

Evidence Base - Index by ID Number

ID	Respondent	Organisation	BehalfOf	Respondent Category	Participate
286	Ms H Schofield	West Hoathly Parish Council		Town & Parish Council	<input type="checkbox"/>
534	Mrs P Slatter	Felbridge Parish Council		Town & Parish Council	<input type="checkbox"/>
625	Mrs J Nagy	Worth Parish Council		Town & Parish Council	<input checked="" type="checkbox"/>
625	Mrs J Nagy	Worth Parish Council		Town & Parish Council	<input checked="" type="checkbox"/>
666	Mrs J Holden	East Grinstead Town Council		Town & Parish Council	<input type="checkbox"/>
705	Mr O Bell	Nexus Planning	Miller Homes - Lewes Road HH	Developer	<input checked="" type="checkbox"/>
709	Mrs L Wilford	Barton Willmore	Retirement Villages Developments	Promoter	<input checked="" type="checkbox"/>
777	Mrs L Howard	South Downs National Park		Local Authority	<input type="checkbox"/>
786	Mr S Crickett	Strutt and Parker	Somerston Developments Projects	Promoter	<input checked="" type="checkbox"/>
792	Mrs T Flitcroft	West Sussex County Council		Local Authority	<input type="checkbox"/>
1005	Mr L Beirne			Resident	<input type="checkbox"/>
1036	Mr D Johnson			Resident	<input type="checkbox"/>
1243	Mrs K Griffiths			Resident	<input type="checkbox"/>
1370	Mr T Higham	Hamsland Action Group		Organisation	<input checked="" type="checkbox"/>
1392	Mr F Berry			Resident	<input type="checkbox"/>
1423	Ms S Dowdall			Resident	<input type="checkbox"/>
1430	Ms P Cox			Resident	<input type="checkbox"/>
1722	Mr D Parsons	Lindfield Parish Council		Town & Parish Council	<input type="checkbox"/>
2209	Mr S Simper			Resident	<input checked="" type="checkbox"/>
2383	Mr P Tucker	Infrastructure First	Infrastructure First	Organisation	<input checked="" type="checkbox"/>
2420	Ms M Nightingale			Resident	<input type="checkbox"/>

Site Allocations DPD: Regulation 19 Consultation Response

Code: 1j

ID: 286

Response Ref: Reg19/286/1

Respondent: Ms H Schofield

Organisation: West Hoathly Parish Council

On Behalf Of:

Category: Town & Parish Council

Appear at Examination? x

From: clerk@westhoathly.gov.uk
Sent: 29 September 2020 09:49
To: ldfconsultation
Subject: Site Allocation Development Plan Consultation response from West Hoathly Parish Council

Follow Up Flag: Follow up
Flag Status: Completed

West Hoathly Parish Council discussed a response to the Draft Site Allocation Development Plan at its meeting last night.

The Parish Council believes that the Plan has not adequately addressed the cumulative impact on local roads of the proposed developments around East Grinstead, Crawley Down and Ardingly.

No reference has been made of the increased traffic on the C319 through West Hoathly and Sharpthorne, the B2028, B2011 and where they cross in Turners Hill or the wider local road network that will be generated by these developments. These roads cannot adequately manage the current traffic volumes.

Kind Regards

Helen Schofield
West Hoathly Parish Clerk
Village Hall, North Lane
West Hoathly, RH19 4QG
01342 811301

Office hours Monday, Tuesday and Thursday 9:00am – 12:00pm

This email and any attachments are confidential and intended solely for the persons addressed. If it has come to you in error please reply to advise us but you should not read it, copy it, show it to anyone else nor make any other use of its content. West Hoathly Parish Council takes steps to ensure emails and attachments are virus-free but you should carry out your own checks before opening any attachment.

Site Allocations DPD: Regulation 19 Consultation Response

Code: 1j

ID: 534

Response Ref: Reg19/534/1

Respondent: Mrs P Slatter

Organisation: Felbridge Parish Council

On Behalf Of:

Category: Town & Parish Council

Appear at Examination? x

625

Site Allocations DPD: Regulation 19 Consultation Response

Code: 1j

ID: 625

Response Ref: Reg19/625/11

Respondent: Mrs J Nagy

Organisation: Worth Parish Council

On Behalf Of:

Category: Town & Parish Council

Appear at Examination? ✓



WORTH PARISH COUNCIL

Clerk: Mrs Jennifer Nagy
CiLCA; PLCC

24th September 2020

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

Dear Sirs,

Draft Site Allocations DPD (Regulation 19) Consultation

Following a thorough review of the above DPD and the associated documents, Worth Parish Council has the following comments.

Employment

Site SA4 – Land north of the A264 at Junction 10 of the M23

In the original application for development of this area (13/04127/OUTES refers), this site was designated as informal open space. It was to be used as landfill with spoil from the site – “the landfill site will provide an interesting sculptured landform which will be retained as informal open space. The landform will also help screen the development from potential views from the A264”.

Despite the existing permission for industrial units on the site specifying B1/B8 use, only B8 units have been approved under reserved matters applications. The landscaping originally proposed for this area is now more than justified, in order to screen the large mass and height of the B8 units already in situ.

The amenity space also serves to avoid perceived coalescence with Crawley.

Removal of this 2.7-hectare site can be justified, given its current designation as protection for an existing development, whilst still leaving sufficient residual employment land to meet the revised economic development targets.

Should the site be allocated despite these objections, the Council asks that only B1 smaller business units be permitted, with the provision for any B8 units to be removed. This would give a wider range of industrial development, providing more opportunities for local businesses and thus meeting sustainability and economic objectives.

Given the location right on the junction, smaller low rise B1 units would be more suitable to mitigate the impact on the area. The landscaping screen should be of sufficient mass and depth as to provide protection both against perception of coalescence and against traffic noise and pollution from the M23 and Junction 10 itself.

As land levels have been heightened as part of the landfill operations, this should be taken into account to ensure that buildings are low rise from the A264 road level, and that screening is of sufficient depth and height to fulfil its purpose.

Site Specific Housing

Site SA19 – Land South of Crawley Down Rd, East Grinstead; 200 dwellings.

Site SA20 – Land South and West of Imberhorne Upper School; 550 dwellings.

The proximity of these developments means that their impact on local infrastructure should be assessed as a single development and should be undertaken in the context of existing permissions to the South of SA20 for 200 new homes and East of SA19 for 100 new homes (approx.).

Both Worth Parish Council and Surrey County Council have expressed concerns over capacity along the A22/A264 corridor. The associated local road network at the Turners Hill crossroads and the Sandy Lane, Vicarage Road and Wallage Lane junctions with the Turners Hill Road through Crawley Down should also be considered– see comments on Transport below.

Site SA22 – Land north of Burleigh Lane, Crawley Down; 50 dwellings

Worth Parish Council commented as part of Regulation 18 consultation that the location of the access is not clear. MSDC has responded by including reference to possible access via Sycamore Lane or Woodlands Close.

The Parish Council reiterates its concerns over access to this site. Both Sycamore Lane and Woodlands Close lead to the junction of Kiln Rd and Woodlands Close, a junction which has already been highlighted to WSCC Highways as being dangerous due to lack of clarity with regard to priority, and due to problems with obstructive parking.

An alternative access to the site via Burleigh Lane has obviously been discounted as it is a private, single track lane.

Therefore, this site should be removed on highways grounds

Housing Numbers

It was noted that during the various iterations of the Site Selection Paper, the wording as to supply across settlement categories has changed. SPP2 refers to unmet residual need being passed down i.e. unmet need to be passed from Category 2 to Category 3 (para 2.10 refers). However, SSP3 refers to unmet need to be passed up (para 2.4.5 refers) This should be clarified.

The DPD allows for 1764 homes, when the residual need is 1280, which is an over- provision of 484. Whilst this figure seems reasonable, it should be noted that it is an over-provision of 37.8% which could be deemed excessive.

In the DPD itself, the residual requirements are tabled by Category and not by individual settlement. The figures are as follows

Category	Minimum Requirement	Minimum Residual	Allocated	Difference
1	10653	706	1409	+703
2	3005	198	105	-93
3	2200	371	238	-133
4	82	5	12	+7
Total	16390	1280	1764	+484

Category 2 settlements have been successful in achieving 93.41% of their target, whilst Category 3 settlements have only achieved 83.1% of their target. The Council argues that more effort could have been made to see what could have been done to mitigate the sites discounted for consideration in the Category 3 settlements.

The Parish Council considers that the methodology used by MSDC to calculate Minimum residual requirements penalises those settlements who have already met their DP6 minimum requirement targets by ignoring the completions and commitments in excess of the DP6 figure for each

settlement. If the excess above the DP6 minimum requirement was included, then the six Category 2 settlements have already met 102% of their over DP6 minimum requirement of 3005.

DP6 Settlement Hierarchy states that “the amount of development planned for in each settlement will need to have regard to the settlement hierarchy, and also take into account of existing delivery, local development needs including significant local infrastructure, and other constraints to development”

1005 of the 1764 additional houses are on sites in the northern half of the district. Worth Parish Council believes that the district would be best served by an equitable distribution of housing throughout the area. The Council recognises the need to concentrate housing around the three district towns which are best placed to support the increased demand on infrastructure; two of these towns are in the south.

Worth Parish will also be adversely impacted by significant development on its border with East Grinstead, with an additional 750 homes being proposed. (See comments on Transport below)

Windfall Sites

In responding to the Draft DPD in 2019, the Parish Council said that the windfall contribution of 588 dwellings was underestimated, and that evidence would justify 972 from small windfall sites and 500 from large windfall sites.

In the final version of the DPD, the windfall contribution has been reduced to 504 dwellings. This presumably is due to updated empirical evidence.

Para 70 of the NPPF requires compelling evidence that windfall sites will provide a reliable source of supply.

PPG Housing and Economic Land Availability Assessment states that Local Planning Authorities have the ability to identify broad locations in years 6-15, which could include a Windfall allowance.

However, other LPAs such as East Hampshire, have recorded a constant supply of Windfall numbers, so have justified including figures from Year 3 onwards, rather than Year 6.

The District Plan adopted March 2018 allowed for 450 windfall dwellings. With allowances for 450 in 2018, 588 in 2019 and 504 in 2020. Using the East Hampshire model, these figures could be re-visited to see if the 504 figure is realistic or has been under-estimated.

Worth Parish Council has noted Cuckfield Parish Council’s comments relating to Windfall Sites, in that Cuckfield PC is of the opinion that “the allowance for windfall sites within the plan period has been underestimated by 168 dwellings (through the use of inconsistent methodology); 128 dwellings from small windfall sites (up to 9 dwellings) and 480 windfall sites over 9 dwellings.”

Worth Parish Council concurs with this view that contribution from windfall sites have been incorrectly assessed, further evidence that the calculation needs to be re-visited.

Neighbourhood Plans

The DPD allows for known commitments of 9689, which includes allocations made in Neighbourhood Plans. The majority of parishes have made Plans, which should now be due for review. Some reviewed Plans may incorporate additional allocations, but no reference has been made to these.

Therefore, the Council believes that there is little justification to allocate an additional 50 homes to Crawley Down given that

- The parish has fulfilled its housing allocation
- Category 2 settlements have performed well in the delivery of previous allocations
- The distribution of additional sites has been unfairly biased to the north of the district
- This in turn has put unacceptable strain on the local road network, especially the A264 between East Grinstead and M23 J10.

- The over-provision of 484 dwellings/37.8% is too great, and that the windfall contribution of 504 is too small.
- No consideration has been given to future allocations via revised Neighbourhood Plans within the district.

It is noted that provision of supporting infrastructure is more site specific for strategic sites. Smaller allocations generate lower levels of contributions that are insufficient to fund improvement projects; little consideration is given to the cumulative impact of piecemeal development. It could be argued that larger strategic site allocations provide necessary infrastructure more efficiently and cohesively than smaller sites.

Transport

MSDC last carried out a Transport Study in November 2015 in preparation for the District Plan in 2018. DP21 of the District Plan makes reference to the West Sussex Transport Plan 2011 to 2026. The WSCC Plan only cites areas around the three towns – East Grinstead, Burgess Hill and Haywards Heath as being in need of improvement. It is noted that East Grinstead is affected by the A264 and the A22, but no reference is made to the impact of traffic on these roads as they travel away from the town.

Completion (almost) of the M23 Smart Motorway and Gatwick Airport's progression of a second runway have taken place since the date of the study; it should be updated as a matter of urgency.

Both Worth Parish Council and Surrey County Council has commented on the impacts of increased levels of housing in East Grinstead upon the A22/A264 network.

DP25 Transport requires any development scheme to "avoid traffic congestion, individually or cumulatively, taking account of any proposed mitigation"; any additional housing sites should be compliant with this policy.

SA35 in the DPD only identifies three transport schemes – A22 corridor upgrades at Felbridge, Imberhorne Lane and Lingfield Rd junctions, A264 upgrades at Copthorne Hotel roundabout, and A23 upgrade at Hickstead.

Junction improvements at all three East Grinstead locations will channel traffic more easily onto the A264.

Worth Parish Council argues that the Dukes Head roundabout should be considered for inclusion in SA35. The B2028 Turners Hill Rd joins this roundabout bringing traffic from the south to head on westwards on the A264 to access local employment centres at Gatwick and Crawley, and also to access the M23 itself for onward journeys.

Capacity studies should take place on all major junctions from M23 J10 eastbound on the A264 until its junction with the A22. This is particularly important given that the 772 homes proposed for East Grinstead are all on the eastern border of Worth Parish, so would have significant impact on the local road infrastructure.

Air quality assessments and modelling should take place to analyse the impact of increased traffic along this corridor to ensure compliancy with SA 38 Air Quality.

In addition, junction capacity on the associated local road network at the Turners Hill crossroads and the Sandy Lane, Vicarage Road and Wallage Lane junctions with the Turners Hill Road through Crawley Down needs to be considered.

Indeed, the Plan would benefit from a District Transport Strategy to promote sustainable development.

NB: There is an error in SA35 in that the maps for "A264 corridor upgrades at Copthorne Hotel Junction" and for A23 Junction upgrades at Hickstead" have been transposed.

Utilities

It is of concern that Southern Water has indicated that the local sewerage network within the parish has limited capacity.

Indeed, evidence was supplied to the Secretary of State in relation to the Call In of two sites in Crawley Down in 2017 that Copthorne pumping station was at capacity. Whilst developers can fund improvements, piecemeal contributions will not be adequate to address the wider issue of lack of local capacity

There have been very recent issues with water supply in Mid Sussex, in that the processing plants could not purify enough water to meet demand, leaving some household without water for days.

Summer heatwaves seem to be the norm, leading to an increase in overall demand.

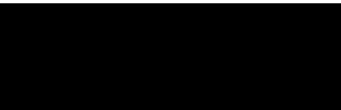
Provision of an adequate water supply must be an inherent part of any Local Plan.

Digital infrastructure has historically been left up to commercial providers. However, recent Covid-19 events have highlighted the need to have access to efficient broadband speeds in order to support the local and national economy.

Oral Representation at the Examination

Worth Parish Council would like to send representation to the Examination hearing to argue the case for a District Transport Strategy to assess the impact of cumulative development along the A264 corridor, to include capacity and air quality studies. This should encompass feeder routes onto this corridor, such as the A22, the B2028 Turners Hill Rd, and the B2220 Copthorne Rd.

Yours faithfully,



Jennifer Nagy
Clerk to the Council

666

Site Allocations DPD: Regulation 19 Consultation Response

Code: 1j

ID: 666

Response Ref: Reg19/666/4

Respondent: Mrs J Holden

Organisation: East Grinstead Town Council

On Behalf Of:

Category: Town & Parish Council

Appear at Examination? x

705

Site Allocations DPD: Regulation 19 Consultation Response

Code: 1j

ID: 705

Response Ref: Reg19/705/8

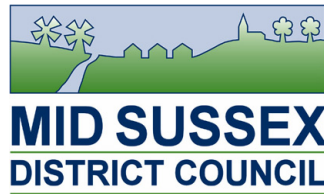
Respondent: Mr O Bell

Organisation: Nexus Planning

On Behalf Of: Miller Homes - Lewes Road HH

Category: Developer

Appear at Examination? ✓



Site Allocations Development Plan Document Regulation 19 Submission Draft Consultation Form

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

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

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

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

The Site Allocations DPD is available to view at:

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

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

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

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

How can I respond to this consultation?

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

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

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

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

E-mail: LDFconsultation@midsussex.gov.uk

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

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

1. Personal Details

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



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

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

Part B – Your Comments

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

Name or Organisation:

Miller Homes Ltd c/o Nexus Planning

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="11"/>	Draft Policies Map	<input type="text"/>
-----------	----------------------	-----------	---------------------------------	--------------------	----------------------

4. Do you consider the Site Allocations DPD is:

4a. In accordance with legal and procedural requirements; including the duty to cooperate.	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
4b. Sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

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

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

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

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

Please see attached

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

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

Please see attached

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

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

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

☐

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

☒

Yes, I wish to participate at the oral examination

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

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

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

10. Please notify me when:

(i) The Plan has been submitted for Examination

☒

(ii) The publication of the recommendations from the Examination

☒

(iii) The Site Allocations DPD is adopted

☒

Signature:

Oliver Bell

Date:

17/09/2020

Thank you for taking time to respond to this consultation

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

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

- vii. The SA is unduly reliant upon, and constrained by, indicative and untested settlement figures, which has led to the allocation of unsustainable sites having regard to alternatives that exist in the District.
 - viii. Site Selection Paper 3 includes a number of errors or incorrect conclusions in respect site SHELAA ref. 844.
4. Given the above, the SA DPD is unsound. Additional sites will need to be allocated in order to address these issues of soundness, such as land to the south of Lewes Road, Haywards Heath (SHELAA ref, 844), which has capacity to accommodate approximately 100 dwellings, is controlled by a housebuilder – Miller Homes and is available for development now.

Policy SA11: Additional Housing Allocations

Distribution of Development

Category 1 Settlements

5. Table 2.5 within Policy SA11 outlines that 1,409 dwellings are proposed to be allocated within Category 1 Settlements, albeit only 25 dwellings are to be allocated at Haywards Heath. Within the District Plan it is clear that Burgess Hill has by far the most housing allocations, including the Northern Arc and therefore at a strategic level it is difficult to understand the justification to allocate almost a further 612 dwellings on the edge of this settlement. As a starting point, logic would suggest an even split of housing across each of the Category 1 Settlements, which is indeed broadly reflected through demographic analysis as outlined below.
6. Policy DP4 of the District Plan does not provide any strategic direction over how the minimum Category 1 settlement requirement should be apportioned. However, Policy DP6 sets out the settlement hierarchy and amongst other things confirms that a strategic policy objective is '*to provide the amount and type of housing that meets the needs of all sectors of the community*' and outlines that growth of settlements should meet identified local housing, employment and community needs.
7. With regard to local housing needs at each of the Category 1 settlements, it is evident from analysis of Census 2011 data and Office for National Statistics (ONS) Mid-Year Estimates (see Figure 1) that the population of Burgess Hill and Haywards Heath are broadly comparable i.e. they both are home to around 21% of the District total population, whereas East Grinstead has accommodated around 18% of the districts total population. Analysis of Census 2011 and Valuation Office Agency (VOA) Council Tax Base data also show the same apportionment across the three Category 1 settlements (i.e. 21% for Burgess Hill and Haywards Heath and 18% for East Grinstead).

