It demonstrates that Pease Pottage will experience significant growth in the coming years and is able to support an uplift in housing which will be located alongside facilities and employment opportunities.

3. Housing Site Allocation Process

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

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

Figure 5 – Extract from MSDC Housing Land Supply Position Statement

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

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

Figure6 – Total Five Year Housing Requirement taken from MSDC Housing Land Supply Position Statement

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

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

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

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

Deliverability of Sites

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

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

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

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

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

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

Paragraph: 019 Reference ID: 3-019-20190722

Revision date: 22 07 2019

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

Historic Environment

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

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any

potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

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

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

- 3.15 The council has sought in their assessment of sites to grade the level of harm within the category of less than substantial harm. This is not appropriate way to suggest that this harm could be mitigated if it is at the lower end of ‘less than substantial harm’ is an incorrect interpretation of planning policy, legislation and guidance. The most recent authority on this matter is in the high court decision for *James Hall and Company Limited v City of Bradford Metropolitan District Council & Co-operative Group Limited & Dalehead Properties Limited* in a judgement handed down on 22 October 2019 ([2019] EWHC 2899) where the ruling confirmed that ‘negligible’ or ‘minimal’ harm still equates to ‘harm’ for the purposes of the heritage tests in the NPPF.
- 3.16 It is not considered that the harm caused to heritage assets has been adequately assessed within the Sustainability Appraisal for many of the proposed sites and further consideration is required of the sites in this regard. This would include assessing sites which would not have an impact on heritage assets through a robust application of reasonable alternatives within the Sustainability Appraisal.

4. Sustainability Appraisal

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

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

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

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

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

Paragraph: 018 Reference ID: 11-018-20140306

Revision date: 06 03 2014

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

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

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

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

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

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

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

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

- 4.8 Paragraph 6.52 of the SA concludes that:

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

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

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

5. Assessment of Proposed Sites.

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

SA 12 Land South of 96 Folders Lane, Burgess Hill

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

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

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

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

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

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

SA 15 Land South of Southway, Burgess Hill

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

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

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

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

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

SA 17 Woodfield House, Isaacs Lane, Burgess Hill

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

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

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

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

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

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

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

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

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

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

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

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

SA 19 Land south of Crawley Down Road, Felbridge

- 5.23 As set out, this allocation is directly to the west of the land under the control of Vanderbilt Homes which is also adjoined to the east by land with the benefit of planning permission for 62 dwellings.

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

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

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

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

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

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

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

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

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

APPENDIX B : Gullege Farm, Imberhorne Lane

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

NPPF: LSH, high

Imberhorne Farm and Imberhorne Cottages

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

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

NPPF: LSH, high

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

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

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

SA 21 Rogers Farm, Fox Hill, Haywards Heath

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

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

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

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

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

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

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

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

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

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

SA 22 Land north of Burleigh Lane, Crawley Down

- 5.36 As with other proposed sites, it has been identified that the development of this site would cause harm to adjoining heritage assets. Appendix B of the reg 18 SADPD sets out the following:

Burleigh Cottage is a Grade II listed 17th century building faced with weatherboarding and painted brick. Previously the building was the farmhouse for Sandhillgate Farm, and was renamed Burleigh Cottage in the mid 20th century. An outbuilding shown on historic maps dating from the mid 19th century appears to survive to the north east of the house, but otherwise the former farm buildings appear to have been lost. If in fact pre-dating 1948 this outbuilding may be regarded as curtilage listed. Sandhillgate Farm is recorded in the West Sussex Historic Farmstead and Landscape Character assessment, which is part of the HER, as an historic farmstead dating from the 19th century.

*Burleigh Cottage is in a semi-rural location on the southern edge of Crawley Down.
NPPF: LSH, MEDIUM*

- 5.37 Conclusions in relation to heritage made for other proposed allocations apply equally to this site.

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

- 5.38 No comments.

SA 24 Land to the north of Shepherds Walk, Hassocks

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

SA 25 Land west of Selsfield Road, Ardingly

- 5.40 No comments.

SA 26 Land south of Hammerwood Road, Ashurst Wood

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

SA 27 Land at St. Martin Close, Handcross

- 5.42 No comments.

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

- 5.43 No comments.

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

- 5.44 No comments.

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

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

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

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

SA 32 Withypitts Farm, Selsfield Road, Turners Hill

- 5.48 No comments.
- 5.49 The site is located within the Brick Clay (Weald) Mineral Safeguarding Area. No further evidence has been provided which demonstrates that the site is required for further mineral extraction.

SA 33 Ansty Cross Garage, Cuckfield Road, Ansty

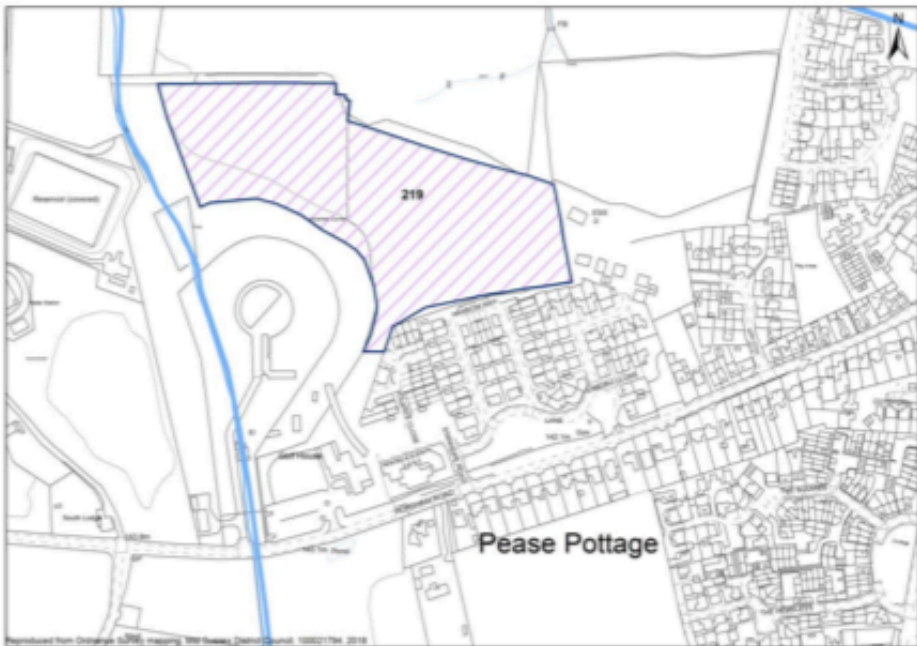
- 5.50 This site is not considered to be a sustainable location. A total of four separate sites were considered within Ansty with this being the only one accepted. The only difference between this and the other sites was that this scored slightly higher in the SA due to it being PDL. Whilst this is correct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