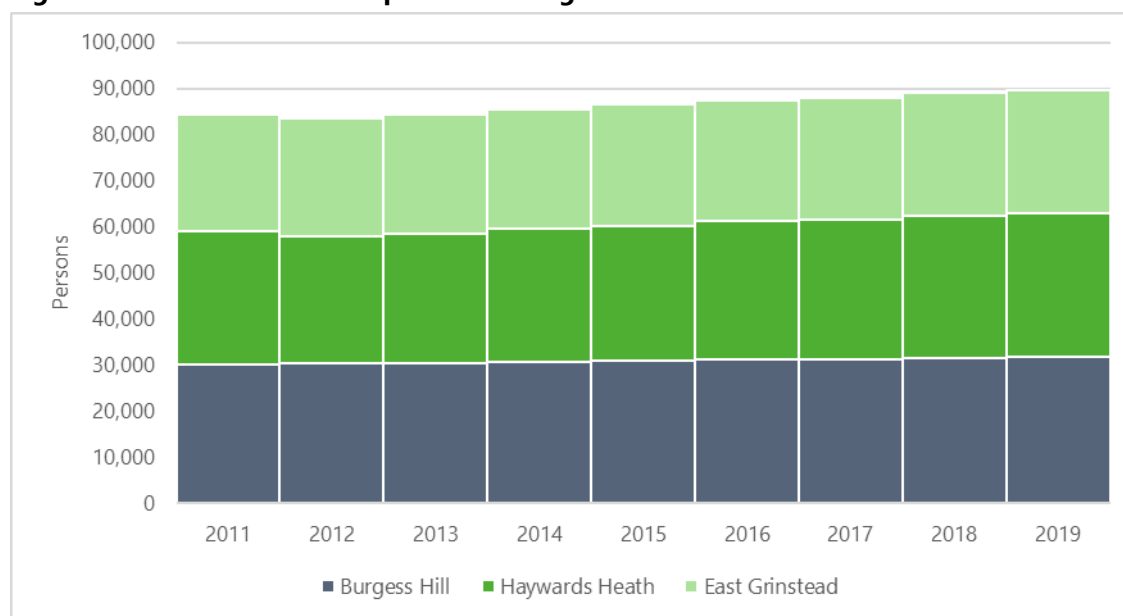
Figure 1: All Persons Population Change 2011 to 2019

Area	2011 ^a		2019 ^b	
	All Persons	Proportion of District Total	All Persons	Proportion of District Total
Mid Sussex	140,188		151,022	
Tier 1 Settlements	84,420	60%	89,650	59%
Burgess Hill	30,204	22%	31,727	21%
Haywards Heath	28,811	21%	31,081	21%
East Grinstead	25,405	18%	26,842	18%

Source: ^aCensus 2011, ^bLower Super Output Area Mid Year Estimates

8. As illustrated within Figure 2 below, of the Category 1 total population, Burgess Hill and Haywards Heath have consistently accommodated 35% of the total population, with East Grinstead accommodating the remaining 30%. Census 2011 and VOA data also show the same broad trend.

Figure 2: Tier 1 Settlement Population Change: 2011 to 2019



9. Based on the District Plan's overarching spatial strategy, which seeks to support and maintain the existing settlement hierarchy, it would therefore be reasonable to expect the level of planned growth at each of the Category 1 settlements to broadly align with demographic and housing stock trends i.e. circa 21% of the overall District figure / 35% of the total Category 1 figure at Burgess Hill and Haywards Heath respectively (around 3,600 dwellings each) and circa 18% of the overall District figure / 30% of the total Category 1 figure at East Grinstead (around 3,100

dwelling). Failure to do so would mean that contrary to the District Plan (Policy DP4), individual settlements demographic-based housing needs are not being met.

10. Of fundamental concern therefore, as illustrated within Figure 3 below, is that the proposed Category 1 settlement housing allocations within the SA DPD results in a level of planned housing growth at Haywards Heath over the period up to 2031 falling significantly short of that likely to be required to meet the settlements demographic needs and to maintain its status within the settlement hierarchy. Delivery of 2,617 dwellings at Haywards Heath only represents 15% of the overall District housing figure (16,390 dwellings) and 24% of the overall housing planned at the Category 1 settlements (10,874 dwellings).

Figure 3: Proposed Category 1 Settlement Housing Apportionment				
Area	Commitments and Completions April 2019	Proposed Allocations	Combined Commitments / Completions and Proposed Allocations	
Category 1 Settlements	9,462	1,412	10,874	
Burgess Hill	5,166	615	5,781	53%
Haywards Heath	2,592	25	2,617	24%
East Grinstead	1,704	772	2,476	23%

11. In view of the above, we firmly believe that a greater proportion of the residual District Plan housing requirement should be focused at Haywards Heath and that additional sites must be allocated within the Site Allocations DPD, such as land south of Lewes Road.
12. To achieve this, the residual minimum requirement for the Category 1 settlements should, as a starting point, be apportioned using a demographic / housing stock trend basis i.e. 35% to Burgess Hill and Haywards Heath and 30% to East Grinstead. The resulting figures are set out within Figure 4 below (noting that a buffer for flexibility has not yet been applied):

Figure 4: Demographic and Housing Stock-based Category 1 Settlement Housing Figures				
Area	Commitments and Completions April 2019	Residual Apportionment	Combined Commitments / Completions and Proposed Allocations	
Category 1 Settlements	9,462	1,191	10,653	
Burgess Hill	5,166	429	5,595	53%
Haywards Heath	2,592	357	2,949	28%
East Grinstead	1,704	405	2,109	20%

13. In accordance with the spatial strategy within the District Plan, the apportionment set out within Figure 4 above would maintain the focus for growth at Burgess Hill, whilst achieving growth at

Haywards Heath and East Grinstead which aligns with the respective settlements position within the settlement hierarchy and ensures that the demographic housing needs of the settlements is met over the Plan period.

14. Given the above, a further 332 dwellings (plus an appropriate buffer) should be allocated at Haywards Heath.
15. In reading the Council's SA and Site Selection Paper, it would appear that the sole reason for not allocating more growth at Haywards Heath is a purported lack of suitable, available and achievable sites, as evidenced by the early sifting out of potential sites on the edge of this settlement. This is a conclusion we strongly refute, indeed as set out later on in these representation, we consider land south of Lewes Road to represent a sustainable location for growth. This is particularly the case having regard to the fact numerous less sustainable settlements are currently proposed for substantially more growth, including 70 dwellings in the AONB at Ardingly (SA25) – a Category 3 village.
16. 772 dwellings are proposed to be allocated at East Grinstead – the most of any Category 1 Settlement. Figure 2.1 of the Site Allocations DPD clearly shows that East Grinstead is the only Category 1 Settlement within the Ashdown Forest 7km Zone of Influence. Paragraph 2.33 of the Site Allocations DPD outlines that a Habitat Regulations Assessment (HRA) has been undertaken and that the main potential impacts are recreation impacts primarily relating to risks to the Ashdown Forest SPA and air quality impacts primarily relating to risks to the Ashdown Forest SAC. Overall, it states that *"Using evidence-based justifications, the HRA has concluded, at this stage of plan-making, that the Sites DPD does not present any potential risks to the Ashdown Forest SPA and SAC that are not capable of being mitigated."*
17. Implicit in the Habitats Directive is the application of the 'precautionary principle', which requires that conservation objectives prevail where there is uncertainty. Given that comparably sustainable locations for growth exist within the District at other Category 1 settlements (Burgess Hill and Haywards Heath), which importantly fall well outside of the aforementioned Ashdown Forest 7km Zone of Influence, it is considered that opportunities to locate growth outside this Zone of Influence should be thoroughly evaluated and discounted before growth within this area is considered. It is noted that a Habitat Regulations Assessment (HRA) has been undertaken, however given the imprecise nature of determining air quality impacts on the Ashdown Forest SAC (which do identify impacts, albeit limited), it is considered that the possibility of significant adverse effects cannot be wholly ruled out and thus uncertainty remains with this approach.
18. Accordingly, the SA supporting the Site Allocations DPD must consider a reasonable alternative of removing any prospect of impacts upon the Ashdown Forest.

Category 3 Settlements

19. 238 dwellings are allocated at Category 3 settlements against a minimum residual requirement of 371. The SA notes this shortfall but outlines at paragraph 6.43 that this can be addressed by additional growth at Category 1 settlements commenting that *"As Category 1 is the most sustainable settlement category, and under-supply should be met at categories higher-up in the settlement hierarchy, this approach is acceptable."* Whilst this is an approach we wholly support, it is at odds with paragraph 2.4.5 of the Site Selection Paper 3 which states *"Where the results of the site assessment exercise were found to leave a shortfall in capacity at one settlement hierarchy category the aim is that this shortfall would be met in the category above. For example, in the absence of sufficient suitable, available and developable sites in Category 3 the residual need is passed up to the settlements within Category 2, and so on."* For the avoidance of doubt, we do not consider that this approach outlined in the Site Selection Paper is appropriate or aligns with national policy in the context of steering development to the most sustainable locations.
20. Given the above, it would appear that the site selection process has been determined through a process that does not align with the SA or national policy. Accordingly, the SA DPD is unsound as it is not justified or consistent with national planning policy. To address this issue, the Site Selection Papers should be amended to reflect the approach outlined in the SA, which may result in more allocations in Category 1 settlements.

Selection of Sites

21. Miller Homes Ltd control land south of Lewes Road, Haywards Heath (SHELAA ref. 844) which Site Selection Paper states was discounted following the detailed site assessment stage, with the justification offered being *"Development considered likely to have an adverse impact on Conservation Area"*. Appendix B of the Site Selection Paper then provides further commentary on the Site. Selected commentary is provided below:
- **Ancient Woodland** – the Site is adjacent to ancient woodland however the submitted Vision Document demonstrates that a 20m buffer is proposed, exceeding Natural England guidance. No adverse effects are therefore considered to arise.
 - **Listed Buildings** – The Site Selection Paper states that whilst Colwell House (grade II listed) is separated from the rear of the grounds to Colwell House by a field, development on the site is also likely to have a potentially detrimental impact on the outlook to the rear of this listed building. Less than substantial harm is referenced (albeit the lower end of this spectrum). Orion has prepared a Historic Environment Desk-Based Assessment (attached) in respect of the site and concludes that by offsetting development away from the southern boundary of Colwell House the *"development of the study site would not harm the significance of the house."* (paragraph 4.8). Accordingly, the Site Selection Paper should be amended to no harm.
 - **Conservation Area** – The Site Selection Paper concludes that development on the site would be contrary to the established pattern of development of this part of the Conservation Area and would detract from the rurality of the setting, which contributes

positively to the manner in which the special interest of the area is appreciated. Less than substantial harm is referenced although reference is made to this being 'high' within that spectrum. Firstly, it is important to note that there is very limited if any inter-visibility between the site and the Conservation Area. The Historic Environment Desk-Based Assessment prepared by Orion has considered the proposed development and concludes that in respect of the new vehicular entrance within the Conservation Area, the loss of a small section of the hedge would not harm the experience of the Conservation Area's character provided by the Lewes Road. It then goes on to advise that the transitional rural character of the Conservation Area could also be protected by ensuring that any development includes an adequate set back from the northern boundary of the study site, and careful control of the building heights within the study site, which the masterplan proposes. The report therefore concludes that the development of the main part of the study site could be implemented while preserving the elements of rural character present in the Conservation Area. Accordingly, a neutral effect should be identified in the Site Selection Paper.

- **Trees/TPOs** – It is noted that the Site has a 'low/medium' score, which having regard to the Site Selection Paper methodology is due to the presence of trees on site but that the Tree Officer concludes impacts can be mitigated. Two trees protected by a TPO are located on the periphery of the Site but would not be impacted by the development. All other trees would be retained where possible and mitigation provided, as required. Accordingly, we agree with this conclusion.
- **Local Road/Access** – The Site Selection Paper rightly identifies that vehicular access into the Site isn't currently available but potential exists to easily gain access. Our submitted Vision Document demonstrates how a safe and suitable access arrangement can be delivered onto Lewes Road, as well as opportunities to improve the nearby Public Right of Way (PROW). Accordingly, we consider that the Site should be classified as not having any constraints in this regard i.e. scoring 'none'.
- **Deliverability** – The Site Selection Paper states that no housebuilder controls the Site but that discussions are underway. As advised at the Regulation 18 stage, we can confirm that the Site is controlled by a housebuilder – Miller Homes and available for development now. The submitted Vision Document outlines that the Site can comfortably be delivered within the plan period and accordingly, the Site should be scored green i.e. 'developable'.
- **Education** – The Site Selection Paper suggests that the Site is a 15-20 minute walk from the nearest Primary School. However, our Vision Document identifies that the development of the Site would offer the opportunity to deliver meaningful improvements to a nearby PROW which provides a direct route to Northlands Wood Primary Academy. Through resurfacing this PROW and providing lighting, it would offer a safe and attractive route to the primary school in only 10 minutes from the centre of the Site. Accordingly, it should receive the best score '<10 minute walk'
- **Health** - The Site Selection Paper suggests that the Site is more than a 20 minute walk from the nearest GP Surgery. However, subject to the above PROW improvements this would mean that Northlands Wood Practice would be less than 1km away from the

centre of the Site, which would be scored as a '10-15 minute walk' having regard to the Council's methodology.

- **Public Transport** – The Site currently scores 'poor' for this category. This is based upon proximity to existing bus stops. The proposals would however include provision for a new bus stop outside the Site. Based upon the Council's methodology, this would improve the scoring against this category to 'fair'.
- **Neighbourhood Plan** – The Site Selection Paper references Policy E5 of the HHNP as a further consideration albeit does not offer any scoring. The proposals are assessed against this policy within the submitted Vision Document and overall it is concluded that no conflict with the HHNP would arise.

22. Having regard to the above, it is considered that the Site (SHELAA ref. 844) should score more favourably than Site Selection Paper 3 currently concludes. Most importantly, it is not considered that the purported harm to the setting of the Lewes Road Conservation Area arises – the sole reason given for discounting the Site from the site selection process. The site selection process should therefore be re-appraised in this context.
23. Given the above, it cannot be concluded that the additional housing allocations identified through Policy SA11 have been selected on a robust basis and represent an appropriate strategy and thus the SA DPD is unsound.
24. To address this issue, the Council should re-appraise the site selection process to ensure all scoring is accurate and review what implications this has for conclusions in respect of allocated / omitted sites.

Viability

25. We note that a Viability Review September 2019 has been prepared in support of the SA DPD. However, at table 4.1 of the document, it is clear that the viability appraisal work has been based upon the quantum of growth proposed through the Regulation 18 version of the SA DPD, despite the Regulation 19 version proposing reductions in some site allocations (for example SA25 reduces from 100 dwellings to 70 dwellings).
26. Paragraph 67 of the Framework outlines that planning policies should identify a sufficient supply and mix of sites, taking into account their availability, suitability and likely economic viability, whilst in order to be 'effective', paragraph 35 of the Framework states that plans should be deliverable over the plan period.
27. As no updated viability appraisal has been carried out, it cannot be concluded that the SA DPD is effective or consistent with national policy and accordingly is unsound. To address this issue, a revised viability appraisal should be carried out.

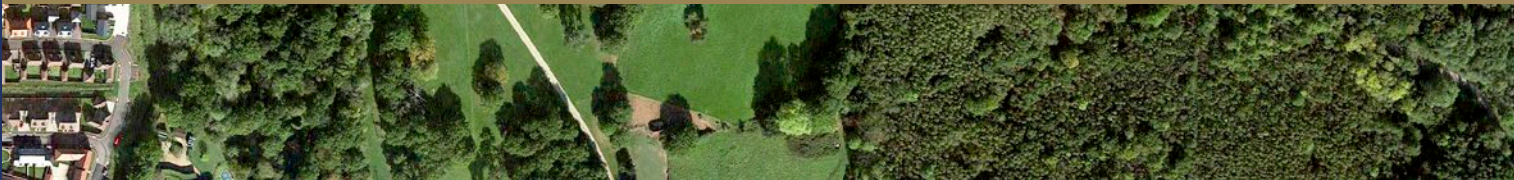


Land south of
Lewes Road, Haywards Heath

mill

er

homes



Vision Document

November 2019



Contents

1. INTRODUCTION	3
2. PLANNING POLICY CONTEXT	9
3. ACCESSIBILITY	12
4. OPPORTUNITIES AND CONSTRAINTS	13
5. CONCEPT MASTERPLAN	17
7. SUMMARY	20



Haywards Heath Station

B2112

B2111

Walstead



Haywards Heath

B2272

Railway Line

St Wilfrid's Cofe
Primary School



B2272

Princess Royal Hospital



B2112



Northlands Wood
GP Practice



Lewes Road



The Site

A272



Scaynes Hill



Sandrocks



1. Introduction

This Vision Document has been prepared by **Nexus Planning**, on behalf of **Miller Homes Limited**, with respect to the promotion of a high quality landscape-led residential community on land south of Lewes Road, Haywards Heath for inclusion in the Council's emerging Site Allocations DPD.

The Purpose of the Document

Land south of Lewes Road, Haywards Heath ("the Site") represents an opportunity to deliver a sensitive residential extension in a highly sustainable location, being on the edge of one of the principal towns in the District - Haywards Heath. The site could accommodate in the region of 100 dwellings, helping contribute towards significant market and affordable housing needs within the District.

This Vision Document provides an analysis of the Site and its wider context, including its accessibility to services / facilities and its relationship with the wider environment. It examines the opportunities for residential development and culminates in a Vision for the Site and a concept masterplan.



Introduction to Miller Homes

Miller Homes is a national housebuilder with over 80 years of experience delivering new homes.

We have established a heritage for building high quality family homes and our success has been built on solid strategic foundations and high calibre employees operating at all levels within our business. We also have a reputation for quality and excellent customer service and have been awarded five stars in the Home Builders Federation National New Home Customer Satisfaction Survey.

Our disciplined approach to enhancing shareholder value is supported by the relationships we have developed as part of our philosophy, The Miller Difference. This is embedded within all parts of our business and ensures we have fully engaged and committed employees and subcontractors.

millershomes



Miller Homes Project Examples



Understanding the Site

The Site is located to the east of Haywards Heath and is approximately 6 hectares in size.

It is exceptionally well contained being bound to the north by residential properties (and their associated mature boundary planting) and woodland to the south.

The Site comprises three agricultural fields clearly defined by boundaries comprising well-established hedgerows and trees.

The Site is in close proximity to a range of services and facilities, which is discussed in more detail in the Accessibility section of this Vision Document.

Vehicular access to and from the Site will be achieved off Lewes Road in a significant gap between existing residential properties fronting this road. A Public Right of Way ("PROW") is located to the west of the Site and provides direct access to the urban area of Haywards Heath to the north, and the open countryside to the south.

The Site, other than the vehicular access to Lewes Road, is located outside but adjacent to the Lewes Road Conservation Area and no listed buildings are located within the Site. Ancient Woodland forms the southern boundary of the Site.



2. Planning Policy Context

Policy DP4 of the Mid Sussex District Local Plan (“MSDLP”) sets out a minimum housing requirement of 16,390 dwellings between 2014 and 2031. This policy also outlines that some 2,439 dwellings will be allocated through future Neighbourhood Plans and the Site Allocations DPD and that of that figure at least 1,272 dwellings should be allocated around Category 1 settlements.

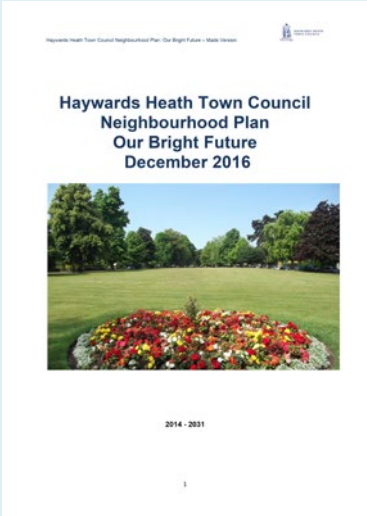
The MSDLP identifies Haywards Heath as one of only three Category 1 settlements. Accordingly, it represents one of the most sustainable settlements in the District.

The Site falls within the area covered by the Haywards Heath Neighbourhood Plan (“HHNP”). The HHNP Proposals Map shows that the Site is located outside, but adjacent to, the built up area. Policy E5 of the HHNP designates all land outside the built up area (including the Site) as a Green Corridor and permits development

within such locations provided three criterion are met (discussed later on in this Vision Document).

The Council has recently published a Regulation 18 version of the Site Allocations DPD for consultation and within this document it outlines that sites have been allocated to deliver 1,962 dwellings over the remainder of the plan period until 2031, which is purported to meet the requirements of Policy DP4 of the MSDLP.

Appendix B of the Council’s Site Selection Paper 3 identifies the Site under reference ID 844 and concludes that it is not suitable for allocation, with the principal reason being the impact upon the setting of the Lewes Road Conservation Area. This matter is addressed later on in this Vision Document and within the Historic Environment Desk-based Assessment that is appended to our wider representations to the Site Allocations DPD.

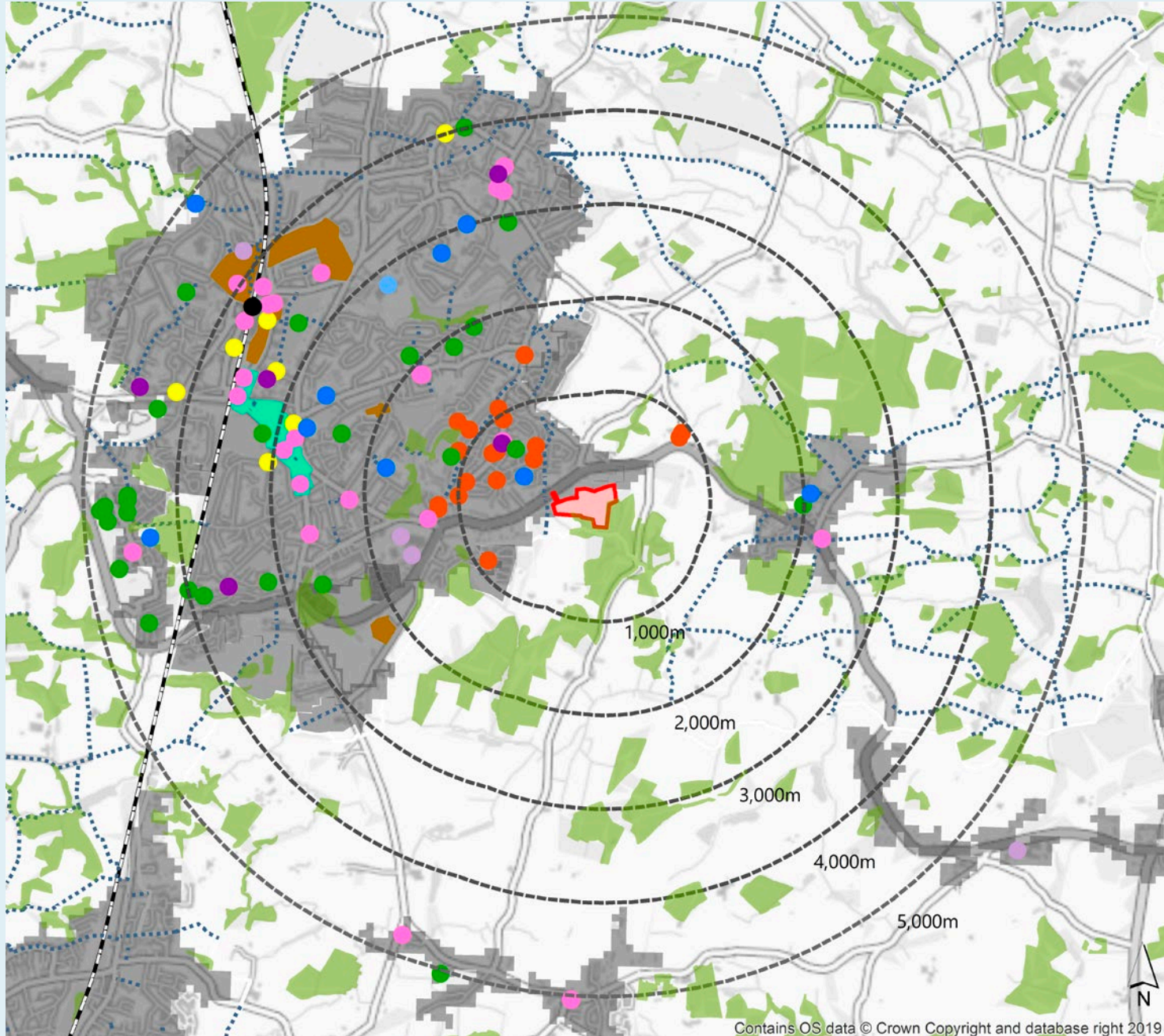


Detailed commentary on the soundness of Site Allocations DPD is provided within our separate representations, however in summary we consider that it should:

- allocate more housing in order to provide the District Plan sufficient flexibility to respond to rapid change;
- re-consider the strategy to allocate additional growth at East Grinstead in light of potential adverse effects on the Ashdown Forest SAC;
- adopt a more balanced approach to housing across the Category 1 settlements, namely increasing allocations at Haywards Heath; and
- delete or substantially reduce site allocations SA25 and SA27 as these comprises major development in the AONB, for which exceptional circumstances do not exist.

Rectifying the above issues of soundness would, in part, require the allocation of additional sites on the edge of Haywards Heath, such as the Site.





3. Accessibility

The Site is located on the edge of Haywards Heath, one of the most sustainable settlements in the District.

To the north of the Site is the area known as Northlands Wood which contains a number of amenities such as supermarket, pharmacy and playing fields. Situated in the same area is Northlands Wood Primary School, located within 700m, or less than a 10-minute walk from the Site, accessed via Public Footpath 29CU.

The Northlands Wood GP Practice is located within 700m of the Site and the Princess Royal Hospital is located 1km away. Accordingly, it is clear that a ranges of services and facilities are within a reasonable walking distance of the Site (1km).

Haywards Heath Town Centre is 1.8km to the west of the Site and offers an extensive range of shops, restaurants and leisure facilities. A range of employment opportunities also exist here. Haywards Heath railway station provides direct services to Gatwick Airport, London Victoria, Burgess Hill and Brighton and is located a little over 3km from the Site. It is therefore clear that an extensive range of further services and facilities are within a reasonable cycling distance of the Site (5km)

Bus service 31 (Uckfield – Newick – North Chailey – Haywards Heath Cuckfield) operates hourly (Monday to Saturday) and stops on Northlands Avenue. In addition, two school buses (Services 62 (Warden Park School) and STP3 (St Paul's Catholic College)) stop on Northlands Avenue. Bus route 31 runs along Lewes Road and therefore there is the opportunity to explore an additional stop in this location.

Overall, the Site has good levels of accessibility and there are appropriate opportunities to promote sustainable transport modes.

4. Opportunities and Constraints

Key

- Site boundary
- District boundary
- Parish boundary
- Listed Building
- Retained setting to Conservation Area / listed building
- Contours
- Slopes
- Buffer to Ancient Woodland
- Public Right of Way
- Potential residential access
- Low density residential area
- Medium density residential area
- Strategic woodland planting
- Views of development contained by existing and proposed dense woodland planting
- Potential location of SUDS

This section of the Vision Document considers the key opportunities and constraints that relate to the Site, which are summarised in the plan opposite.

Landscape and Visual

The Site contains few of the key characteristics of the High Weald Fringe and is not a designated landscape. It is therefore not a valued landscape as identified by paragraph 170 of the NPPF. The Site is ordinary, with a value that is medium at best.

The hedgerow lining the southern side of Lewes Road, on the northern edge of the Site, could be moved or replaced to facilitate access to the Site, allowing for the growth of the hedgerow, without affecting the visibility splay. Whilst trees would be removed to allow access to the Site, these could be replaced with new native planting along the access or within the Site.

The Site forms a very small part of the local gap between Haywards Heath and Scaynes Hill and is not visually linked to the latter. Indeed, there is no intervisibility between the Site and Scaynes Hill. Therefore, development would not result in physical or visual coalescence with Scaynes Hill.

Areas of greenspace could be provided throughout the Site, protecting the rural setting of the Conservation Area.

The Local Gap

Policy E5 of the HHNP states that new development outside the built up area will only be permitted if it:

- would not unduly erode the landscape character of the area or its ecology;
- would not harm the setting of the town, and
- would retain and enhance the separate identity of communities.

As the landscape value of the Site is medium at best, and as most of the key landscape features within the Site could be retained through the sensitive development of the Site, the Site coming forward for residential development would not unduly erode the landscape character of the area.

The development of the Site would not harm the visual setting of the town, as views into the Site are confined to the small finger of green infrastructure adjacent to Lewes Road. Views towards the rest of the Site from Lewis Road are truncated by intervening built form and vegetation.

Furthermore, it has already been established that development would not result in physical or visual coalescence of communities.

In light of the above, allocating the Site for housing would not conflict with the HHNP.



Schwegler Flat Bat Box



DIY Hedgehog Highways



Woodstone Seville Nest Box



Schwegler Bat Box

Ecology

Vegetative corridors could be retained and protected by sufficient buffers, supporting ecological connectivity. Although small breaks within the linear vegetative features may be required to facilitate access, these can be kept to a minimum.

Similarly, the ancient woodland could be protected via an appropriate buffer.

The landscaping should be dominated by native species planting including native trees, shrubs and scrub and pollen rich attractive floral species. Wildflower areas should be incorporated where possible, for example around the SUDS to the south of the Site. This will provide continued foraging resources by encouraging invertebrates.

Heritage

The Site, other than a tiny part serving as the vehicular access, is not located within any conservation area and there are no listed building on site.

The Lewes Road Conservation Area to the immediate north of the Site could be carefully considered with the proposed development preserving the overall character of the conservation area and the setting of the non-designated Loyth House.

The transitional rural character of the Conservation Area could also be protected by ensuring that the Proposed Development includes an adequate set back from the northern boundary of the Site, and careful control of the building heights within the Site. With these measures in place the Site could be implemented while preserving the elements of rural character present in the CA.

Any development could be well screened from the grade II listed building 'Colwell House' to the north of the Site and would therefore not affect its setting.

The development of the Site could be delivered without resulting in any unacceptable effects to the historic environment, and in accordance with policies DP34 and DP35 of the MSDLP and section 16 of the NPPF.

A comprehensive analysis of potential impacts upon heritage assets can be found in the Historic Environment Desk-Based Assessment submitted alongside this Vision document.



5. Concept Masterplan

Our Vision for the Site, is to deliver a locally responsive and landscape-led extension to Haywards Heath comprising approximately 100 dwellings.

The Proposed Development will be two storey and include a mix of housing ranging from 2 bedroom properties to serve first time buyers and those looking to downsize, to larger 3 and 4 bedroom homes providing much needed family housing. 30% of all housing will be affordable in accordance with adopted policy.

The scheme would be broken into three logical parcels reflecting existing field patterns retaining their boundaries where possible.

A landscape buffer is incorporated to the north to preserve the setting of the Lewes Road Conservation Area. At least a 20m buffer is provided to the ancient woodland to the south of the Site and the far southern area would be free of built development and act as a SuDs feature. This also helps to reinforce the transition of the settlement edge to countryside.

A naturalised children’s play area would be provided within the centre of the Site to maximise accessibility and natural surveillance.

The scheme will incorporate ecological enhancements throughout to achieve a net biodiversity gain.

Bat roost features will be integrated within the fabric of the new builds and a variety of bird boxes, to attract an array of species, will be erected across the Site. Hedgehog access will be implemented across the Site through newly created gardens and the periphery will continue to provide commuter routes for larger mammals.

The lighting strategy will be designed with nocturnal species in mind following best practice guidelines. For example, no light spill will reach boundary vegetation and dark corridors will be maintained across the Site.

Vehicular access would be sensitively delivered through an existing significant gap between existing properties fronting Lewes Road, ensuring suitable visibility splays can be provided. A simple priority junction access is proposed which would be wide enough to allow two large vehicles to comfortably pass each other and a footway would also be provided.

The priority junction would be in keeping with the other access roads leading off this section of Lewes Road and will have ample capacity to accommodate the traffic generated by approximately 100 dwellings.

Footway provision is proposed alongside the access road and there would be a dropped kerb crossing of Lewes Road to allow pedestrians to access the north side footway, which leads to PROW ref. 29CU.

This provides the most direct access to a number of services and facilities, including Northlands Wood Primary Academy which would only be 500m away from the entrance to the Site. The southern section of the PROW does however appear overgrown and therefore is it proposed that general enhancements would be offered such as widening, resurfacing and lighting, as required, to ensure it represents a safe and attractive option.

Key components of the masterplan are summarised on the right.

Masterplan components

- 1

Proposed new vehicular access from Lewes Road with hedgerow replaced if required, to allow for visibility splays.
- 2

Additional planting to protect amenity of existing housing and the setting of the Conservation Area
- 3

Landscape buffer to protect the setting of the Conservation Area and North Colwell House (Grade II)
- 4

Additional planting to contain extent of built up area and parish boundary
- 5

20m minimum buffer to ancient woodland to the south of the site
- 6

Open sustainable drainage feature
- 7

Existing field boundaries retained to provide ecological links
- 8

Low density housing adjacent to the Conservation Area and in the more elevated parts of the site
- 9

Medium density housing in the lower parts of the site
- 10

Additional landscape planting within the site to enhance the landscape character
- 11

Area of low density development to maintain the setting of the Conservation Area with additional planting to maintain views from Lewes Road.
- 12

Potential location for Childrens Play Area , if required.



Key Benefits

Overall, the proposals would deliver the following key benefits:

- provision of much needed market and affordable homes;
- provision of on-site open space and children's play area that would provide a valuable resource for the community;
- enhancements to PROW ref. 29CU, which would benefit both the new and existing community;
- financial contributions to improve local facilities including education and health improvements (as required);
- additional population expenditure that will help sustain and enhance existing services and facilities;
- a positive ecological impact through protection of important features and creation of new and more diverse habitats;
- additional planting to protect amenity of existing housing and the setting of the Conservation Area; and
- high quality low density and locally responsive design which incorporates a landscape buffer to preserve the setting of the Lewes Road Conservation Area and retain a transition to the open countryside

Delivery

The Site, being controlled by a housebuilder, is available for development now. It offers a suitable location for development now and does not suffer from any constraints that would prevent its delivery. It is therefore demonstrable that a realistic

prospect exists that housing could be delivered on the Site within five years, indeed it could be delivered in full within three years. Accordingly, the Site would meet the definition of 'deliverable' as set out in the NPPF.



7. Summary

The Site is in a sustainable location, situated on the edge of Haywards Heath – a Category 1 settlement.

It could accommodate approximately 100 much needed market and affordable dwellings through a range of housing types, sizes and tenures. Furthermore, the contained nature of the Site, in combination with the high quality and locally responsive nature of the scheme, ensures that this can be achieved without harm to heritage assets and wider landscape character.

The Site is in the control of a housebuilder, available for residential development now and accordingly could be delivered in full within three years. It would therefore meet the definition of deliverable, as set out in national policy.

millershomes



Land south of
Lewes Road, Haywards Heath

709

Site Allocations DPD: Regulation 19 Consultation Response

Code: 1j

ID: 709

Response Ref: Reg19/709/4

Respondent: Mrs L Wilford

Organisation: Barton Willmore

On Behalf Of: Retirement Villages Developments

Category: Promoter

Appear at Examination? ✓

777

Site Allocations DPD: Regulation 19 Consultation Response

Code: 1j

ID: 777

Response Ref: Reg19/777/4

Respondent: Mrs L Howard

Organisation: South Downs National Park

On Behalf Of:

Category: Local Authority

Appear at Examination? x

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

28 September 2020

Dear Sir/Madam

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

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

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

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

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

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

SA GEN: General Principles for Site Allocations

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

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

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

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

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

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

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

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

SA12 – Land South of 96 Folders Lane

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Traffic

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

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

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

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

SA24 – Land to the north of Shepherds Walk, Hassocks

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

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

Air Quality and impacts on Ashdown Forest

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

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

Yours faithfully



Lucy Howard

Planning Policy Manager

Lucy.howard@southdowns.gov.uk

01730 819284

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

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



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

28 September 2020

Dear Sir/Madam

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

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

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

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

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

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

SA GEN: General Principles for Site Allocations

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

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

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

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

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

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

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

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

SA12 – Land South of 96 Folders Lane

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Traffic

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

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

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

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

SA24 – Land to the north of Shepherds Walk, Hassocks

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

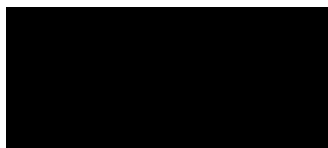
It is now noted that this has been amended to state 'provision of either a tunnel or footbridge'. We are concerned that provision of a footbridge would limit access to the countryside for wider NMU's and suggest that wording be amended to state 'provision of a tunnel or overbridge suitable for non-motorised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

Air Quality and impacts on Ashdown Forest

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

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

Yours faithfully



Lucy Howard

Planning Policy Manager

Lucy.howard@southdowns.gov.uk

01730 819284

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

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

786

Site Allocations DPD: Regulation 19 Consultation Response

Code: 1j

ID: 786

Response Ref: Reg19/786/3

Respondent: Mr S Crickett

Organisation: Strutt and Parker

On Behalf Of: Somerston Developments Projects

Category: Promoter

Appear at Examination? ✓



Site Allocations Development Plan Document Regulation 19 Submission Draft Consultation Form

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

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

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

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

The Site Allocations DPD is available to view at:

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

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

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

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

How can I respond to this consultation?