6. Conclusions


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

7. Appendix 1 – SHELAA Extract – February 2020


Stage 1 Site Pro-Forma – All Sites

SHELAA Ref	219	Parish	Slaugham
Site Location	Land at former Driving Range, Horsham Road, Pease Pottage		
			
Site uses	Sports Facilities and Grounds		
Gross Site Area (ha)	3.97		
Potential Yield	75		
Site History			
Absolute Constraint	Flood Zone 2 or 3	✗	
	Site of Special Scientific Interest	✗	
Other Constraints	Ancient Woodland	✓	
	Area of Outstanding Natural Beauty	✓	
	Local Nature Reserve	✗	
	Conservation Area	Development would not have a negative impact on Conservation area and/or Area of Townscape Character	
	Scheduled Monument	✗	
	Listed Buildings	Development will not affect listed building/s	
	Access	Safe access to site already exists	
Suitable	Relatively unconstrained - assessed as Suitable at Stage 1, progress to Stage 2 assessment		
Availability	Site submitted by site proponent to the SHELAA for assessment - considered available		
Achievability	There is a reasonable prospect that site could be developed within the Plan period		
Timescale	Medium-Long Term		

Stage 1 Site Pro-Forma – All Sites

SHELAA Ref	818		Parish	Slaugham
Site Location	Land north of the Former Golf House, Horsham Road, Pease Pottage			
				
Site uses	Car Parks			
Gross Site Area (ha)	1.7			
Potential Yield	41			
Site History				
Absolute Constraint	Flood Zone 2 or 3	✗		
	Site of Special Scientific Interest	✗		
Other Constraints	Ancient Woodland	✗		
	Area of Outstanding Natural Beauty	✓		
	Local Nature Reserve	✗		
	Conservation Area	Development would not have a negative impact on Conservation area and/or Area of Townscape Character		
	Scheduled Monument	✗		
	Listed Buildings	Development will not affect listed building/s		
	Access	Safe access to site already exists		
Suitable	Relatively unconstrained - assessed as Suitable at Stage 1, progress to Stage 2 assessment			
Availability	Site submitted by site proponent to the SHELAA for assessment - considered available			
Achievability	There is a reasonable prospect that site could be developed within the Plan period			
Timescale	Medium-Long Term			

8. Appendix 2 – Site Selection Paper Extract

Site Selection - Housing		
Pease Pottage		
ID	818	Land north of the Former Golf House, Horsham Road, Pease Pottage
		
Site Details		
Units:	41	Site Area (ha): 1.4
Part 1 - Planning Constraints		
1 - AONB	Wholly within – Moderate Impact	Moderate impact on AONB due to potential impact on Ancient Woodland. Impact may be low for apartments on site of existing buildings. Pond within Ancient Woodland to the north of the site and a drain to the east of the site. On western edge of the main village of Pease Pottage, currently occupied by an office and car parking. Offices within the Golf House immediately to the east with modern in depth development beyond. Horsham Road is a historic routeway. Ancient Woodland surrounds the site on three sides and may reduce capacity due to need to retain 15m buffers. Twentieth century clearance of woodland. Site not visible from public vantage points.
2 - Flood Risk	None	The site lies entirely within Flood Zone 1, the area of lowest fluvial flood risk.
3 - Ancient Woodland	Adjacent	
4 - SSSI/SNCI/LNR	None	This site is not adjacent to any Sites of Special Scientific Interest or Local Wildlife Site
5 - Listed Buildings	None	There are no listed buildings within or adjacent to the site
6 - Conservation Area	None	There are no conservation areas within or adjacent to the site
7 - Archaeology	None	
8 - Landscape	AONB	Site is within the High Weald AONB (assessed under criterion 1)
9 - Trees/TPOs	Low/Medium	Trees along the south eastern boundary of the site.
Part 2 - Deliverability Considerations		
818	Land north of the Former Golf House, Horsham Road, Pease Pottage	

Site Selection - Housing

10 - Highways		
11 - Local Road/Access	None	Safe access to site already exists.
12 - Deliverability	Reasonable prospect developability	Housebuilder in an option agreement with the landowner. Intend to submit an application if the site is given a draft allocation in the Site Allocations Document.
13 - Infrastructure	Infrastructure capacity	Developer Questionnaire - normal contributions apply.

Part 3 - Sustainability / Access to Services

14 - Education	More than 20 Minute Walk
15 - Health	More than 20 Minute Walk
16 - Services	10-15 Minute Walk
17 - Public Transport	Poor

Part 4 - Other Considerations

Neighbourhood Plan Policy 1 Protecting AONB Policy 2 Protection of landscape Policy 3 Protection of the open countryside Aim 1 Preventing coalescence	Minerals Minerals considerations unnecessary as site does not progress past detailed assessment stage.
Waste Water and wastewater considerations unnecessary as site does not progress past detailed assessment stage.	Environmental Health Environmental health considerations unnecessary as site does not progress past detailed assessment stage.
Sustainability Appraisal Assessment indicates site is not a reasonable alternative and is therefore not tested through the SA.	Notes

Part 5 - Conclusion

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

2067

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA13

ID: 2067

Response Ref: Reg19/2067/5

Respondent: Mr A Black

Organisation: Andrew Black consulting

On Behalf Of: Denton Homes - Butlers green

Category: Promoter

Appear at Examination? x



Mid Sussex District Council

Draft Site Allocations DPD (Regulation 19)
Consultation

Representation on behalf of Denton Homes – Land
North of Butlers Green Road, Haywards Heath

September 2020

Project	MSDC Draft Site Allocations DPD
ABC Reference	ABC/0075/07
Local Authority	Mid Sussex District Council
Client	Denton Homes
Issue	Final
Author	Andrew Black
Date	September 2020

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

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1. Introduction

- 1.1 These representations for the Draft Site Allocations DPD (Regulation 19) Consultation (Herein referred to as the 'SADPD') are submitted by Andrew Black Consulting on behalf of Denton Homes regarding a within their control in Haywards Heath.
- 1.2 The site is known as *Land north of Butlers Green Road, Haywards Heath* (SHELAA ID 673).
- 1.3 It is understood that the SADPD has been produced in accordance with the Planning and Compulsory Purchase Act 2004, and other relevant regulations.
- 1.4 The NPPF states that Development Plan Documents should be prepared in accordance with the legal and procedural requirements. To be found to be 'sound', plans must be:
 - a) *positively prepared*
 - b) *justified*
 - c) *effective, and*
 - d) *consistent with national policy.*
- 1.5 It is with this in mind that these representations are made.
- 1.6 The draft SADPD has been prepared using an extensive and legally compliant evidence base including a Sustainability Appraisal, Habitat Regulations Assessment, Community Involvement Plan, Equalities Impact Assessment, and various technical reports and studies. Of particular note is the Built Up Area Boundary and Policies Map Topic Paper (TP1) produced in August 2020.
- 1.7 The Site Allocations DPD proposes to allocate 22 sites to meet this residual necessary to meet the overall agreed housing requirement for the plan period as reflected in the 'stepped trajectory' and in accordance with the District Plan.
- 1.8 These representations set out the detail of the Site and Surroundings and a response to the detailed parts of the SADPD.

2. Site and Surroundings

2.1 The site is located to the North of Butlers Green Road in Haywards Heath.



Figure 1 – SHELAA Extract

2.2 The site was assessed as Suitable, Available and Achievable in the Medium to Long Term (The full extract of the SHELAA is set out in Appendix 1).

3. Housing Site Allocation Process

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

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

Figure 5 – Extract from MSDC Housing Land Supply Position Statement

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

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

Figure6 – Total Five Year Housing Requirement taken from MSDC Housing Land Supply Position Statement

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

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

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

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

Deliverability of Sites

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

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

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

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

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

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

Paragraph: 019 Reference ID: 3-019-20190722

Revision date: 22 07 2019

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

4. Sustainability Appraisal

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

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

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

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

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

Paragraph: 018 Reference ID: 11-018-20140306

Revision date: 06 03 2014

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

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

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

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

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

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

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

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

- 4.8 Paragraph 6.52 of the SA concludes that:

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

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

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

5. Assessment of Proposed Sites.

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

SA 12 Land South of 96 Folders Lane, Burgess Hill

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

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

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

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

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

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

SA 15 Land South of Southway, Burgess Hill

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

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

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

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

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

SA 17 Woodfield House, Isaacs Lane, Burgess Hill

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

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

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

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

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

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

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

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

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

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

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

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

SA 19 Land south of Crawley Down Road, Felbridge

- 5.23 As set out, this allocation is directly to the west of the land under the control of Vanderbilt Homes which is also adjoined to the east by land with the benefit of planning permission for 62 dwellings.

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

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

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

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

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

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

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

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

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

APPENDIX B : Gullege Farm, Imberhorne Lane

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

NPPF: LSH, high

Imberhorne Farm and Imberhorne Cottages

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

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

NPPF: LSH, high

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

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

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

SA 21 Rogers Farm, Fox Hill, Haywards Heath

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

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

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

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

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

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

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

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

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

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

SA 22 Land north of Burleigh Lane, Crawley Down

- 5.36 As with other proposed sites, it has been identified that the development of this site would cause harm to adjoining heritage assets. Appendix B of the reg 18 SADPD sets out the following:

Burleigh Cottage is a Grade II listed 17th century building faced with weatherboarding and painted brick. Previously the building was the farmhouse for Sandhillgate Farm, and was renamed Burleigh Cottage in the mid 20th century. An outbuilding shown on historic maps dating from the mid 19th century appears to survive to the north east of the house, but otherwise the former farm buildings appear to have been lost. If in fact pre-dating 1948 this outbuilding may be regarded as curtilage listed. Sandhillgate Farm is recorded in the West Sussex Historic Farmstead and Landscape Character assessment, which is part of the HER, as an historic farmstead dating from the 19th century.

*Burleigh Cottage is in a semi-rural location on the southern edge of Crawley Down.
NPPF: LSH, MEDIUM*

- 5.37 Conclusions in relation to heritage made for other proposed allocations apply equally to this site.

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

- 5.38 No comments.

SA 24 Land to the north of Shepherds Walk, Hassocks

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

SA 25 Land west of Selsfield Road, Ardingly

- 5.40 No comments.

SA 26 Land south of Hammerwood Road, Ashurst Wood

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

SA 27 Land at St. Martin Close, Handcross

- 5.42 No comments.

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

- 5.43 No comments.

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

- 5.44 No comments.

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

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

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

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

SA 32 Withypitts Farm, Selsfield Road, Turners Hill

- 5.48 No comments.
- 5.49 The site is located within the Brick Clay (Weald) Mineral Safeguarding Area. No further evidence has been provided which demonstrates that the site is required for further mineral extraction.