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

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

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

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

E-mail: LDFconsultation@midsussex.gov.uk

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

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

1. Personal Details

Title	<input type="text" value="Mr"/>
First Name	<input type="text" value="Stuart"/>
Last Name	<input type="text" value="Crickett"/>
Job Title (where relevant)	<input type="text" value="Planning Director"/>
Organisation (where relevant)	<input type="text" value="Strutt & Parker"/>
Respondent Ref. No. (if known)	<input type="text"/>
On behalf of (where relevant)	<input type="text" value="Somerston Development Projects"/>
Address Line 1	<input type="text" value="222 High Street"/>
Line 2	<input type="text" value="Guildford"/>
Line 3	<input type="text"/>
Line 4	<input type="text"/>
Post Code	<input type="text" value="GU1 3JD"/>
Telephone Number	<input type="text" value="07867 159510"/>
E-mail Address	<input type="text" value="Stuart.crickett@struttandparker.com"/>



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

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

Part B – Your Comments

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

Name or Organisation:

3a. Does your comment relate to:

Site
Allocations
DPD

Sustainability
Appraisal

Habitats Regulations
Assessment

Community
Involvement
Plan

Equalities
Impact
Assessment

Draft Policies
Maps

3b. To which part does this representation relate?

Paragraph

Policy SA

Draft Policies Map

Refer to separate Written Representations Statement dated September 2020

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="text"/>	<input type="text" value="X"/>
(2) Justified	<input type="text"/>	<input type="text" value="X"/>
(3) Effective	<input type="text"/>	<input type="text" value="X"/>
(4) Consistent with national policy	<input type="text"/>	<input type="text" value="X"/>

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**.

Refer to separate Written Representations Statement dated September 2020.

t is

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

Refer to separate Written Representations Statement dated September 2020.

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

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

Refer to separate Written Representations Statement dated September 2020.

In accordance with local plan policy DP30 the Plan needs to include appropriate identification and allocation of sufficient sites, in appropriate locations, to meet the District's housing for older people's needs.

Whilst not included with these representations, we would be happy to provide the appointed Plan Examining Inspector(s) with a full copy of the Carterwood Headline Planning Needs Assessment dated July 2019 referred in paragraph 5.1 of our written representations statement (and previously (most recently) submitted to the Council 1 August 2019).

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:

Participation sought to provide the Inspector and the council appropriate opportunity to consider and debate the matter of appropriate planning to meet housing for older people's needs in the District/the site allocations DPD.

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

10. Please notify me when:

(i) The Plan has been submitted for Examination

☒

(ii) The publication of the recommendations from the Examination

☒

(iii) The Site Allocations DPD is adopted

☒

Signature:

Stuart Crickett

Date:

28/09/2020

Thank you for taking time to respond to this consultation



Mid Sussex Site Allocations DPD

Regulation 19 Consultation September 2020

Written Representations

On behalf of Somerston Development Projects

Contents

1. Executive Summary.....	2
2. Planning for Housing for Older People	4
National Planning Policy and Guidance.....	4
Extra Care	5
3. Adopted Planning Policy Context	7
4. Draft Site Allocations Development Plan Document	9
5. The Need for Extra Care.....	11
6. Woodpeckers, Snow Hill, Copthorne.....	13
The Site.....	13
The Proposed Development	13
7. Conclusion	15

Appendices

<i>Appendix 1</i>	-	<i>Allowed Appeal Decision – former Hazledene Nursery 3241644</i>
<i>Appendix 2</i>	-	<i>MSDC SHLAA Report Extract</i>
<i>Appendix 3</i>	-	<i>Vision Document</i>

Document Control:

Primary author: Stuart Crickett

Initialed: SC

Review by: Stuart Crickett

Initialed: SC

Issue	Date	Status	Checked
1	25.09.20	Draft	SC
2	28.09.20	Final	SC

1. Executive Summary

- 1.1. These representations have been prepared on behalf of our client, Somerston Development Projects Ltd.
- 1.2. The proportion of older people within the general population is increasing at a national level, as well as within Mid Sussex District which has a higher than average proportion of residents over the age of 65. There is also an increasing move towards the provision of a wide range of forms of specialist housing for older people, including Extra Care and sheltered housing, alongside traditional care homes to ensure older people have access to the right type of housing to meet their needs.
- 1.3. The growing demand and need to provide specialist housing is reflected in national policy and guidance which clearly states: ‘...***the need to provide housing for older people is critical.***’ National guidance goes on to make clear that local plans should be based on a robust analysis of need and make provision for housing for older people where there is an identified need, including through specific targets and site allocations as appropriate.
- 1.4. The adopted Mid Sussex District Plan does not allocate any specific sites for housing for older people. However, Policy DP30 clearly states the allocation of sites will be considered and actioned through the (future) Site allocations Development Plan Document (DPD) if a shortfall in provision is identified.
- 1.5. In preparation of the Site Allocations Development Plan Document (DPD) the Council appears to have continued with their approach of not publishing any up-to-date research into the level of need for different forms of specialist housing; or taken account of its own evidence in the Housing and Economic Development Needs Assessment addendum 2016. Moreover, only one proposed site allocation policy in the draft DPD (SA30) refers to the potential for a care development. Which itself is of an unspecified form and scale.
- 1.6. We have previously submitted to Officers an assessment of the level of demand for Extra Care accommodation undertaken by Carterwood (July 2019), identifying a considerable shortfall of at least 384 units of private Extra Care accommodation within the District. This is expected to rise to at least 607 units by 2030. This clearly represents a significant and worsening shortfall situation. We are also aware the Council’s significant shortcomings regarding approach to planned and actual delivery of housing for older people has been demonstrated in the Former Hazledene Nursery appeal decision (ref. 3241644) issued September 11 2020. We therefore once again strongly recommend and encourage the Council to look to redress this position through proactively planning for delivery through the Site Allocations DPD to meet the District’s demonstrable need.

- 1.7. We believe the land at Woodpeckers, Copthorne is sustainably located, with good bus links to Crawley and East Grinstead, and is within walking distance of a number of facilities. Whilst outside the defined settlement area of Copthorne, the site has previously been developed and is in an area containing residential and other development. The site has the potential to deliver a high quality Extra Care development. This will make a meaningful and valuable contribution to the site's immediate local area and the District's wider supply shortfalls.
- 1.8. We recommend the Council allocate this site to provide housing for older people in the Site Allocations DPD toward beginning to readdress the identified shortfall.

2. Planning for Housing for Older People

National Planning Policy and Guidance

- 2.1. Paragraph 61 of the National Planning Policy Framework (NPPF) 2019 states:

'the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own home.'

- 2.2. The June 2019 version of the Planning Practice Guidance (PPG) was updated to include a new section on housing for older and disabled people. This states:

'The need to provide housing for older people is critical. People are living longer lives and the proportion of older people in the population is increasing. In mid-2016 there were 1.6 million people aged 85 and over; by mid-2041 this is projected to double to 3.2 million. Offering older people a better choice of accommodation to suit their changing needs can help them live independently for longer, feel more connected to their communities and help reduce costs to the social care and health systems. Therefore, an understanding of how the ageing population affects housing needs is something to be considered from the early stages of plan-making through to decision-taking.'

(emphasis added)

- 2.3. The PPG goes on to set out that a diverse range of needs exists, and so will the type of housing and level of care and support people require. For plan making purposes authorities *'...will need to determine the needs of people who will be approaching or reaching retirement over the plan period, as well as the existing population of older people.'*
- 2.4. The PPG sets out strategic planners and decision makers should consider multiple sources of information including Census data, as well as tools such as the Housing LIN SHOP toolkit to assist in breaking down the tenure and type of housing which may be needed. Different types of specialist housing including age-restricted market housing, sheltered housing, Extra Care, and residential care and nursing homes.
- 2.5. In order to ensure delivery of specialist housing to meet identified needs the PPG states:

'Plan-making authorities should set clear policies to address the housing needs of groups with particular needs such as older and disabled people. These policies can set out how the plan-making authority will consider proposals for the different types of housing that these groups are likely to require. They could also provide indicative figures or a range for the number of units of specialist housing for older people needed across the plan area throughout the plan period.'

2.6. It goes on to clearly state:

'Plans need to provide for specialist housing for older people where a need exists. Innovative and diverse housing models will need to be considered where appropriate.'

(Emphasis added)

2.7. The critical importance attached to the provision of housing for older people by the Government is clear. It is also clear that plan-making should include a robust assessment of the need for specific types of specialist housing, with specific policy requirements and site allocations as appropriate.

Extra Care

2.8. Extra Care is a relatively new form of specialist housing in the UK, but is much more widespread in other advanced developed economies such as the USA, Australia, and New Zealand.

2.9. It is primarily a form of housing for older people where residents live in a self-contained dwelling which is designed to be accessible and adaptable to people with varied care needs, and where occupants will have a package of care which will vary according to their needs. On larger developments residents will often have access to shared care and community facilities.

2.10. Extra Care can be seen as providing a stepping stone between general needs or age-restricted housing at one end, and residential and nursing care at the other. The provision of accommodation and care services which are adaptable to changing care needs allows residents to live independently for longer whilst still receiving the care they need. In other words, it allows residents to 'age in place' by increasing the level of support they receive as their care needs increase.

2.11. The independence and adaptability this type of accommodation provides has the potential to provide significant health and wellbeing benefits to residents. A study for the International Longevity Centre of 4,000 residents found lower than expected levels of

hospitalisation, as well as relative health, financial, and quality of life improvements.¹ A further example in the House of Lords Report on Intergenerational Fairness² noted the benefits of Extra Care schemes providing a high level of care while enabling residents to remain part of a community.

2.12. It is vitally important the Council actively supports the delivery of Extra Care accommodation to ensure choice for older residents and a sufficient supply of fit-for-purpose housing for older people more widely, in accordance with the social objective of sustainable development.

2.13. There can be ambiguity over the planning use class different forms of housing for older should fall under, as alluded to in the PPG.³ Whilst Extra Care developments are designed to encourage a degree of independence of residents, they do so within a structured care environment. Whilst many residents may only need limited care provision initially, they will often need to access more extensive care and support services over time. As such Extra Care developments are normally considered to fall within use class C2. Details such as minimum care provision, and age requirements can be considered and controlled at the planning application stage.

¹ [ILC-UK \(2011\) Establishing the extra in Extra Care](#)

² [House of Lords Select Committee on Intergeneration Fairness \(2019\)](#)

³ Paragraph: 014 Reference ID: 63-014-20190626

3. Adopted Planning Policy Context

- 3.1. The extant Mid-Sussex District Council District Plan was adopted in 2018. It contains strategic policies for the District for the plan period 2014-2031. The District Plan identifies a number of strategic needs. This includes employment, with the allocations of at least 25ha of employment land, as well as the identification of a broad location for a new science and technology park.
- 3.2. The plan also identifies a significant housing need, with a requirement of 14,892 dwellings, as well as a further 1,498 dwellings to account for unmet need arising from neighbouring authorities, primarily from Crawley.
- 3.3. Alongside housing and employment needs, the District Plan identifies a range of policies relating to help deliver sustainable development and to promote good design.
- 3.4. Chapter 2 of the District Plan sets out the Council's Vision and Objectives, identifying meeting the changing needs of residents as one of the main challenges for the District, with 2011 Census data showing an above average proportion of older people with 18.1% of the district population aged 65 and over, and projections stating this is set to increase to 21.2% by 2021. The District Plan also states the proportion of people over 85 set to increase from 2.8% to 3.3% of the population in the District by 2021.
- 3.5. The published populations projections from the ONS confirm the aging trend at a national level with the number of people aged over 85 projected to nearly increase from 2.4% of the UK population in 2018 to over 4% in 2043 .⁴
- 3.6. Policy DP30 sets out that development proposals should include a range of housing to meet the future needs of different groups in the community including older people, and people wishing to build their own home. This policy sets out that:

If a shortfall is identified in the supply of specialist accommodation and care homes falling within Use Class C2 to meet demand in the District, the Council will consider allocating sites for such use through a Site Allocations Document, produced by the District Council.

- 3.7. The policies for the strategic allocations also set out that these sites should include provision of a range of housing including for older people, Policy DP28 states 20% of dwellings on sites of 5 or more units should be designed to meet Building Regulations Part M4(2) standards for accessibility.

⁴ ONS (2019) National population projections: 2018-based.

- 3.8. The Council's approach to date has not been to make specific provision for housing for older people but instead to assume that this need will be met through the general development management process.
- 3.9. Four strategic allocations are included in the District Plan. The outline permission for the strategic allocation East of Kings Way at Burgess Hill did not include any specific provision for housing for older people (reference 12/01532/OUT). The outline permission for the strategic allocation at Pease Pottage (DM/15/4711) included provision for a 48 bed 'care facility,' with a subsequent reserved matters approval for a 24-bed hospice facility (DM/17/2534). The March 2020 approved Outline planning permission on the strategic site north of Clayton Mills, Hassocks (ref. DM/18/4979) does not include any specific provision for housing for older people. Approval for the development of the Burgess Hill Northern Arc includes provision of 60 Extra Care units (application reference DM/18/5114).
- 3.10. As can be seen from the very limited provision of housing for older people being delivered through key strategic sites, and having regard to the objective evidence presented in the Carterwood Report - which we have previously formally provided to Officers (most recently in our email dated 1st August 2019) there remains a demonstrable need and undersupply of C2 Extra Care accommodation throughout the District – both immediate and long term. Indeed, throughout a 1.5-year period across 2018 – 2019 provision of Extra Care accommodation in the District amounted to a zero actual increase despite increased need over the same period due to the growth in the over 75s population.
- 3.11. Furthermore, within the recently issued allowed appeal decision on the former Hazeldene Nursery site (ref 3241644) (full copy attached at **Appendix 1**) the significant failings of the Council to address the requirements of Policies H7 and Policy DP30, specific to provision of housing for older people, have been very clearly identified.
- 3.12. It is therefore apparent the Council's current *laissez faire* approach has been ineffective in meeting the need for specialist housing for older people to date. This is a particularly concerning position within the context of the District's ageing population and evidences Policy H7 of the adopted Local Plan is failing to encourage and secure the delivery of sufficient proposals and development of elderly accommodation. Accordingly, Policy DP30 of the District Plan must be activated and the importance of allocating sites through the Site Allocations DPD is self-evident to redress this imbalance accordingly.

4. Draft Site Allocations Development Plan Document

- 4.1. District Plan Policy DP30 sets out that the Council will consider allocating sites for C2 development if a shortfall in supply is identified.
- 4.2. The Council has published a Regulation 19 Draft of its Site Allocations DPD. The Consultation document is accompanied by a Sustainability Appraisal and HRA as well as a number of evidence documents including site selection papers setting out how proposed allocations for housing and economic development have been chosen.
- 4.3. Within the Consultation document itself there is only a single reference to housing for older people, with site allocation SA20 at Imberhorne Lane, East Grinstead proposed to include a C2 Care Community (if there is an evidenced need). It should be noted, that as part of a larger site allocation the delivery of this care community will be dependent on a number of unrelated factors. Furthermore, the form and quantum of the care community is entirely unspecified within the wording of the proposed allocation policy. As such, there is unquestionably a significant degree of uncertainty over the site's ability to deliver this element.
- 4.4. The evidence base supporting the Reg.19 SA DPD only includes limited evidence on the housing needs of older people. This is primarily in the Housing and Economic Development Needs Addendum (HEDNA) 2016 which identified a shortfall in Extra Care provision of 120 units at 2014 within Mid Sussex, and a need of 345 units by 2031. Alongside this the HEDNA Addendum identifies an additional need for 1,276 units of sheltered housing, 340 units of enhanced sheltered housing, and 762 units of residential and nursing care accommodation by 2031. The report states that without additional provision there will be a significant shortfall by the end of the plan period.
- 4.5. Paragraphs 3.15 - 3.16 of the Reg 18 Preferred Option and Reg. 19 Sustainability Appraisals make reference to the fact the population in the District is aging, although it does not appear any consideration is given to any appropriate policy response. The Reg. 19 Equalities Impact Assessment stated the introduction of specific policies in relation to housing for older people had been considered but rejected. The Reg. 19 Equalities Impact Assessment (September 2019) appears to offer no further or new consideration in this regard. It is unclear where in the evidence base this consideration is set out, if set out at all?
- 4.6. We would also take this opportunity to once again restate our concerns with the Council's current assessment contained within the SHLAA/Site Allocations DPD evidence base. As advised, the site was submitted for consideration as an C2 Extra Care specific development opportunity. Nonetheless, the SHLAA assessment of the site has been

undertaken on the blanket basis that it is a C3 market housing site – see **Appendix 3**. This should be revisited and the site and its merits reassessed appropriately.

- 4.7. It appears the Council has proceeded to undertake no further assessment of the need for specialist housing since the HEDNA Addendum in 2016 and failing to address the identified need for housing for older people through the emerging Site Allocations DPD. We strongly encourage the Council revisit this approach and allocate sites to ensure delivery of specialist housing for older people to meet the District's clearly established and growing needs.

5. The Need for Extra Care

- 5.1. Carterwood have produced a Headline Planning Needs Assessment dated July 2019 which assesses the level of need for Extra Care accommodation across the District (Mid-Sussex DC boundary) and within the local and market catchment areas of Copthorne (c. 3-mile radius and 10-mile radius respectively). This has previously been provided to Officers, and we would be happy to share it again.
- 5.2. Carterwood are a leading RICS accredited consultancy providing advice in relation to the care sector, and are experienced working with private and voluntary sector care providers, as well as the public sector.
- 5.3. There is no standard method for assessing the need for Extra Care in national planning policy or guidance, and the assessment uses the Housing Lin SHOP toolkit, which is mentioned in PPG and has effectively become the industry standard. This identifies a need for 40 units of extra care and enhanced sheltered accommodation per 1,000 head of population aged 75 years and above.
- 5.4. Taking into account planned supply, the Carterwood report, which is significantly more up to date evidence than that underpinning the District Plan and also the Site Allocations DPD (evidence dated 2014) identifies an indicative shortfall of 384-492 private Extra Care units within Mid-Sussex District (as of 2020), including planned supply.⁵ Within the market catchment of the site itself (10-miles) the indicative shortfall is between 805-919 units, and within a localised 3-mile catchment the indicative shortfall is 174 units.
- 5.5. Carterwood's evidence demonstrates by 2030 the shortfall in private Extra Care units is expected to rise to at least 607 units in the District and 1,353 units within the 10-mile market catchment of the site. It is worth noting these projections assume existing demographic trends for Extra Care continue and as such are likely to underestimate the potential under-supply of Extra Care accommodation.
- 5.6. There is clearly **a very significant unmet need for Extra Care Accommodation** within the District. We strongly recommend the Council need to take account and positively respond to the evidence already publically available to them, or alternatively commission its own updated evidence on this specific matter and not to proceed to the Regulation 22 stage until the evident failings of the current SA DPD are addressed: given the importance and magnitude of the District's current under provision. Given the scale of need we also recommend the Council needs to allocate specific sites for Extra Care and other forms

⁵ N.B. The planned supply in the Caterwood Report included the 84 units at the Former Hazeldens Nursery, which have recently been granted permission at appeal.

of housing for older people as appropriate to ensure a sufficient supply over the remainder of the plan period. In accordance with Policy DP30 of the Local Plan.

6. Woodpeckers, Snow Hill, Copthorne

The Site

- 6.1. The land at Snow Hill, Copthorne (Woodpeckers) comprises an area of land approximately 2.4ha containing a mixture of undeveloped and previously developed land. Historically the site included two cottages (Woodpeckers and Courtland Cottage), as well as a number of other buildings some of which are in Class B1 use. The site is within an area containing a mix of generally lower density residential and commercial development to the east of the main settlement area of Copthorne. It is accessed off the A264 Snow Hill.
- 6.2. The site has previously gained permission for the development of a 59-bedroom hotel (application 09/02368/OUT1), together with replacement dwellings. Development works commenced and this permission remains extant, although development works have been paused.
- 6.3. The site is sustainably located with bus stops within a 5-minute walk of the site providing a regular service with 2-3 buses an hour to Crawley and East Grinstead. There are a number of facilities close to the site including the Dukes Head public house and restaurant which is less than 100m away, and a convenience store and petrol station within 400m of the site. There are also a number of employment and leisure facilities close to the site including various business parks, a golf course, and a garden centre.
- 6.4. The site has previously been submitted to the Mid Sussex SHELAA in 2018 where it was considered as being potentially suitable for housing. A pre-application enquiry was most recently submitted in 2018.

The Proposed Development

- 6.5. The proposals for the site at this stage are for an Extra Care development comprising 118 apartments and 4 cottages all falling within Use Class C2. The development is proposed to include:
 - A community hub which could include a range of everyday facilities including treatment rooms and a hairdresser.
 - Safe access from Snow Hill with adequate parking on site for residents and staff.
 - A well-designed development with a village feel providing a safe and supportive environment which encourages independence and activity and is designed around pedestrian movement.

- A comprehensive and stimulating soft-landscaping scheme which is multi-functional and promotes biodiversity.
- Thoughtfully designed Extra Care homes which are future-proofed and designed to use resources efficiently.

6.6. This previously developed site provides a compelling development opportunity which would assist the Council in beginning to address the significant level of unmet need for Extra Care housing within the District. Submitted alongside these representations is a copy of the Vision Document submitted to Officers in May this year (2019) providing further details.

6.7. The site is available for development now, is suitably located, and development is achievable. The site should be considered deliverable and be allocated to provide housing for older people in the Site Allocations DPD.

7. Conclusion

- 7.1. Recent changes to national policy and guidance reflect the significant scale of needs for housing for older people across the country, and for Council's this represent a step-change in the approach which needs to be adopted in order to ensure sufficient delivery to meet this need in full.
- 7.2. The adopted District Plan does not make specific provision for housing for older people, although Policy DP30 provides clear guidance that sites providing housing for older people should be allocated where a shortfall is identified.
- 7.3. The Council's evidence base supporting the Reg.19 Site Allocations DPD relies on outdated and minimal evidence regarding the level of need to plan for the provision of housing for older people. A need which is noted by national policy to be of critical national importance and even within the Council's current published evidence base to being unserved within the District itself. The Regulation 19 Site Allocations DPD makes no meaningful provision for housing for older people.
- 7.4. The evidence produced by Carterwood, focusing specifically on the need for Extra Care accommodation identifies a significant shortfall in the provision of private Extra Care accommodation, with a current shortfall of at least 384 units as of 2020, which is set to rise to 607 units by 2030 given demographic profile and growth rates in the area. Clearly this represents a significant shortfall against the identified need.
- 7.5. Furthermore, the level of unmet need has clearly been identified in the District through the consideration and conclusions reached by the Inspector in the allowed appeal for the redevelopment of the former Hazeldene Nursery site.
- 7.6. Accordingly, we strongly encourage the Council to correct the SA DPDs current shortcomings concerning provision of accommodation for the District's elderly community. The SA DPD should include appropriate site allocations and specifically sites that will specifically meet its elderly housing needs. In accordance with Policy DP30 of the Local Plan.
- 7.7. The site at Woodpeckers, Snow Hill, Copthorne represents a sustainable location for a new Extra Care development of much needed new homes. The site is available now and development is achievable. The site is deliverable and we recommend the Council allocate it to provide housing for older people in the Site Allocations DPD to help address the identified unmet need for housing for older people.

Appendices

Appendix 1

Appeal Decision

Inquiry Held on 20-22, 24, 27, 28, 30, 31 July and 6 August 2020

Site visits made on 16 July, 7 and 16 August 2020

by Christina Downes BSc DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 11 September 2020

Appeal Ref: APP/D3830/W/19/3241644

Site of the former Hazeldens Nursery, London Road, Albourne, West Sussex BN6 9BL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by RV Developments Ltd and Notcutts Ltd against the decision of Mid Sussex District Council.
 - The application Ref DM/19/1001, dated 8 March 2019, was refused by notice dated 26 July 2019.
 - The development proposed is an extra care development of up to 84 units (comprising of apartments and cottages) all within Use Class C2, associated communal facilities. 2 workshops, provision of vehicular and cycle parking together with all necessary internal roads and footpaths, provision of open space and associated landscape works, and ancillary works and structures. Works to include the demolition of the existing bungalow on the site.
-

DECISION

1. The appeal is allowed and outline planning permission is granted for an extra care development of up to 84 units (comprising of apartments and cottages) all within Use Class C2, associated communal facilities. 2 workshops, provision of vehicular and cycle parking together with all necessary internal roads and footpaths, provision of open space and associated landscape works, and ancillary works and structures. Works to include the demolition of the existing bungalow on the site on the site of the former Hazeldens Nursery, London Road, Albourne, in accordance with the terms of the application, Ref DM/19/1001, dated 8 March 2019, subject to the conditions in Annex C to this decision.

PROCEDURAL MATTERS

2. A costs application was made by RV Developments Ltd and Notcutts Ltd against Mid Sussex District Council. This is the subject of a separate Decision.
3. The application was made in outline form with access as the only matter to be considered at this stage. It was accompanied by a Parameter Plan (drawing no: RET1150215 PP-01 rev G) along with a detailed plan of the access and traffic calming measures proposed along London Road (drawing no: 1701-56 SK08 rev B). Following discussion at the inquiry it was agreed that the Sketch Layout (drawing no: RET1150215 SKL-04 rev J) should also be treated as an application drawing.

4. At the request of the Appellants, I undertook an accompanied visit to Charters Village, one of **Retirement Villages'** extra care developments in East Grinstead, West Sussex.
5. The proposal is supported by a Planning Obligation by Agreement (S106 Agreement) and a Planning Obligation by Unilateral Undertaking (UU). Just before the close of the inquiry the Council and the Appellants were involved in further discussions about the definition of Personal Care in the UU, amongst other things. As a result, changes were made whereby the Council reviewed its position and agreed that the proposed development would fall with Use Class Use C2 rather than Class C3 in the *Town and Country Planning (Use Classes) Order 1987 (as amended)*. As a consequence, there was no longer a policy requirement for affordable housing and the reason for refusal relating to that matter was no longer pursued. In order to allow the completion and engrossment of the legal documents, I agreed to a short extension of time following the close of the inquiry.
6. The planning application was made with reference to Use Class C2 in the description of the proposal. I was told that the Council would not validate it unless this reference was removed, which the Appellants agreed to do although by accounts not altogether willingly. In any event, as indicated in the preceding paragraph there is now no dispute that the proposal would fall within Class C2 and so it remains in the description as originally submitted.

REASONS

PLANNING POLICY CONTEXT AND THE APPROACH TO DECISION MAKING

7. For the purposes of this appeal the relevant part of the development plan comprises the *Mid Sussex District Plan 2014-2031* adopted in March 2018 (the MSDP) and the *Albourne Parish Council Neighbourhood Plan* made in September 2016 (the ANP). I do not consider that there are any pertinent saved policies or allocations in the *Mid Sussex Local Plan* (2004) or the *Small Scale Housing Allocations Development Plan Document* (2008) in this case. I return to this briefly below. The *West Sussex Joint Minerals Local Plan* (2018) is agreed by all parties not to be relevant.
8. It is the Appellants' **case that the presumption in favour of sustainable** development applies as set out in paragraph 11 of the *National Planning Policy Framework* (the Framework). This is on two counts each of which is considered below. The first is that the development plan itself is not up-to-date. If that is the case, then the Appellants agree that paragraph 11c) could not apply. The second is that the basket of most important policies for determining the application are out-of-date because they are inconsistent with Framework policies. It is agreed between the main parties that the Council is able to demonstrate a five-year supply of deliverable sites to meet its housing requirement.

Whether the development plan as a whole is up-to-date

9. The Council has chosen to adopt a two-stage approach whereby the MSDP only includes strategic allocations, with the smaller housing sites to be identified through a *Site Allocations Development Plan Document* (SA DPD) and neighbourhood plans. Policy DP4 in the MSDP anticipates the former document

- being adopted in 2020, but the 2019 Local Development Scheme envisages this to be the summer of 2021. I was told at the inquiry that the Regulation 19 consultation had only just commenced and so there appears to have been further slippage and a more realistic assessment would be adoption later next year or even early in 2022.
10. The 2004 *Planning & Compulsory Purchase Act (as amended)* requires local planning authorities to identify strategic priorities for the development and use of land in their area. Policies in the development plan document must address these priorities. This is reflected in paragraph 17 of the Framework and similarly in the 2012 version of the Framework. The MSDP sets strategic priorities (termed objectives) in Chapter 2 and the policies to address them in Chapter 4. These include policy DP4. As mentioned above, policy DP4 specifically refers to the subsequent preparation of the SA DPD. If this had been required to have been produced at the same time it is difficult to see how the Examining Inspector could have been found it legally compliant in terms of consistency with national policy or legislation. However, it was found to be sound and as far as I am aware, no legal challenge was made to its adoption.
11. It is the case that the Examining Inspector indicated an expectation that the SA DPD would follow *"soon after this plan"* and recorded that the Council had committed to bringing **it forward** *"at an early date"*. However, there was no clear indication as to the anticipated timeframe, apart from what is indicated in policy DP4. There has clearly been slippage but, the complaint that the MSDP does not adequately address small sites coming forward is as true now as it was when the plan was found sound. The Framework does not require a plan to necessarily allocate all of the housing land supply for the whole plan period. That is why it distinguishes between deliverable and developable sites during different stages of the lifetime of the plan.
12. In any event, the MSDP includes other means for bringing small sites forwards including neighbourhood plans. Mid Sussex District has a good coverage of such plans, albeit that most were made under the auspices of the 2004 Local Plan. Nevertheless, **there is insufficient evidence to support the Appellants' assertion that this therefore means that the contribution of small sites from this source is "nominal"** on a district-wide basis. Whilst the Albourne Neighbourhood Plan includes few allocations, it is one of around 20 such plans. Policy DP6 is permissive of settlement expansion and allows small sites of less than 10 dwellings to come forwards under certain conditions. The Examining Inspector considered that it provided the MSDP with extra robustness and flexibility in maintaining a rolling 5-year supply of housing land.
13. For all of the above reasons I do not consider that the development plan is out-of-date at the present time.

The most important policies for determining this application

14. The Council and the Appellants consider that the following policies, which are included in the reasons for refusal, should be considered most important:

- MSDP: DP6, DP12, DP15, DP21, DP31, DP34, DP35
- ANP: ALC1, ALH1

All of these seem to me to fall within this category, save for policy DP31

relating to affordable housing. This rested on the dispute about whether the proposal fell within Use Class C2 or Use Class C3 and this in turn was resolved **by the tightening of the definition of "Personal Care" in the UU**. This document was not finalised at the time that the planning application was being considered by the Council and there was thus scope for change, as indeed happened during the inquiry. There was no dispute that the policy does not apply to Use Class C2 housing proposals and so, whilst it is relevant, I do not consider policy DP31 is of key importance to the determination of the application.

15. There are a number of disputed policies, which are as follows:

- Policy DP4 relates to housing delivery and sets out the **District's** housing requirement and how it will be addressed. It also commits to the preparation of a SA DPD as referred to above. It is clearly relevant to the consideration of a housing proposal, but it is not a development management policy that plays a significant role in determining planning applications. It is thus not a most important policy in this case.
- Policy DP20 is included in the reasons for refusal and relates to securing infrastructure and mitigation through planning obligations or the Community Infrastructure Levy. This will be addressed through the legal Deeds and, whilst clearly relevant is not to my mind of most importance.
- Policy DP25 concerns community facilities and local services and the supporting text makes clear that specialist accommodation and care homes are included. This supports the type of development being proposed and is therefore a most important policy in this case.
- Policy DP30 relates to housing mix and the need to meet the current needs of different groups in the community, including older people. It is a most important policy to the consideration of this proposal.
- Policy ALH2 in the ANP is an allocation for 2 houses in Albourne. This is not of particular relevance to the proposal and is not a most important policy.

16. The Appellants consider the saved policies in the 2004 Local Plan and policies SSH/7 to SSH/18 in the 2008 Small Scale Housing Allocations Development Plan Document to be most important. These relate mainly to site specific matters and allocations. Both are based on an out-of-date housing requirement established in the West Sussex Structure Plan. They also do not address the need for elderly persons accommodation. However, their relevance to the current proposal is tenuous and they are not of pertinence to this application.

17. Drawing together the above points, the most important policies to the determination of this application are:

- MSDP: DP6, DP12, DP15, DP21, DP25, DP30, DP34, DP35
- ANP: ALC1, ALH1

Whether the most important policies are out-of-date

18. Whether the aforementioned policies are considered out-of-date in terms of paragraph 11d) of the Framework will depend on their degree of consistency with its policies. This was not a matter that the Council specifically addressed in its evidence, **but I agree with the Appellants' assessment that** policies DP21,

DP34 and DP35 are consistent and can be considered up-to-date.

19. **The Appellants' complaint regarding** policies DP6, DP15, DP25 and DP30 is that they fail to address the way that extra care housing will be provided to meet identified needs as required by the Framework and Planning Practice Guidance.
20. **The assessment of need, including for older person's housing, was undertaken** through the Housing and Economic Needs Assessment (HEDNA) and its Addendum and formed part of the evidence base for the MSDP. Whilst this has been strongly criticised by the Appellants on many counts it nevertheless does provide an assessment of the type and tenure of housing needed for older people. Furthermore, it is clear that the Examining Inspector considered the **matter of older person's housing**. Policy DP30 was found sound, subject to modifications that were subsequently incorporated.
21. The matter of need is considered in detail later. However, policies DP25 and DP30 flow from the assessment of need in the HEDNA Addendum. Policy DP30 indicates that current and future needs of different community groups, including older people, will be met and that if there is found to be a shortfall in Class C2 housing, allocations through the SA DPD will be considered. There is an allocated site (SA 20) within that draft document for a care community. The Appellants are critical of this for various reasons, but the plan is still at an early stage and these will be considered at the examination in due course.
22. Policy DP6 supports settlement growth, including to meet identified community needs. Bearing in mind the terms of policy DP25, this could include extra care housing. Policy DP15 addresses housing in the countryside and refers to policy DP6 as a criterion. The Planning Practice Guidance is not prescriptive as to how the housing needs of older people are addressed in planning policies. Overall, the aforementioned policies are, in my opinion, consistent with the guidance and Framework policy, including paragraph 61.
23. Policy DP12 indicates that the countryside will be protected in recognition of its intrinsic character and beauty. It also refers to various landscape documents and evidence to be used in the assessment of the impact of development proposals. Whilst the wording could be improved, it does not seem to me to imply uncritical protection but rather a more nuanced approach that takes account of the effect on the quality and character of the landscape in question. To my mind this is consistent with the policy in both the 2012 Framework, under which the MSDP was considered, and the current version (2019). In that respect I do not agree with the Inspector in the Bolney appeal that the approach to protection has materially changed between the two documents.
24. Policy ALC1 seeks to maintain and where possible enhance the quality of the rural and landscape character of the Parish. Overall, its terms seem to me to be similar to policy DP12.
25. Policy ALH1 generally supports development on land immediately adjoining the built-up boundary, whereas policy DP6 permits such development if it is contiguous with an existing built-up area. Policy ALH1 also has the added requirement that other than a brownfield site the development must be infill and surrounded by existing development. These provisions are more restrictive than policy DP6 in the MSDP, which as the more recent policy in the development plan therefore takes precedence.

Whether the basket of most important policies is out-of-date

26. From the above, I have found that other than policy ALH1 in the ANP, the most important policies are not out-of-date and in the circumstances I do not consider that the basket overall is out-of-date either.

Conclusions

27. Paragraph 11 of the Framework sets out the approach to decision making within the context of the presumption in favour of sustainable development. In this case there are development plan policies relevant to the determination of this application and overall, I conclude that they are not out-of-date. Paragraph 11d)ii) is therefore not engaged.
28. In such circumstances it will be necessary to consider whether the proposal would accord with an up-to-date development plan and whether paragraph 11c) is engaged. This is a matter to which I will return in my final conclusions.

THE EFFECT OF THE PROPOSAL ON THE CHARACTER AND APPEARANCE OF THE AREA AND THE SURROUNDING LANDSCAPE, INCLUDING THE NEARBY SOUTH DOWNS NATIONAL PARK

29. The appeal site comprises about 4.4 hectares of land on the western side of London Road. Its previous longstanding use as a nursery ceased several years ago. The large glasshouses that once stood on the northern area have been demolished and all that now exists are remnant hardstandings. A small bungalow occupies the north-eastern part of the site. This building would be demolished, and the site would be redeveloped with 84 extra care dwellings within a mix of apartment buildings and bungalows. The site is outside the defined built-up boundary of Albourne and is therefore in the countryside for policy purposes.

Effect on the landscape

30. The appeal site is within the Hurstpierpoint Scarp Footslopes Landscape Character Area (the LCA) in the *Mid Sussex Landscape Character Assessment* (2005). Key characteristics include undulating sandstone ridges and clay vales; an agricultural and pastoral rural landscape; a mosaic of small and large fields; woodlands, shaws and hedgerows with woodland trees; expanded ridge line villages; traditional rural buildings and dispersed farmsteads; and a criss-cross of busy roads. In addition, views are dominated by the steep downward scarp of the South Downs.
31. The site boundaries are bordered by boundary tree and hedge lines, but in places these are patchy and their quality is diminished in places by the incursion of non-indigenous conifers. There is a small ridge running east to west across the northern part, which includes the roadways, hardstandings and bungalow along with conifer tree lines and groups. There is a narrow view of the South Downs framed by vegetation. The southern section is on the shallow valley side running down to Cutlers Brook and comprises rough grassland. From here there are open views southwards to the escarpment. Two lines of non-native hybrid black poplars cross the western section, which were grown as shelter belts for the nursery stock.
32. Unlike Albourne and the surrounding countryside, I do not consider that the

appeal site is typical of the LCA of which it forms a part. Although it includes some characteristics such as the shallow ridge and some outward views to the escarpment, its tree and hedge lines are not particularly strong and its use as a nursery over many years has changed its character substantially. In my opinion, it is not well integrated with the wider landscape.