SA 33 Ansty Cross Garage, Cuckfield Road, Ansty


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

6. Conclusions


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

7. Appendix 1 – SHELAA Extract – February 2020

Stage 1 Site Pro-Forma – All Sites

SHELAA Ref	673	Parish	Haywards Heath
Site Location	Land north of Butlers Green Road, Haywards Heath		
			
Site uses	Agriculture		
Gross Site Area (ha)	1.5		
Potential Yield	5		
Site History			
Absolute Constraint	Flood Zone 2 or 3	✗	
	Site of Special Scientific Interest	✗	
Other Constraints	Ancient Woodland	✗	
	Area of Outstanding Natural Beauty	✗	
	Local Nature Reserve	✗	
	Conservation Area	Development would not have a negative impact on Conservation area and/or Area of Townscape Character	
	Scheduled Monument	✗	
	Listed Buildings	Development may potentially affect listed building/s - mitigation may be necessary	
	Access	Safe access is not available but potential exists to easily gain access	
Suitable	No known constraints - assessed as Suitable at Stage 1, progress to Stage 2 assessment		
Availability	Site submitted by site proponent to the SHELAA for assessment - considered available		
Achievability	There is a reasonable prospect that site could be developed within the Plan period		
Timescale	Medium-Long Term		

8. Appendix 2 – Site Selection Paper Extract

Site Selection - Housing		
Haywards Heath		
ID	673 Land north of Butlers Green Road, Haywards Heath	
		
Site Details		
Units:	45	Site Area (ha): 1.5
Part 1 - Planning Constraints		
1 - AONB	N/A	The site is remote from the High Weald AONB
2 - Flood Risk	None	The site lies entirely within Flood Zone 1, the area of lowest fluvial flood risk.
3 - Ancient Woodland	None	The site is not affected by Ancient Woodland
4 - SSSI/SNCI/LNR	Local Wildlife Site - SWT Mitigation	
5 - Listed Buildings	Listed Building - Less Than Substantial Harm (High)	Butlers Green House, Grade II* Development would have a fundamental impact on the currently rural character of the setting of the house and listed structures. The existing degree of separation between the heritage assets and the eastern edge of the Cuckfield would be reduced, and the open and verdant nature of the house's setting eroded. NPPF:LSH, HIGH
6 - Conservation Area	None	There are no conservation areas within or adjacent to the site
7 - Archaeology	None	
8 - Landscape	Low/Medium	
9 - Trees/TPOs	None	Site is not affected by trees
Part 2 - Deliverability Considerations		
10 - Highways		
11 - Local Road/Access	Moderate - Improve	Safe access likely to be gained from Butlers Green road either from the roundabout or from the road itself.
673 Land north of Butlers Green Road, Haywards Heath		

Site Selection - Housing		
12 - Deliverability	Developable	Site is owned by housebuilder. Outline application March 2019.
13 - Infrastructure	Infrastructure capacity	Developer Questionnaire - normal contributions apply.
Part 3 - Sustainability / Access to Services		
14 - Education	15-20 Minute Walk	
15 - Health	Less Than 10 Minute Walk	
16 - Services	10-15 Minute Walk	
17 - Public Transport	Fair	
Part 4 - Other Considerations		
Neighbourhood Plan		Notes

2079

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA13

ID: 2079

Response Ref: Reg19/2079/6

Respondent: Mr A Black

Organisation: Andrew Black consulting

On Behalf Of: Vanderbilt Homes - Hurstwood HH

Category: Promoter

Appear at Examination? x



Mid Sussex District Council

Draft Site Allocations DPD (Regulation 19)
Consultation

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

September 2020

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

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

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1. Introduction

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

2. Site and Surroundings

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



Figure 1 – SHELAA Extract

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

Planning History

- 2.4 The site does not have any planning history.
- 2.5 The site is in close proximity to a site which was allocated under the District Plan (H1) and has a current application for a substantial application. An application was submitted in 2017 (DM/17/2739) with the following description:

Outline application for development of up to 375 new homes, a 2 form entry primary school with Early Years provision, a new burial ground, allotments, Country Park, car parking, 'Green Way', new vehicular accesses and associated parking and landscaping. All matters are to be reserved except for access.

- 2.6 A resolution to grant planning permission was made by planning committee in August 2018. A formal planning decision is yet to be issued as further negotiations are taking place regarding the s106 agreement. However, the allocation of the site and the resolution to grant planning