33. The appeal proposal is in outline, with the layout and external appearance to be considered at a later stage. However, the Parameters Plan and Sketch Layout help to establish some basic principles. The *Arboricultural Impact Assessment* indicates that a number of trees and tree groups within the site would be removed. These include the non-indigenous conifers and all those to be felled are judged by the Tree Survey to be of low quality and value. The better trees are mainly along the site boundaries and would be retained. Some of the hybrid black poplars would be removed but most would be assessed and, if necessary, there would be a phased programme of replacement with native tree stock. There would also be additional indigenous tree planting in the south-western corner in front of the incongruous conifer hedge along the boundary with Spurk Barn.
34. The built development would be within the western and eastern parts of the site with groups of cottages and apartment buildings set within landscaped gardens and interspersed with intervening belts of trees. The cottages would be one and a half storeys in height whilst the apartment buildings would be two-storeys with some higher elements incorporating accommodation in the roof. A 10m landscaped swathe between the trees along the London Road boundary and the adjacent apartment buildings is proposed. The largest building would be the two-storey clubhouse, which would be at the northern end of the site. There would be views maintained through to the South Downs escarpment, although these would be within the context of a built environment.
35. Undoubtedly the character of the site would change. The proposal would replace open and largely undeveloped land with buildings and hard surfacing within a green framework. However, as the site shares few of the features that provide this LCA with its identity and taking account of the large area that it covers, the overall impact would be small-scale and localised. In terms of the tree cover, the replacement of the non-indigenous species, especially the conifer stands, with native trees would be a landscape benefit that would increase as the new planting matures. For the reasons given below, I do not consider that the appeal scheme would be seen as an expansion of the ridgeline village. However, for the aforementioned reasons, the harm that would arise to landscape character would be relatively small and would reduce over time.

Visual effects

36. There are public footpaths close to the northern and western boundaries of the site and these run west and south into the open countryside. They appear to be well used and provide attractive routes that link up with a wider network of paths for informal recreation. Walkers are likely to particularly value the rural nature of these paths and the attractive views of the South Downs escarpment and Wolstonbury Hill. These people will be attuned to the environment through which they pass and thus highly sensitive to change. However, it is important to remember that this will be a kinetic experience, which will continually

change as the receptor moves through the countryside.

37. During my visits to the area, I walked along the adjoining footpaths and to my mind the place where the impact of the new development would be greatest would be from the stretch of Footpath 19/1AI that runs adjacent to the northern boundary. From the direction of London Road, the site is on the left. At present there are intermittent inward views between trees and vegetation, with a framed view of the escarpment about half-way along. However, this corridor is not altogether rural in character and the inward view includes the hard standings, roadway and bungalow as well as tall stands of conifer trees. In addition, on the other side of the footpath is the large, hard surfaced car park of the **Brethren's Meeting Hall**. Whilst this is relatively well screened by the mixed indigenous hedge along the boundary, there are glimpses through the green wire fence and a full view through the metal gate. In addition, the managed appearance of the hedge and tall lighting columns that project above it further detract from the rural ambience. Further along the path, the large barrel roofed building itself comes into view.
38. Nevertheless, the appeal development would result in a considerable change on the southern side of the footpath. Whilst the Sketch Layout shows some tree retention and a belt of new planting, the new buildings would be evident to the observer and most particularly the long rear elevation of the clubhouse. Whilst a view of the South Downs would be maintained this would be framed by built development rather than vegetation. The existing user experience would therefore be considerably diminished although the adverse effects would be reduced over time as the new planting matures. Furthermore, these effects would be experienced over a relatively small section of the walk. Once past the site the footpath emerges into open farmland.
39. Approaching the site along Footpath 19/1AI from the other direction, there is a wide panorama. At various points this includes the **Brethren's Meeting Hall** building, the houses in the village amongst trees, the vineyard and the roof of Spurk Barn with Wolstonbury Hill behind. There are glimpses through the trees along the western site boundary of the bungalow and the conifers along the London Road frontage. The understorey is variable, and following development I have little doubt that filtered views of the new buildings would be seen, especially during the winter months. Whilst reinforcement planting with species such as holly would provide more screening, I am doubtful that it would be wholly effective in the longer term. Although there would be large gaps between the clusters of new buildings, the context of Spurk Barn as a lone rural outlier would also be compromised.
40. Footpath 18AI runs close to the western site boundary but when moving southwards the **walker's** attention is likely to be particularly drawn to the open panoramic view of attractive countryside and the dramatic form of the South Downs escarpment in the background. Views into the site would be to one side and secondary in the overall experience. In the other direction, Spurk Barn is the first building to come into view on the right-hand side. With its relatively open frontage and domesticised curtilage, the effect of the new development behind the trees would not be particularly pronounced.
41. Along the eastern site boundary, the bank with trees and understorey vegetation provides a relatively good screen to London Road. However, in

places the cover is patchier and there are filtered views into the site, which will be more pronounced in winter. Motorists would be concentrating on the road ahead and so would have a lower awareness of changes to the peripheral view. There is a footway along the eastern side of the road, and I was told that this is relatively well used by dog walkers and those working in the businesses further to the south. For these people there would be a change, but it would be on one side and within the context of a relatively busy road and the existing built development along the eastern side of London Road.

42. The north-eastern corner of the site would be opened up with a new section of footway along the frontage and a new engineered access. This would entail some frontage tree removal, although the higher value oak tree is shown to be retained. From this point there would be a considerable change with views of the new clubhouse, cottages and apartments. New landscaping would provide some mitigation and the change would be experienced within the context of other urbanising influences. These include the wide green metal gates and **entrance to the Brethren's Meeting Hall adjacent** and the relatively prominent historic stuccoed houses opposite.
43. I observed the site from more distant footpaths, approaching along London Road in both directions and from various points in Church Lane. However, taking account of the undulating topography and the benefit of distance, I judged that the visual impact would be largely benign. I walked up Wolstonbury Hill and to **the Devil's Dyke but was unable to** identify the site from these more distant locations due to the vegetation cover. It may be that there would more visibility following development and in winter. However, this would be within the context of a wide panorama that includes built development.
44. In the circumstances, even if it were to be seen, I do not consider that the appeal scheme would materially detract from the enjoyment of these panoramic views. The site is not within the Dark Skies zone of the South Downs National Park and whilst the development would introduce new lighting this could be controlled. In addition, it would be seen within the context of lights in other villages, towns and roadways. In the circumstances there would be no conflict with policy ALC2 or the dark skies initiative in the ANP.
45. For all of these reasons I consider that there would be some adverse visual impacts, particularly for footpath users and at the site entrance on London Road. However, these would be limited and localised. The adverse effects would be reduced but not eliminated as new landscaping and tree planting matures.

Effect on the character of the settlement of Albourne

46. Albourne is a ridgeline village and its main historic core is around The Street and Church Lane with a smaller historic group of houses to the north at Albourne Green. By the mid-20th century the space between these two areas had been infilled and later still the village expanded eastwards. The village therefore has a mixed character with the older parts in particular being defined by their wooded setting. The village boundary is quite tightly defined for policy purposes. However, as often happens, there is a more dispersed settlement pattern with linear development radiating outwards along the road frontages,

including along the eastern side of London Road as far as Cutlers Brook. The built-up area is therefore more extensive than the policy boundary.

47. The agrarian landscape provides the setting for this Downland village, but for the reasons I have given above the appeal site is not representative of its rural surroundings. Whilst it is largely undeveloped, in my opinion it contributes little to the context of the village. On the other hand, the proposed development would not appear as a natural expansion of the built-up area either. I appreciate that it would not extend it further to the west or south, but this is a factor of little consequence. The dispersed nature of the settlement is mainly due to frontage development, which the appeal proposal could not claim to be.
48. **The Brethren's Meeting Hall** is a development that physically, functionally and visually stands outside the village. The appeal scheme would be further to the south and appear as an outlier that would not conform to the prevailing pattern of development described above. On the other hand, it would share some of the features of the village. For example, the site benefits from a local ridgeline and over time the new buildings would stand within a well treed environment. Furthermore, the *Design Commitment Statement* indicates that the design approach is to create a development that reflects the surrounding architecture and landscape. The appearance of the new buildings is a matter that can be controlled by the Council at reserved matters stage.
49. There has been a great deal of local concern about the size of the development relative to the existing village. The Parish Council indicate that Albourne has about 250 households and some 650 residents. It therefore points to an increase in size of over 30%. For the reasons I have already given, I do not consider that this development would appear as a natural extension to the village. However, the proposed shop, lockers, electric charging points and workshops, which I discuss later, would allow a degree of community integration. The village itself has grown incrementally and cannot be viewed as a set piece that has not changed over time. There may be harmful impacts from an increasing population in terms of highway safety and insufficient infrastructure, for example and I consider these later. However, the size of the development in itself would cause little harm to the character of the village, in my judgement.

Effect on agricultural land

50. Paragraph 170 of the Framework seeks to recognise the benefits of protecting the best and most versatile agricultural land, which is classified as Grades 1, 2, and 3a. The appeal site is shown on the *Provisional Agricultural Land Classification Maps* as being within an area of Grade 2, which denotes very good quality farmland. However, these maps were not based on physical surveys. They were intended to provide strategic guidance for planners on a small-scale map base. Natural England in its *Technical Information Note TIN049*, advises that they are outdated and should not be relied on for individual site assessments.
51. The Appellants commissioned an *Agricultural Land Classification Report*, which was based on a site survey carried out in February 2020, including examination of 5 auger samples and a trial pit. This concluded that the land was grade 3b with shallow soils over a depth of dense clay subsoil. This is the best available

evidence and I am satisfied that the development would not result in the unacceptable loss of high value agricultural land.

Overall conclusions

52. The appeal site is located within the open countryside, outside the built-up area and not contiguous with its boundaries. There would be some residual adverse landscape and visual impact, although this would be localised and limited in nature. There would also be a small adverse effect on the character of the village of Albourne because the development would not be seen as an expansion to the main built-up area of the village nor reflect the frontage development along the peripheral roads. There would be no adverse impact on the South Downs National Park or views from within it. Nevertheless, there would be conflict with policy DP6, DP12 and DP15 in the MSDP and policies ALC1 and ALH1 in the ANP.

THE EFFECT OF THE PROPOSAL ON HERITAGE ASSETS

53. There is no dispute that the designated heritage assets affected would be the four Grade II listed houses on the eastern side of London Road. The effect would derive from changes to their setting and it is agreed that any harm would be less than substantial in nature and that paragraph 196 of the Framework would be engaged whereby harm is to be weighed against public benefits. Unlike the setting of the listed buildings, the setting of the Albourne Conservation Area is not protected by statute. Nevertheless, the same considerations will apply as a matter of policy in terms of weighing harm to significance against benefits. Spurk Barn is adjacent to the south-western corner of the appeal site and is a non-designated heritage asset. Paragraph 197 of the Framework makes clear that a balanced judgement should be made, having regard to the scale of any harm and the significance of the asset.

The listed buildings

54. There was much discussion at the inquiry about the contribution of the appeal site to the significance of the listed buildings. Elm House, Tipnoaks and Hillbrook House are two-storey stuccoed villas built in the early 19th century. These were modest **country houses, which demonstrated their owners'** aspirations for elegant country living with their classical, well-proportioned facades and convenient roadside location outside the main village. The immediate setting is provided by the gardens in which they stood but the wider rural environment, including the fields to the front and rear would have contributed to the pastoral context and significance of these houses. It can be seen on the 1874 Ordnance Survey Map that there are 4 subdivisions on the appeal site. This suggests that by this time the land was being used as a market garden or commercial nursery.
55. Mole Manor was of earlier construction and the 1839 Tithe Map shows it standing in an isolated position on the eastern side of London Road. It is a rare example of a modest Sussex cottage with a red brick and clay tile construction and an isolated countryside setting and these factors contributed to its significance. In my opinion its setting was significantly compromised by the building of Elm House and Tipnoaks. These more substantial houses overpower the cottage as they not only join it on either side but also stand well forward of its front elevation.

56. There is also significance derived from the listed buildings as a group. In this respect, Mole Manor makes a contribution through its style and character, which is in contrast to the classical form and proportions of the stuccoed villas.
57. The appeal site was clearly part of the countryside setting when these buildings were built and thus contributed to their significance. There is no indication on the 1874 map that there was tree planting at this stage and it is reasonable to surmise that originally the dwellings faced a relatively open landscape, which would have allowed the owners attractive views from the front of their houses. In any event, by 1910 the Ordnance Survey map shows a tree belt along the eastern boundary and some tree planting within the site itself. Whilst the context is therefore likely to have changed somewhat, the westerly outlook would still have been essentially green and rural with likely views through the trees into the site.
58. More substantial changes occurred in the mid-20th century as Albourne expanded and the London Road was re-engineered and widened. More recently still there has been further development along London Road, including to the south of Hillbrook House and the Brethren's **Meeting Hall**. The latter appears to have been on land formerly used as part of Hazeldens Nursery. The wider pastoral environment has thus been considerably eroded over time, which has diminished the historical understanding provided by the wider setting of these listed buildings. Their individual and group significance is now mainly derived from their fabric and the immediate setting of their garden plots.
59. Following development, the views towards the appeal site would change through the introduction of a new access, a footway along the London Road frontage and views towards a built environment. The effect would be greatest in respect of Tipnoaks, due to its position opposite the site entrance. Hillbrook House stands further back from the road in an elevated position and there would be filtered views of the new buildings from within its site through and above the roadside vegetation. There would therefore be some further change to the context in which the listed buildings would be appreciated but, for the reasons I have given, I consider that the effect on significance would be relatively small.
60. With respect of Elm House and Mole Manor the harm would be at the lower end of the scale of less than substantial harm. With respect of Tipnoaks and Hillbrook House it would be slightly higher but still lower than moderate, with a similar effect on the significance of these houses as a group. Whilst the choice of materials, design and landscaping of the new development would be controlled through reserved matters, the impacts I have identified are unlikely to be materially reduced over time.

Spurk Barn

61. This agricultural building is a non-designated heritage asset probably dating back to the 19th century. Its primary interest is in its form and fabric with flint and brick construction and the retention of many original features. The boundary lines on historic maps suggest that Spurk Barn was not functionally connected to the appeal site. Indeed, with no obvious connection to any local farms it was probably an isolated field barn associated with the agricultural land to the west.

62. Spurk Barn has been converted to residential use and windows have been added along with an extension. Its immediate setting is now a domestic garden and parking area. Along its boundaries with the appeal site is a thick conifer hedge. Although this could be removed it would seem unlikely due to the privacy it affords. The significance derived from the wider setting is mainly across the open agricultural land to the west. Nevertheless, the largely undeveloped nature of the appeal site does contribute to the sense of isolation of the building, particularly in views from Church Lane and sequentially when walking east along Footpath 19/1AI and south along Footpath 18AI.
63. As I have already concluded above, the proposed buildings would be seen, especially in the winter months, through gaps in the trees and understorey along the western site boundary. Whilst the effect would be to have an adverse effect on the appreciation of the barn as an isolated entity, its value as a field barn is now diminished on account of its residential conversion and the domestication of its grounds. To my mind this undesignated heritage asset has a relatively low level of significance. The small degree of harm that would arise from the appeal proposal would also be further reduced over time as reinforcement planting matures, including the band of new trees between the conifer hedge and built development.

Albourne Conservation Area

64. This comprises the original historic core of the village at the southern end of The Street and along a section of Church Lane. The only appraisal is found in *The Conservation Areas in Mid Sussex* (August 2018), which notes five features that contribute to its character. These include the trees and hedges; the sunken road relative to many of the houses with attractive retaining walls; the cottage style houses with small windows; the lack of a set building line or footway with varying road widths and a meandering rural character; and the attractive countryside views to the west and south. The latter is the only one relevant to setting.
65. At one time no doubt the appeal site, because of its relatively open and undeveloped character, would have played some part in this respect. However, modern housing on the south side of Church Lane and the construction of the **Brethren's Meeting Hall** building and car park has provided a visual intervention that has meant that it no longer contributes in this way. The main southerly aspect is provided by the fields beyond its western boundary. Even if there were glimpses of the new development through the trees from the southern part of the conservation area, which is doubtful, they would be peripheral and oblique.
66. It is also the case that the Council did not consider that the proposed **development of the Brethren's Hall** site would have any adverse impact on the conservation area, notwithstanding that the large building with its incongruous design would be in close proximity to the southern edge. I appreciate that this development was built on exceptional grounds of need but that does not negate the requirement to consider the effects on the setting of the heritage asset. Furthermore, *the Council's Strategic and Economic Land Availability Assessment* (2018) did not consider that a potential yield of 132 houses on the appeal site would negatively impact on the heritage asset. **The Council's** objection now in terms of harm to setting therefore seems to me to be

inconsistent.

67. It is likely that Albourne depended on farming and market gardening for its growth. However, in the absence of a detailed appraisal the only evidence of the features that contribute to its character are those in the aforementioned 2018 document. There is nothing to say that the tree nursery financed buildings in the village and even if it did this use has long ceased. This was certainly not a matter referred to in respect of the development of the land to the north, which was also part of the nursery at one time.
68. For all of the above reasons I do not consider that the appeal site provides part of the setting of the Albourne Conservation Area. It follows that the appeal development would have no effect on the significance of the designated heritage asset.

Overall conclusion

69. Drawing together all of the above points it is concluded that the appeal proposal would cause less than substantial harm to the significance of the Grade II listed buildings, Elm House, Mole Manor, Tipnoaks and Hillbrook House. This would be at the low end of the scale but nevertheless is a matter to which considerable weight and importance should be ascribed. There would be a small degree of harm to Spurk Barn, but this will need to be considered against the relatively low significance of the building. The relevant balancing exercise will be undertaken later in the decision and a conclusion reached as to whether the appeal proposal would conflict with policy DP34 in the MSDP. The Albourne Conservation Area and its setting would remain unaffected by the appeal scheme. The appeal proposal would therefore comply with policy DP35 in the MSDP.