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

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

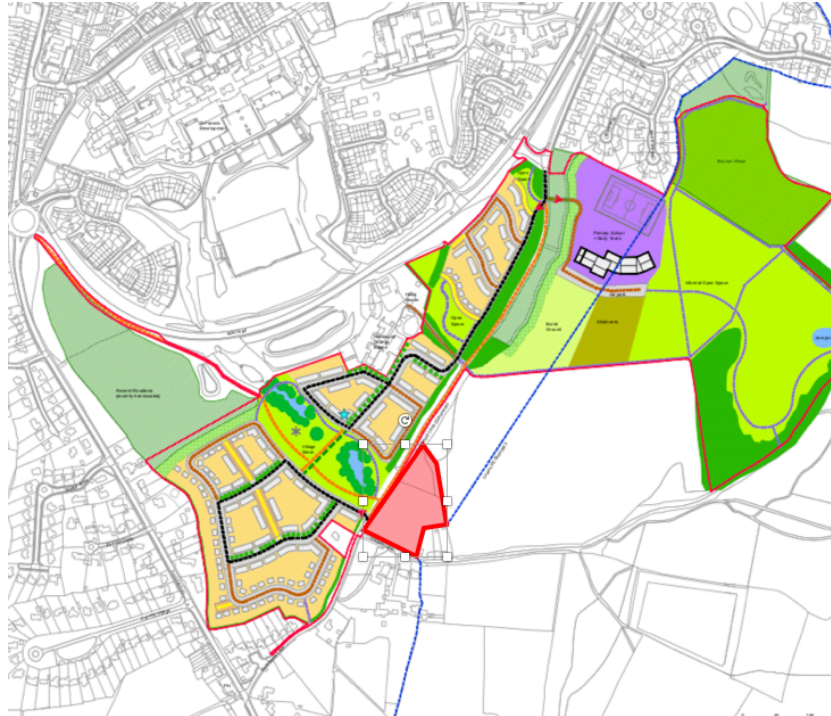


Figure 2 – Proximity of Site to significant application

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

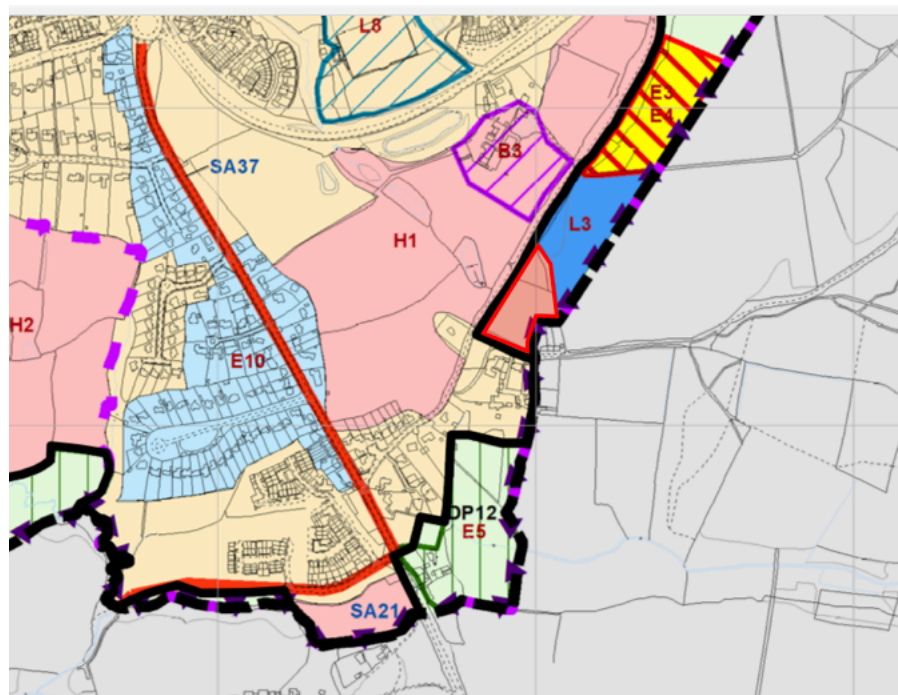


Figure 3 – Proposed Site Allocations Proposals Map

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

SA 21 Rogers Farm, Fox Hill, Haywards Heath

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

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

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

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

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

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

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

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

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

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

- 2.13 In addition to consideration of heritage matters it would appear that the consideration of Sustainability / Access to Services is inconsistent between the Site Selection Paper (SSP3) and the Sustainability Appraisal.
- 2.14 In the Site Selection Paper (SSP3) the Sustainability / Access to Services of Rogers Farm is assessed as follows:

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

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

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

- 2.16 The site is assessed positively for its access to retail and it is stated that they are a 10-15 minute walk when the SA correctly identifies that they are a 15-20 minute walk.
- 2.17 The Site Selection Paper (SSP3) for the Land at Hurstwood Lane makes it clear that whilst connectivity is currently poor, facilities will be provided at the Hurst Farm development and it is therefore considered that the SA would rate these as positive.
- 2.18 It is therefore clear that the Hurstwood Lane site has been overlooked in favour of the less suitable site at Rogers Farm.
- 2.19 It is apparent that the heritage constraints and poor sustainability for Rogers Farm weigh heavily against the allocation of the site and this should be readdressed within the final version of the SADPD.

3. Housing Site Allocation Process

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

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

Figure 4 – Extract from MSDC Housing Land Supply Position Statement

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

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

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

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

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

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

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

Deliverability of Sites

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

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

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

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

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

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

Paragraph: 019 Reference ID: 3-019-20190722

Revision date: 22 07 2019

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

Area of Outstanding Natural Beauty

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

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

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

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

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

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

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

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

Historic Environment

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

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

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

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

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

4. Sustainability Appraisal

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

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

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

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

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

Paragraph: 018 Reference ID: 11-018-20140306

Revision date: 06 03 2014

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

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

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

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

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

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

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

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

- 4.8 Paragraph 6.52 of the SA concludes that:

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

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

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

5. Assessment of Proposed Sites.

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

SA 12 Land South of 96 Folders Lane, Burgess Hill

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

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

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

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

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

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

SA 15 Land South of Southway, Burgess Hill

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

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

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

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

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

SA 17 Woodfield House, Isaacs Lane, Burgess Hill

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

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

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

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

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

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

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

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

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

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

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

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

SA 19 Land south of Crawley Down Road, Felbridge

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

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

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

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

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

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

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

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

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

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

APPENDIX B : Gullege Farm, Imberhorne Lane

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

NPPF: LSH, high

Imberhorne Farm and Imberhorne Cottages

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

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

NPPF: LSH, high

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

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

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

SA 22 Land north of Burleigh Lane, Crawley Down

- 5.32 No comments.

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

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

SA 24 Land to the north of Shepherds Walk, Hassocks

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

SA 25 Land west of Selsfield Road, Ardingly

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

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

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

SA 26 Land south of Hammerwood Road, Ashurst Wood

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

SA 27 Land at St. Martin Close, Handcross

- 5.38 No comments.

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

- 5.39 No comments.