WHETHER THE SITE IS WITHIN AN ACCESSIBLE LOCATION, GIVING NEW OCCUPIERS THE OPPORTUNITY TO TRAVEL BY MODES OTHER THAN THE PRIVATE CAR

70. There is an age restriction of 65 years for primary occupiers of the proposed development, although younger partners would not be excluded. Nevertheless, I was told that the average age of Retirement Villages' occupants is 82 years and that only about 25% are couples. Bearing in mind the nature of the scheme with its care component, it is reasonable to surmise that most people living there would be in the older cohort. That does not mean to say that some residents would not still drive but it is unsurprising that the evidence indicates a lower level of car ownership than general purpose housing and that car sharing is popular on other Retirement Villages' developments.
71. Residents living in the proposed development would occupy a self-contained cottage or apartment. The purpose, unlike a care home, is to maintain independence although the degree will vary depending on the care needs of the individual. Nevertheless, each dwelling is fitted with a kitchen and although there is also a restaurant within the communal building on the site, it is anticipated that many will also wish to cook for themselves. Albourne is a Category 3 village and has no shops or facilities apart from a village hall and primary school. There is a volunteer run community shop in Sayers Green, but other than that, the nearest shops are in Hurstpierpoint, where there is also a health centre, post office and pharmacy.

72. It seems unlikely that residents, even those with good mobility, would walk to Sayers Common or Hurstpierpoint, although a few may undertake the relatively short cycle ride. The nearest bus stops are some 85m from the site travelling north and 250m from the site travelling south. These serve the 100 bus to Burgess Hill, which is a Category 1 settlement with higher order shops, services and facilities. A bus journey would take about 11 minutes, although the bus only runs hourly and not on Sundays. Nevertheless, residents would not be making regular work journeys and it seems to me that the bus may be a viable choice for some trips such as visits to the supermarket or bank, for example.
73. The bus stops for the 273 service are some 560m away, north of the Albourne Road traffic lights. This service runs through Hurstpierpoint, which is a bus journey of about 5 minutes. However, the bus runs only every 120-160 minutes and, again, not on a Sunday. The journey would therefore need to be carefully planned and would be most likely to take the form of an outing rather than a trip for a dedicated purpose.
74. The proposal is that there would be a shift pattern for staff, with about 15 being on site at any time. The information from the **Retirement Villages'** other sites is that staff are in general drawn from the local area, with over half living within 5 miles and 82% living within 10 miles. The analysis indicates that most staff living within 5 miles are likely to come from Burgess Hill. This would be within cycling distance and the 100 service would also be an option for some shifts. However, the bus only runs until the early evening and not at all on a Sunday. There may well be some flexibility in terms of shift patterns, but the bus would not be an option for late evening, early morning or Sunday travel.
75. The Framework indicates that the opportunities to maximise transport solutions will vary between rural and urban areas and this should be taken into account in decision-making. It also says that significant development should be focused on locations which are or *can be made* sustainable. In this case the Appellants have included a number of provisions to improve the accessibility credentials of the proposed development.
76. A dedicated non-profit making minibus would be provided for use by residents and staff. The S106 Agreement includes a covenant for its provision and the evidence indicated that it could be used for shopping trips, GP and health related appointments and day outings. It would also be available for staff travel, subject to the payment of subsidised charges. I was told that this could be used for late evening shifts when the bus has stopped running or for pick-ups from bus stops or the railway station in Hassocks. Whilst some staff, especially those on a late shift or working on a Sunday may prefer the convenience of a car, the existence of this option would extend the available modal choice for staff, provided the subsidised charges are reasonably priced.
77. The proposed development would be subject to a Final Travel Plan before the development is first occupied. This would be based on the *Travel Plan* submitted with the planning application, which includes various targets to increase public transport, cycle and pedestrian trips. Measures include the provision of a length of new footway along the western side of London Road to link the site to the northbound bus stop; cycle parking facilities with changing and washing facilities for staff and discounts on bicycles and cycle equipment; and the minibus. In addition, the traffic calming measures would include an

uncontrolled crossing and pedestrian refuge. Along with the introduction of a 30mph speed limit, this measure would provide those residents wishing to cross London Road, for example on the way back from the bus stop, with a safe means of doing so.

78. The on-site facilities in the communal building are also a relevant factor. This includes a small shop to provide fresh products and basic groceries. I saw the shop at Charters, which had quite a good range of everyday goods including fresh fruit and vegetables, dairy products, tinned items and toiletries. The clubhouse would also have a small library, hair salon, therapy room, bar and restaurant. Clearly providing these facilities on the site would have the potential to reduce the number of external journeys that residents would have to make. I was told that the various facilities are not intended to be profit making and the UU includes a covenant that they would be operated and managed by the Owner or the Management Company. That they could not be leased to a commercial operator gives some comfort that they would continue to operate effectively in the longer term in accommodate daily needs of residents.
79. It seems to me that the appeal proposal has done what it can to enhance accessibility. Residents and staff would have genuine choices available to undertake journeys by modes other than the private car. This is a rural area where it is to be expected that travel options are more limited than in a town and the car would undoubtedly be used for some trips. Every decision turns on its own circumstances but, insofar as there are similarities, I have not reached the same conclusion as the Bolney Inspector for the reasons I have given. I consider that the appeal scheme would be relatively sustainable in terms of location to minimise the need to travel. Overall it would not conflict with policy DP21 in the MSDP.

THE BENEFITS OF THE PROPOSAL

80. For the avoidance of doubt, in ascribing weight to the benefits I have used the following scale: limited, significant and substantial.

The need for extra care housing

81. Paragraph 61 of the Framework requires that the size, type and tenure of housing needs for different groups in the community, including older people, should be assessed and reflected in planning policies. The glossary indicates that these are people over or approaching retirement age. They will include the active elderly at one end of the scale and the very frail elderly at the other. There will be a range of housing needs from adapted and accessible general needs housing to specialised accommodation with support or care.
82. The June 2019 version of the *Planning Practice Guidance* includes its own expanded section on housing for older and disabled people. It makes the point that the need to provide housing for this group is critical in view of the rising numbers in the overall population. Furthermore, it considers that older people should be offered a better choice of accommodation to suit their changing needs in order that they can live independently for longer and feel connected to their communities. Extra care housing is recognised by the Government as providing such benefits.

83. The Council's **consideration** of the housing needs of elderly people can be found in the *Housing and Economic Development Assessment Addendum* (the HEDNA Addendum) published in August 2016. This provided part of the evidence base to the MSDP and uses the 2014-based population and household projections (released in 2016). Amongst other things the HEDNA Addendum considers the need for specialist housing for older people, including extra care housing, using the *Strategic Housing for Older People Analysis Tool* (SHOP@). This is given as an example of an online toolkit for assessment in the *Planning Practice Guidance* but the document neither endorses its use nor precludes the use of other methodologies. It is important to bear in mind that whichever model is used, its output will be determined by the assumptions on which it relies.
84. The SHOP@ toolkit is preset with the number of units required per 1,000 of the population over 75 years old at 25 or 2.5%. This I shall refer to as the **"provision rate"** and it has been derived from *More Choice Greater Voice* (2008), which is a document that seeks to provide a strategy for housing with care for older people. It is important to have in mind that the provision rate is an assumption and is not evidence based. The Council pointed out that a provision rate of 25 is roughly double that for extra care housing nationally. However, that reflects the critical need across the country and is not particularly helpful in the consideration of how need should be met in Mid Sussex.
85. In December 2012 *Housing in later life: planning ahead for specialist housing for older people* sought to update *More Choice Greater Voice*. It recognises that extra care housing was becoming better known as an alternative choice for older people who do not necessarily want or need to move to a residential care home. Furthermore, it recognises a prevalence for home ownership in the elderly population and predicts that demand for extra care housing for sale will be twice that of extra care housing for rent¹. It provides a toolkit for use by local authorities in their planning for and delivery of specialist housing for older people. It seeks to improve housing choice for a growing ageing population and increases the provision rate to 45 or 4.5% per 1,000 of the population over 75 years old. Whilst a worked example is given for Bury Metropolitan Council, it seems apparent from the information provided that this provision rate is one that is more generally applicable. That said, it is important to understand that this is an aspirational figure and is also not evidence based.
86. The assessment in the HEDNA Addendum relies on population data that is now out-of-date. Its conclusions on elderly care needs justify reconsideration using the 2016-based population data. The only such assessment has been provided by the Appellants and, on the basis of a provision rate of 2.5%, this indicates a demand for extra care units of 386 in 2020. On the basis of a 4.5% provision rate the equivalent figure is 694 units.
87. **In the Council's assessment the** tenure split of extra care housing has been set at 73% rent and 27% purchase. In Mid Sussex private leasehold extra care provision is limited to a single development at Corbett Court in Burgess Hill. In terms of extra care units for rent, the database is out-of-date because since 2014, 68 units have been demolished. The Council conceded at the inquiry that the figures in the HEDNA Addendum for extra care provision are thus out-of-

¹ Extra care housing for sale is generally on the basis of a leasehold tenure.

date. The current (2020) supply is lower, the need is higher, and the tenure split, based on existing provision and the corrected supply, would therefore be about 60% rent and 40% purchase.

88. In Mid Sussex the evidence indicates that the vast majority of older people are owner occupiers. Many of these people will be able to continue to live in their own homes through old age with the necessary adaptations and care support. However, not all homes are suitable. In such cases a homeowner may be attracted to an extra care facility where they can continue to own their own home and maintain a degree of independence whilst enjoying support and care within a secure environment. Within Mid Sussex such choice is largely unavailable.
89. The Appellants have used a tenure split of 33% rent and 67% purchase in their modelling. Whilst this is recognised as favouring an owner-occupied solution it nonetheless reflects the local housing market in Mid Sussex. Furthermore, it aligns with national policy insofar as it redresses the balance towards greater flexibility and choice in how older people are able to live. It is to be noted that the SHOP@ toolkit itself recognises that the percentage of leasehold tenures will increase in the future and that areas of affluence will see a higher percentage increase by 2035. In such areas, which includes Mid Sussex, it suggests a tenure split more redolent of the Appellants' modelling.
90. The Council argued that the tenure split is of less importance than the headline figure. However, the evidence indicates that the extra care properties for rent in this District are managed by Housing Associations and therefore an existing homeowner would be unlikely to qualify for occupation. It also appears that the pipeline supply of extra care housing is all social rented tenure. It is therefore reasonable to assume that maintaining a tenure split that favours rental units would be unlikely to allow realistic alternative options to the majority of older people who are currently homeowners. In the circumstances and based on the specific evidence I have been given, I consider that the Appellants' assessment of demand in terms of tenure is more credible and thus to be preferred.
91. The existing supply, taking account of the aforementioned demolitions, is 142 extra care units. If need is defined as the difference between supply and demand, then **even on the Council's favoured provision rate it** currently stands at 244 extra care units. The information indicates that there are planning permissions for some 132 additional extra care units in the pipeline, including 60 on the Burgess Hill strategic site. Whilst there is no national policy imperative to maintain a 5 year supply **of older person's housing** as is the case with housing generally, this nonetheless signals a significant residual unmet need regardless of tenure. **On the basis of the Appellants' higher provision rate** it would be even greater at 552 units. Either way it would rely on the permitted units being built expeditiously. Using the tenure split favouring leasehold provision, the **Council's assessment would be** of a current need for 163 leasehold **units whilst the Appellants' assessment would be for 368** leasehold units. The evidence indicates none in the pipeline supply.
92. Whilst there is no requirement in national policy or guidance to specifically allocate sites for specialist housing for older people, the *Planning Practice Guidance* does indicate that this may be appropriate where there is an unmet need. The response in Mid Sussex is to apply a flexible approach through policy

DP30 and the Council pointed out that the strategic allocations include provision for a range of housing, including for older people. Policy DP30 also indicates that further allocations may be made in the SA DPD if a shortfall is identified. Policy DP25 has a similar provision to meet local needs for community facilities, which include care homes and specialist housing. In the SA DPD there is a single residential allocation in East Grinstead that includes a **"care community"**. **There is though no detail as to** the number or type of units and, in any event, the emerging status of the document means that very little weight can be given to it at the present time.

93. In the circumstances I consider that the evidence indicates a significant level of current unmet need, in particular for extra care leasehold housing, whichever provision rate is adopted. Furthermore, this will significantly increase over the local plan period. This situation has not been helped by the slow progress on the SA DPD and the failure to recognise an unmet need that is clearly evident. **The Council's riposte that it is not being inundated by enquiries or applications** for this type of development does not seem to me to be a very robust or objective yardstick on which to rely. For all of these reasons I consider that the provision of extra care units by the appeal development to be a matter of substantial weight.

Freeing up family sized homes

94. As has already been said, in Mid Sussex a large proportion of those people 65 years of age and above are owner occupiers. Furthermore, the evidence indicates that a considerable number of older householders under occupy their homes. Indeed, the MSDP indicates in the supporting text to policy DP30 that providing suitable and alternative housing for this cohort can free up houses that are under occupied. It also records that a significant proportion of future household growth will generate a need for family sized homes, including those with over 3 bedrooms. This is reflective of the national picture.
95. There is though insufficient evidence to determine the proportion of new occupiers that would necessarily derive from the local area. Whilst Retirement Villages' analysis indicates that a third of moves to its developments have been from a 5 miles radius it also indicates that about 40% come from further than 20 miles. There is therefore likely to be some benefit to the local housing market as well as a contribution made in terms of the national housing crisis. Overall, I give this benefit significant weight.

On site facilities for use by the public

96. The appeal development would include some facilities that would be available for use by those living outside the development. Albourne has no village shop and whilst the proposed unit would be relatively small with a limited range of goods it would stock day-to-day staples as I have already indicated. Residents in the village could walk or cycle to the shop and it would, in my opinion, provide a useful facility for those living nearby. I give this benefit significant weight.
97. The lockers would allow those living nearby a point from which to collect online deliveries. This would provide a convenient option if the person who ordered the goods was not going to be at home. However, many delivery companies offer specific time slots or the opportunity to nominate a safe place at home

where the package could be left. These options would clearly be more convenient and, although the availability of the lockers could be useful in some circumstances, I give the benefit limited weight.

98. The two workshops would be available for local artisans as well as residents. However, I am not convinced that there is evidence of a demand for such facilities. In the circumstances, I give this benefit limited weight.
99. Three rapid electric charging points would be available for use by the general public as well as by residents. I am not aware of any similar facilities for public use in the vicinity. This would therefore provide an opportunity to those who wish to take advantage of a fast charge, perhaps combining it with a visit to the shop. I therefore give this benefit significant weight.

Highway safety and traffic calming

100. There was local concern that the appeal proposal would be harmful to highway safety. I am satisfied from my observations that lines of sight and the geometry of the new access would be satisfactory to allow for safe entry and exit. West Sussex County Council has a statutory responsibility to ensure the safety of the local highway network. It has not raised objections to the scheme on these grounds and this is a matter of considerable importance. The forecast trip generation would be relatively small and there is no evidence that London Road would have insufficient capacity to accommodate the additional vehicles safely. The proposed parking provision would exceed the **Council's minimum standards**. There is therefore no reason why there should be any overspill parking onto London Road.
101. The application drawing no: 1701-56 SK08 Rev B shows a number of measures to improve road safety within the vicinity of the appeal site. These include gateway features with kerb build outs and pinch points and a new 30 mph speed restriction between a point south of the limit of the built development on the eastern side of London Road and a point between the junction with Church Lane and the junction with Albourne Road. In the vicinity of the site entrance the road width would be narrowed and to the south of this would be an uncontrolled crossing with a refuge island and dropped kerbs.
102. These measures would be controlled by a planning condition. For the reasons I have given I consider them necessary to encourage reduced traffic speeds and allow residents to cross safely from the bus stop on the eastern side of London Road. However, it also seems to me that there would be some wider benefit due to decreased traffic speeds in the vicinity of the Church Lane junction, which is one of the main entrances into the village. I note that the ANP includes an aim to develop a scheme to improve the safety of road users utilising the local stretches of London Road and Albourne Road. It seems to me that this proposal would play some part towards achieving this objective. This benefit is attributed significant weight.

Economic and social benefits

103. There would be employment benefits in terms of the provision of jobs during the construction phase and also longer term in connection with the operation of the site. There would also be some further spending within local shops and facilities by the new population.

104. There is evidence to indicate that elderly people who live in an extra care environment, with all that it offers, benefit in terms of health and wellbeing. The secure community environment and sense of independence can reduce social isolation and encourage greater fitness and healthy lifestyles. It is reasonable to surmise that these factors are likely to result in a lower number of visits to the GP, reduced hospital admissions and overall savings to the National Health Service. The social and economic benefits are matters to which I give significant weight.

OTHER MATTERS

Ashdown Forest

105. The appeal site is outside the 7km zone of influence of Ashdown Forest Special Protection Area and therefore the issue of potential recreational disturbance would not be of concern. It is though necessary to consider whether there would be any effect on the Ashdown Forest Special Area of Conservation as a result of increased nitrogen deposition from vehicle emissions. **The Council's Screening Report indicated that** the in-combination transport model that supported the District Plan showed no overall traffic impact in terms of its strategy for housing and employment growth. The County Council considered that there would be about 4.6 additional daily trips that would travel to or through the Forest. I am satisfied with the conclusion of the Council that this would not result in a significant in-combination effect.

Ecology

106. There have been a number of local representations relating to the ecological interest of the site. The Appellants' *Ecological Assessment* records the site as having relatively low value with much of its central area comprising managed semi-improved grassland. The most important areas for wildlife comprise the boundary trees and hedgerows, which are to be retained and protected during the construction period. The assessment includes a programme of mitigation prior to site clearance to take account of reptiles and in the unlikely event that Great Crested Newts are found to be present. These are protected species and it is an offence to undertake development that would cause them harm. Similarly, there is a requirement to protect birds during the nesting season.
107. There is no evidence that bats are using the bungalow as a roost. If that were found to be the case during demolition, work would have to cease to allow the proper licence protocols to be followed. Bats will use the site for commuting and foraging, especially along the retained hedgerow lines. A condition is therefore required to control the level and type of lighting to ensure habitats are not disturbed. Overall, I am satisfied that the development would not give rise to unacceptable harm to ecological interests.
108. There are also proposed enhancements to biodiversity including introducing species rich grassland, new hedgerows, a wild flower meadow and a new pond. Swift bricks and bat boxes would also be provided.

Local healthcare services

109. There was local concern that the local healthcare facilities would be inadequate to serve the new residents. It is appreciated that existing residents often have to wait a considerable time to get a **doctor's** appointment

but that unfortunately is a much wider issue and applies to many places. Inevitably new residents will need medical care from time to time. However, there have been no representations from the local NHS Foundation Trust or local doctors objecting to the scheme or indicating an issue with capacity.

Residential amenity

110. Objections have been raised that the proposed development would result in overlooking and loss of privacy, particularly to properties on the eastern side of London Road. However, the Parameters Plan indicates a 10m inset of new development from the boundary treeline. Furthermore, the outline form of the proposal means that matters such as window positions would be determined at a later stage. In the circumstances, I am satisfied that there would be no unacceptable harm to the living conditions of existing residential occupiers.