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

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

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

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

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

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

SA 32 Withypitts Farm, Selsfield Road, Turners Hill

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

SA 33 Ansty Cross Garage, Cuckfield Road, Ansty


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

6. Conclusions


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

7. Appendix 1 – SHELAA Extract – February 2020

Stage 1 Site Pro-Forma – All Sites

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

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

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

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

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

Part 4 - Other Considerations

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

Part 5 - Conclusion

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

2080

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA13

ID: 2080

Response Ref: Reg19/2080/7

Respondent: Mr A Black

Organisation: Andrew Black consulting

On Behalf Of: Vanderbilt homes - CDR

Category: Promoter

Appear at Examination? x



Mid Sussex District Council

Draft Site Allocations DPD (Regulation 19)
Consultation

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

September 2020

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

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

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1. Introduction

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

2. Site and Surroundings

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



Figure 1 – SHELAA Extract

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

Flood Risk

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

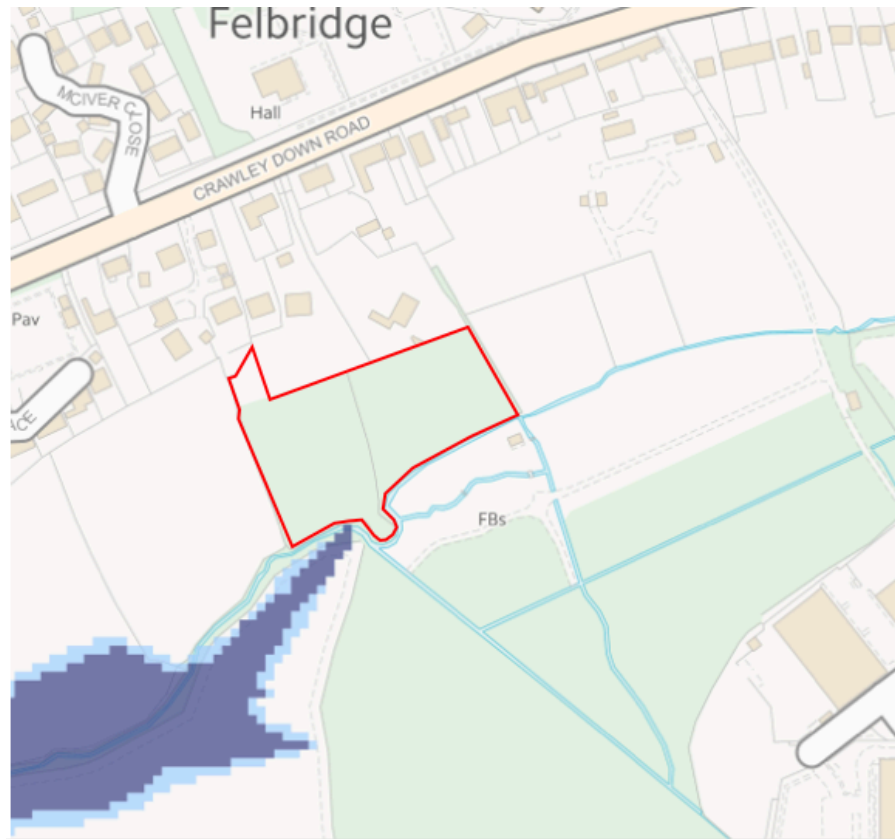


Figure 2 – Extract from Environment Agency Flood Risk Map

Ancient Woodland

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

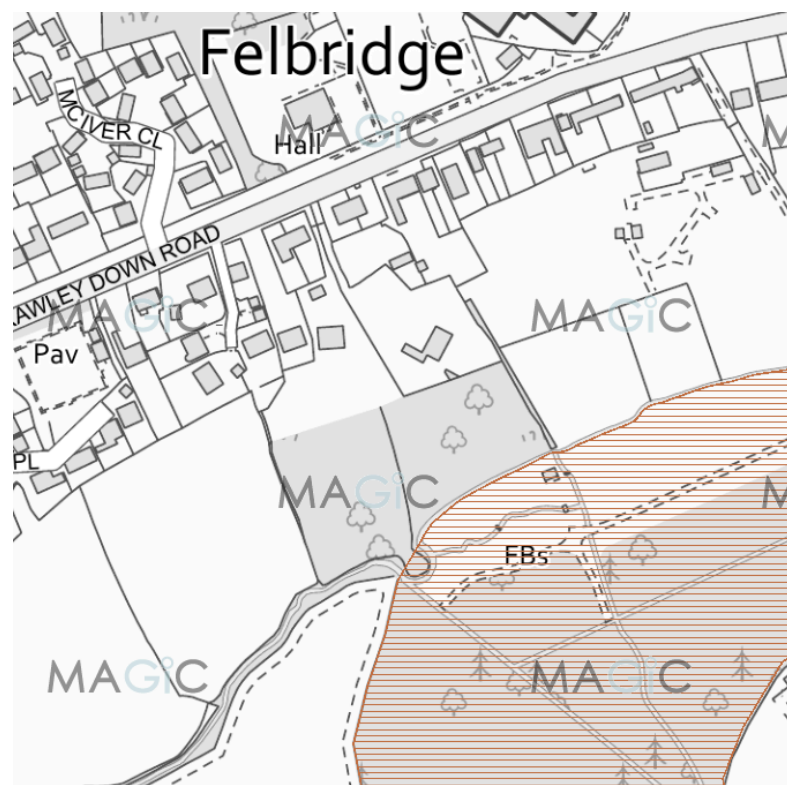


Figure 3 – Location of Ancient Woodland

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

Site of Special Scientific Interest

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

Area of Outstanding Natural Beauty

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

Local Nature Reserve

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

Conservation Area

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

Scheduled Monument

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

Listed Buildings

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

Access

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



Figure 4 – Potential Access.

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

Planning History

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

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

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

Surrounding Developments and Proposed Allocations

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



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

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



Figure 6 – Reserved Matters Plan for adjoining site.

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

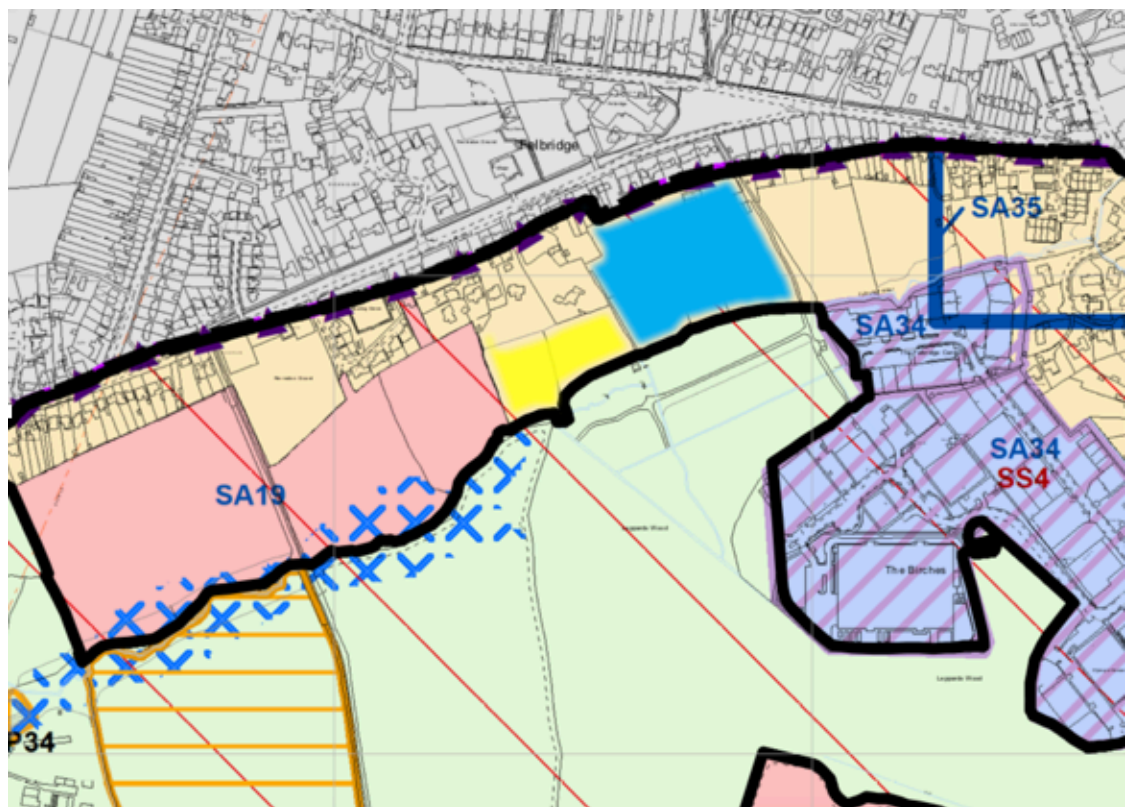


Figure 7 – Map of proposed allocation SA19, BUAB, Consented Land and Proposed Site

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

3. Built up Area Boundary Review

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



Figure 8 – Existing District Plan Proposals Map

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

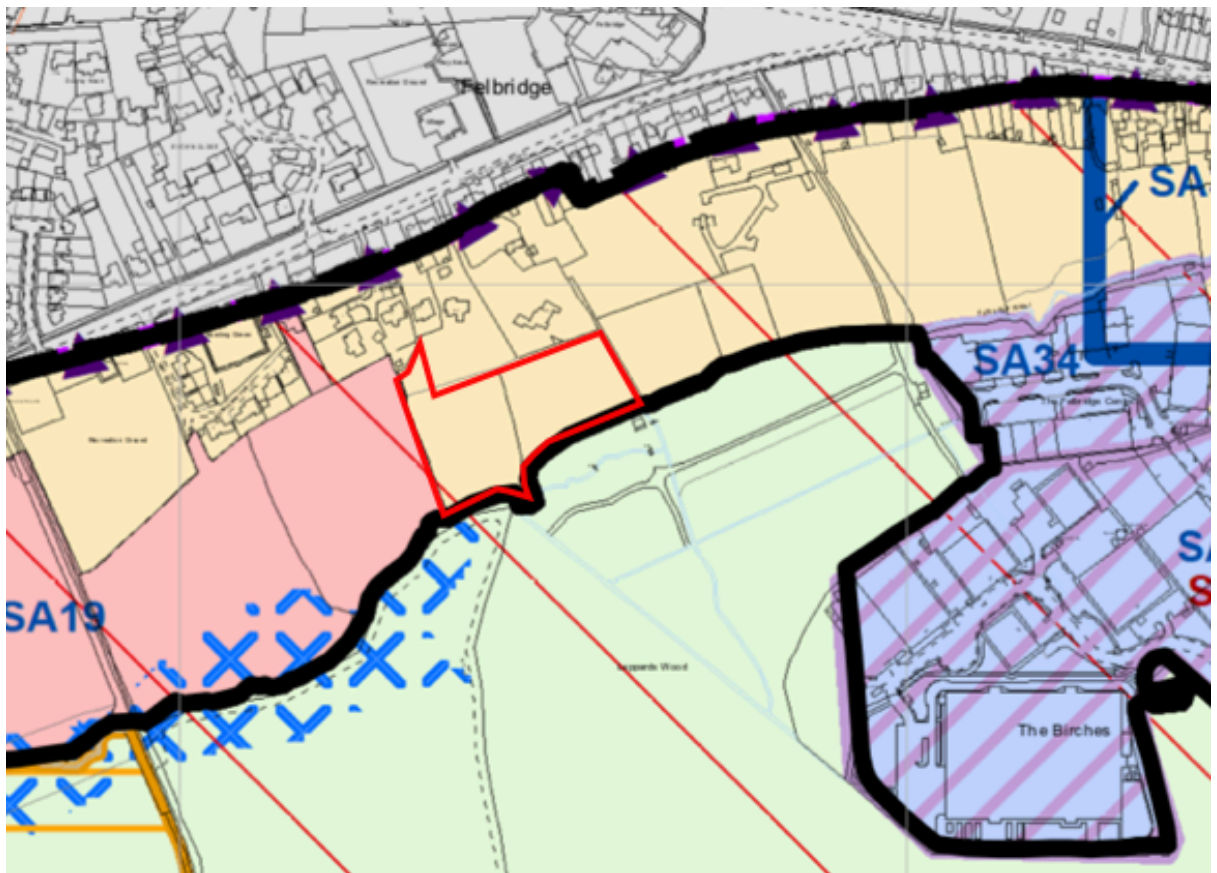


Figure 9 – Proposed BUAB

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

4. Housing Site Allocation Process

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

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

Figure 10 – Extract from MSDC Housing Land Supply Position Statement

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

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

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

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

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

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

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

Deliverability of Sites

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

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

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

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

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

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

Paragraph: 019 Reference ID: 3-019-20190722

Revision date: 22 07 2019

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

Area of Outstanding Natural Beauty

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

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

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

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

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

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

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

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

Historic Environment

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

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

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

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

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

5. Sustainability Appraisal

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

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

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

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

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

Paragraph: 018 Reference ID: 11-018-20140306

Revision date: 06 03 2014

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

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

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

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

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

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

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

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

- 5.8 Paragraph 6.52 of the SA concludes that:

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

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

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

6. Assessment of Proposed Sites.

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

SA 12 Land South of 96 Folders Lane, Burgess Hill

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

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

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

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

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

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

SA 15 Land South of Southway, Burgess Hill

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

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

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

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

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

SA 17 Woodfield House, Isaacs Lane, Burgess Hill

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

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

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

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

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

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

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

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

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

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

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

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

SA 19 Land south of Crawley Down Road, Felbridge

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

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

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

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

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

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

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

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

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

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

APPENDIX B : Gullege Farm, Imberhorne Lane

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

NPPF: LSH, high

Imberhorne Farm and Imberhorne Cottages

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

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

NPPF: LSH, high

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

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

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

SA 21 Rogers Farm, Fox Hill, Haywards Heath

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

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

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

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

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

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

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

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

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

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

SA 22 Land north of Burleigh Lane, Crawley Down

- 6.36 No comments.

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

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

SA 24 Land to the north of Shepherds Walk, Hassocks

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

SA 25 Land west of Selsfield Road, Ardingly

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

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

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

SA 26 Land south of Hammerwood Road, Ashurst Wood

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

SA 27 Land at St. Martin Close, Handcross

- 6.42 No comments.

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

- 6.43 No comments.

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

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

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

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

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

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

SA 32 Withypitts Farm, Selsfield Road, Turners Hill

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

SA 33 Ansty Cross Garage, Cuckfield Road, Ansty


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

7. Conclusions

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

8. Appendix 1 – SHELAA Extract – February 2020

Stage 1 Site Pro-Forma – All Sites

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

2185

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA13

ID: 2185

Response Ref: Reg19/2185/1

Respondent: Mrs S Hatton

Organisation: District Councillor

On Behalf Of:

Category: District Councillor

Appear at Examination? x

[REDACTED]

From: [REDACTED]
Sent: 27 September 2020 11:25
To: ldfconsultation
Subject: Response to Site Selection Document

From - Cllr Sue Hatton (Hassocks Ward)

[REDACTED]
[REDACTED]
[REDACTED] sue.hatton@midsussex.gov.uk

I wish to inform the Inspector that all quotes and references to me, made in the submission by SOFLAG - South of Folders Lane Action Group - with regard to the MSDC Site Selection Document - are correct and an accurate record.

My main concern which I request the Inspector to pay particular attention to, is safety on Ockley Lane. This is a lane, not a classified road, and has a 6'6" width restriction on its' entire length from Keymer/Hassocks to Burgess Hill, where it joins the mini roundabout at Folders Lane.

I was very surprised, and disappointed, that WSCC Highways found it acceptable to have the sole access from the 500 dwelling Strategic Site north of Hassocks (DP 11) onto this width restricted Lane (with no right-hand turning lane southbound from Burgess Hill) - The Lane, in part, is extremely narrow, winding, and with a hill leading north/south to this sole entrance. To have Site SA13 with 300+ dwellings with only a sole access also onto this Lane will be a catastrophe from the safety perspective. There will be many accidents 'waiting to happen' and Inevitably some will be of a serious nature - not just scrapes or knocks between wing mirrors.

My second concern, is the destruction of the valuable countryside gap between Hassocks and Burgess Hill. This gap has already been reduced by a third following the granting of planning permission for Site DP11. Site SA13 would further reduce this gap to approximately 900m, which is completely contrary to DP13.

I would therefore strongly request that SA13 is removed from the Site Selection Document for the reasons I have set above.

S. Hatton - Cllr Hassocks Ward

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2470

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA13

ID: 2470

Response Ref: Reg19/2470/2

Respondent: Ms E Lake

Organisation:

On Behalf Of:

Category: Resident

Appear at Examination? x

Name	Emma lake
Address	[REDACTED]
Email	[REDACTED]
Which document are you commenting on?	Site Allocations DPD
Sites DPD Policy Number (e.g. SA1 - SA38)	SA12 - SA17
Do you consider the Site Allocations DPD is in accordance with legal and procedural requirements; including the duty to cooperate	Yes
(1) Positively prepared	Sound
(2) Justified	Sound
(3) Effective	Sound
(4) Consistent with national policy	Sound
Please outline why you either support or object (on legal or soundness grounds) to the Site Allocations DPD	We agree with the plans to build more houses in Burgess Hill. Housing is a key issue across the country and we need more houses. Also more houses will bring better infrastructure and in time more money into the town - which will support the wider town planning.
If you wish to provide further documentation to support your response, you can upload it here	
If your representation is seeking a change, do you consider it necessary to attend and give evidence at the hearing part of the examination	No, I do not wish to participate at the oral examination
Please notify me when-The Site Allocations DPD is adopted	yes
Date	03/08/2020