Other appeal decisions

111. My attention was drawn to a number of appeal decisions, including some relating to other **Retirement Villages'** developments. A number were cited in relation to the Use Class matter, which is no longer an issue in this appeal. Most concerned other local authority areas and turned on their own evidence.
112. The appeals relating to Bolney were the subject of a recent decision in Mid Sussex District. One appeal was for a care home and the other for a care home and 40 age-restricted dwellings. The latter were classed as a C3 use. The conclusions of my colleague on need seem to relate to the care home (Class C2) element of the scheme rather than the extra care dwellings. In any event, I do not know what evidence was presented in respect of that scheme or whether tenure was a particular issue. I have commented on my **colleague's** conclusion on accessibility above. Overall, I do not consider that this decision is of particular assistance or relevance to the present appeal.

PLANNING OBLIGATIONS

113. The S106 Agreement and UU were considered in detail at the inquiry. They were each engrossed on 20 August 2020. I have considered the various obligations with regards to the statutory requirements in Regulation 122 of the Community Infrastructure Levy (CIL) Regulations and the policy tests in paragraph 56 of the Framework. It should be noted that the Deeds contain a **"blue pencil" clause in the event I do not consider a particular obligation to be** justified in these terms. In reaching my conclusions I have had regard to the supplementary planning document: *Development Infrastructure and Contributions Supplementary Planning Document* (2018) (the SPD) and development plan policies, including policy DP20 in the MSDP, which relates to securing infrastructure.

The S106 Agreement

114. This is made between the Council, West Sussex County Council, the Owner (Notcutts Ltd) and the Developer (Retirement Villages Developments Ltd). The library contribution is based on a formula set out in the SPD and a worked example is provided in the First Schedule. This cannot be definitive at this stage as the final housing mix is not yet determined. In addition, the cost multiplier will change annually. Although the clubhouse would include a library, no details have been provided. The one I saw at Charters was very

limited in terms of its size and breadth of reading material. I consider that residents of the development would be likely to use the public library in Hurstpierpoint. The County Council indicates that its facilities would require expanding to cope with the additional population. In the circumstances I consider that the library contribution would be justified.

115. The TRO Contribution would be used to promote and advertise a Traffic Regulation Order to reduce the speed limit from 40 mph to 30 mph in the vicinity of the site. This would be part of the traffic calming measures, which have been referred to above. I was told that £7,500 reflected the fixed cost to West Sussex County Council of consultation and review and it therefore seems reasonable and proportionate.
116. The dedicated minibus would be provided prior to the occupation of any dwelling and the covenant includes its use for residents and staff in accordance with the Travel Plan. This is necessary to enhance the accessibility of the development as I have explained above.
117. For all these reasons I am satisfied that all of the obligations are necessary, directly related to the development and fairly related in scale and kind. They comply with Regulation 122 of the CIL Regulations and paragraph 56 of the Framework. They can be taken into account in any grant of planning permission.

The UU

118. A primary resident is a person who is 65 years or older and is in need of at least 2 hours of personal care a week. The basic care package, which it is obligatory to take, is defined to include a range of services that are needed by reason of old age or disablement following a health assessment. The health assessment is to be undertaken by the partner domiciliary care agency who must be registered by the Care Quality Commission. There is also provision for a periodic review of the health assessment to establish whether a greater level of care has become necessary. The domiciliary care agency would also provide a 24-hour monitored emergency call system.
119. The Communal Facilities would be provided in the clubhouse on the northern part of the site. They would include a number of facilities such as a restaurant, bar, lounge, library, therapy and exercise room, hair salon, function room, shop and collection facility. The covenants also require construction of the clubhouse prior to the occupation of any dwelling and all residents and their guests would have access to it. The shop and collection facility would also be accessible to non-residents. Restrictions on the operation of the communal facilities may be imposed by the Management Company, including in respect of the hours of opening of the shop.
120. The scheme would include 2 workshops within the clubhouse with details to be approved at reserved matters stage. These would be made available for use before more than 50% of the dwellings are occupied. They would be made available for use by residents and local businesses and subject to restrictions by the Management Company, including hours of operation and the nature of the use.
121. The Management Company would be established prior to the occupation of

any dwelling as a non-profit making legal entity. It or the Owner would manage the sustainable drainage system (SuDS). It or the Owner would also operate the workshops, shop and collection facility. Any profit received by the Management Company from operating the Communal Facilities and workshops would be used to offset against the annual service charge payable by each homeowner. There is also a restriction on the disposal of the communal facilities or workshops.

122. The Covenants by the Owner to the Council are contained within the First Schedule to the Deed. They are required to ensure that the development would operate effectively as an extra care facility within Use Class C2, which formed the basis of the planning application and on which it has been assessed. They would ensure that the communal facilities are operated and managed for the long-term benefit of the residents living on the site and that the drainage system remains effective and fit for purpose during the lifetime of the development. I consider that all of the obligations are necessary, directly related to the development and fairly related in scale and kind. They comply with Regulation 122 of the CIL Regulations and paragraph 56 of the Framework. They can be taken into account in any grant of planning permission.

PLANNING CONDITIONS

123. A list of planning conditions was drawn up by the main parties and these were discussed at the inquiry. My consideration has taken account of paragraph 55 of the Framework and advice in the Planning Practice Guidance. In particular I **have had regard to the Government's intention that planning conditions** should be kept to a minimum and that pre-commencement conditions should be avoided unless there is clear justification. The Appellants have confirmed acceptance in writing of those pre-commencement conditions that have been imposed. I have changed the suggested wording in some cases to ensure that the conditions are precise, focused, comprehensible and enforceable.
124. The Appellants have agreed to a shorter implementation period in this case to reflect the case that it has put forward about the scale of the current unmet need. I was told that Retirement Villages will be developing the site itself and thereafter managing the development as part of its extra care portfolio. Much store was set on the high quality of the development and the way the proposed layout had been designed to respect the existing landscape and views. In order to ensure that this is carried forward into the scheme that eventually materialises it is necessary to require compliance with the Parameter Plan and Sketch Layout. For similar reasons and to ensure that the development fulfils its intended purpose, a condition limiting the number of dwellings to 84 is required.
125. A relatively recent *Ecological Impact Assessment* has already been submitted and so I consider it unnecessary to require further details to be submitted. A condition is though necessary to ensure that the mitigation and enhancement measures are implemented in order to protect ecological interests and improve biodiversity. The suggested condition on ecological management requires details that have already been submitted in the above assessment. I have therefore reworded the suggested condition accordingly. Although landscaping is a reserved matter, it is appropriate at this stage to ensure that

protective measures for retained trees and hedgerows are provided during construction in order to protect wildlife and visual amenity. I have reworded this to take account of arboricultural information that has already been submitted. For similar reasons a condition requiring the arrangements for the management and maintenance of the landscaped areas is required.

126. The landscaped grounds would be communal areas and individual dwellings would not have amenity space other than a small patio area for sitting out. The erection of individual private enclosures would not fit in with this ethos or the open character of the site. In the circumstances a condition is necessary to remove permitted development rights for the erection of such features and to retain the gardens as places for all residents to enjoy.
127. The construction period would inevitably cause some disturbance and inconvenience to those living and working in the area as well as to road users. A Demolition and Construction Management Plan is therefore required to help minimise adverse impacts. Separate conditions have been suggested to prevent the burning of waste material and restrict working hours. This is unnecessary as both of these matters would be covered by the provisions of the Plan.
128. A desk-based assessment submitted with the planning application concluded that the archaeological potential of the site was low. It recommends further investigation in the form of trial trenching. The County Archaeological Officer commented that there was nothing to indicate that remains were of a standard that would require preservation in situ. A condition is therefore appropriate to require a written scheme of investigation. There are significant gradient changes across the site. In order to ensure that the development would be visually acceptable, details of ground and floor levels are required.
129. The site has been previously used as a tree nursery with various buildings and glasshouses. The evidence suggests that contamination risks would be generally low. A precautionary but proportionate response is justified with a sequence of conditions that would require actions depending on whether contamination is found to be present.
130. Separate conditions are necessary for foul and surface water drainage. The *Flood Risk and Drainage Strategy* submitted with the application indicated that the site has a low flood risk and that surface water would be satisfactorily disposed by means of a sustainable drainage system (SuDS). In order to ensure this operates effectively in the longer terms it is necessary to require details of the management and maintenance of the system. The UU includes a covenant that the Owner or Management Company would be responsible for the SuDS, but it is not unreasonable to require that information be submitted of any adoption arrangements going forward. With these safeguards in place there is no evidence that there would be a flooding risk either on the site or elsewhere as a result of the appeal proposal.
131. A *Travel Plan* was submitted at application stage and its objectives include reducing the need for staff, residents and visitors to travel by car. It also contains targets to increase pedestrian, bus and cycle trips with milestones over a 5 year period. Various measures are included to encourage sustainable travel choices as already discussed above. A Final Travel Plan will be required

to be submitted based on the already submitted document before the site is first occupied.

132. In order to encourage sustainable solutions and comply with the **Government's objective** of moving towards zero emission road transport, the provision of electric charging points is necessary. These would include the three rapid active charging points in the communal parking area. Parking for residents is not assigned and it is understood that the use of the private parking spaces would be subject to a separate agreement. In such circumstances these spaces would be provided with passive provision, which can be activated by a socket as and when required.
133. Means of access is not a reserved matter and the details of this along with the new footway and traffic calming measures are shown on drawing no: 1701-56 SK08 Rev B. In order to ensure the safety of road users and pedestrians it is necessary to require the details to be implemented prior to the occupation of the development. I have reworded the condition to be comprehensive and concise. It is also important that before a dwelling is first occupied it is served by a pedestrian and vehicular access in order to ensure a safe and secure residential environment.
134. External lighting, especially along roadways and within public areas, can be intrusive and detrimental to ecological interests as well as the visual amenity of neighbouring residents. I have amended the wording to make the condition more concise bearing in mind that the approval of the relevant details is within the control of the Council. In order to meet the requirements of the Water Framework Directive and policy DP42 in the MSDP a condition is necessary to restrict water usage to that set out in the optional requirement in Part G of the Building Regulations.
135. Conditions relating to materials and landscaping are unnecessary as these will be considered at reserved matters stage.

PLANNING BALANCE AND OVERALL CONCLUSIONS

136. I consider that the development plan is up-to-date and that the basket of most important policies for determining this application are not out-of-date. The development would conflict with policies DP6, DP12, DP15 and DP34 in the MSDP and ALC1 and ALH1 in the ANP and in my judgement it would be contrary to the development plan when taken as a whole. The **"tilted balance"** and the presumption in favour of sustainable development in paragraph 11 of the Framework would therefore not apply.
137. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations determine otherwise. The MSDP was adopted relatively recently and the Framework makes clear that the planning system should be genuinely plan-led. Nevertheless, in this case there are a number of material considerations to be taken into account. The provision of extra care leasehold housing to meet a considerable level of unmet need is of particular importance, but there would also be various other benefits. I have explained why I consider them of pertinence and the reason for the varying degree of weight that I have attributed to them. Overall, I consider that the package of

benefits delivered by this appeal development is a matter of very substantial weight in the planning balance.

138. There would be harm to the landscape and the character and appearance of the area, including the village of Albourne. For the reasons I have given this would be relatively limited and localised.
139. There would be harm to the significance of designated and undesignated heritage assets by virtue of development proposed within their setting. In terms of the listed buildings the less than substantial harm identified in each case would be relatively low on the scale but nevertheless these are irreplaceable assets and the harm should be given considerable importance and weight. Nevertheless, in my judgement the harm would be outweighed by the very substantial public benefits I have identified. Spurk Barn is an undesignated heritage asset and the scale of harm relative to its significance would be low. The balance in that case is also that the benefits would outweigh the harm.
140. Drawing all of these matters together my overall conclusion is that this particular development would result in benefits of such importance that they would outweigh the harm that I have identified and the conflict with the development plan. In such circumstances, material considerations indicate that planning permission should be granted otherwise than in accordance with the development plan.
141. I have taken account of all other matters raised in the representations and in the oral evidence to the inquiry but have found nothing to alter my conclusion that, on the particular circumstances of this case, the appeal should succeed.

Christina Downes

INSPECTOR

ANNEX A: APPEARANCES

FOR THE APPELLANTS:

Mr Christopher Young	Of Queen's Counsel
Ms Leanne Buckley-Thomson	Of Counsel, both instructed by Ms L Wilford, Barton Willmore
<i>They called:</i>	
Mr G Flintoft BA(Hons) DipTP DipUD MRTPI	Planning Director of Retirement Villages Ltd
Mrs L Wilford BA(Hons) DipTP MRTPI	Planning Associate of Barton Willmore
Mr J Donagh BA(Hons) MCD MIED	Development Economics Director of Barton Willmore
Mr P Clark BA MALscArch CMLI	Landscape Associate of Barton Willmore
Mr J Darrell BSc(Hons) CMILT MCIHT	Associate Director of Transport Planning Associates
Richard Garside MRICS	Director and Head of Newsteer
Mr J Smith BA(Hons) MA PGCE DGDip MCIfA IHBC	Deputy Operational Director of Heritage at RPS
Mr T Kernon BSc(Hons) MRAC MRICS FBIAC	Director of Kernon Countryside Consultants Ltd
*Ms J Burgess LLB Law(Hons)	Solicitor with Aardvark Planning Law

*Participated in the Planning Obligations session

FOR THE LOCAL PLANNING AUTHORITY:

Mr Jack Parker	Of Counsel, instructed by Mr T Clark, Solicitor and Head of Regulatory Services, Mid Sussex District Council
<i>He called:</i>	
Mr D McCallum BA(Hons) MPhil MRTPI	Project Director of DPDS Ltd
Mr W Harley BSc(Hons) CMLI	Director of WH Landscape Consultancy Ltd
Mr C Tunnell BSc(Hons) MPhil FRTPI FAcSS FRSA	Director of Arup and Leader of the London Planning Group
Ms E Wade MA MSc	Conservation Officer at Mid Sussex District Council

FOR THE RULE 6 PARTY:

Ms N Ernest	Councillor of Albourne Parish Council
Mr G Stafford	Chair of Albourne Parish Council
Mr J Butler	Vice Chair of Albourne Parish Council
Mr J Drew	Councillor of Albourne Parish Council

INTERESTED PERSON:

Mr P Holding

Local resident of Church Lane, Albourne

ANNEX B: DOCUMENTS AND PLANS

DOCUMENTS

- 1 Planning for Retirement, ARCO and CNN (June 2020), submitted by Mr Young
- 2 The health and social care cost-benefits of housing for older people, the Mears Group (June 2019), submitted by Mr Young
- 3 Inquiry Note submitted by the Appellants explaining the reason for submitting Documents 1 and 2
- 4 Specialist housing need, alternative assessments, prepared by Mr Donagh
- 5 Tables of supply of specialist housing for older people, prepared by Mr Donagh
- 6 Understanding local demand from older people for housing, care and support, submitted by Mr Young
- 7/1 Committee Report relating to development including an extra care facility at Sayers Common, submitted by Mr Parker
- 7/2 Location plan of the Sayers Common development site submitted by Mr Young
- 7/3 Policy C1 of the Mid Sussex Local Plan (2004), submitted by Mr Parker
- 8/1 **Secretary of State's decision** on development at Wheatley Campus, Oxford Brookes University (APP/Q3115/W/19/3230827) dated 23 April 2020, submitted by Mr Young
- 8/2 **Inspector's Report on the above appeal**, submitted by Mr Young
- 9 Correspondence with Housing LIN concerning the use of the SHOP@ tool, submitted by Mr Young
- 10 Planning Obligation by Agreement between Mid Sussex District Council, West Sussex County Council and Eldon Housing Association Ltd relating to redevelopment for an extra care housing scheme at Lingfield Lodge, East Grinstead
- 11 Decision by the High Court relating to a planning appeal for extra care housing at The Elms, Upper High Street, Thame (31 July 2020), submitted by Mr Young
- 12/1 **Representations on behalf of the Appellants to the Council's** Strategic Housing and Economic Land Availability Assessment, submitted by Mr Young
- 12/2 Correspondence between the Parish Council and the Appellants regarding when the above was submitted
- 13/1 Schedule of draft conditions
- 13/2 Agreement by the Appellants to the pre-commencement conditions
- 13/3 Appellants' suggested additional conditions regarding electric charging and water usage
- 13/4 Appellants' suggested additional condition regarding the communal gardens
- 14/1 Site visit itinerary and map

- 14/2 Suggested viewpoint and map from Wolstonbury Hill, submitted by the Parish Council
- 15 Amendments to Document 4 and the proof of evidence of Mr Donagh, submitted by Mr Young
- 16 Agreed position on the Mid Sussex extra care housing supply, submitted by Mr Young
- 17/1 Costs application by Mr Young on behalf of the Appellants
- 17/2 Costs response by Mr Parker on behalf of the Council
- 18 Correspondence by the Council and Appellants regarding the Use Class of the proposed development
- 19 Planning Obligation by Agreement
- 20 Planning Obligation by Unilateral Undertaking

PLANS

- A Application plans
- B Sketch Layout Plan

ANNEX C: SCHEDULE OF PLANNING CONDITIONS

1. Details of the appearance, layout, scale and landscaping of the site (**hereinafter called the "reserved matters"**) shall be submitted to and approved in writing by the local planning authority before any development takes place and development shall be carried out as approved.
2. Application of the approval of reserved matters shall be made to the local planning authority before the expiration of 2 years from the date of this permission.
3. The development hereby permitted shall take place not later than one year from the date of approval of the last of the reserved matters.
4. Any reserved matter applications made pursuant to the development hereby permitted shall demonstrate compliance with the Parameter Plan (drawing no: and RETI150215 PP-01 rev G) and Sketch Layout (drawing no: RETI150215 SKL-04 rev J).
5. No more than 84 extra care dwelling units shall be built on the site.
6. No development shall take place, including any works of demolition, until a Demolition and Construction Management Plan (DCMP) has been submitted to and approved in writing by the local planning authority. The DCMP shall provide plans and details of the following:
 - a. Location of site offices
 - b. Demolition and construction traffic routing
 - c. Location of plant and materials storage
 - d. The area within the site reserved for the loading, unloading and turning of HGVs delivering plant and materials
 - e. The area reserved within the site for parking for site staff and operatives
 - f. Wheel washing facilities

- g. A scheme to minimise dust emissions from the site
- h. Measures to control noise affecting nearby residents. This should be in accordance with *BS5228: 2014 Code of practice for noise and vibration control on construction and open sites*, with particular regard to the noisiest activities such as piling, earthmoving, concreting, vibrational rollers and concrete breaking
- i. A scheme for recycling and disposal of waste resulting from the demolition and construction works
- j. Delivery, demolition and construction working hours
- k. Erection and maintenance of security hoarding, including decorative displays and facilities for public viewing where appropriate
- l. Site contact details

The approved DCMP shall be adhered to throughout the demolition and construction period for the development.

- 7. No development shall take place until an archaeological written scheme of investigation and programme of works has been submitted to and approved in writing by the local planning authority. The investigation and works shall be carried out as approved
- 8. The development shall be carried out in accordance with the mitigation and enhancement measures in the *Ecological Impact Assessment* by Lloyd Bore dated 7 March 2019.
- 9. No residential occupation shall take place until an Ecological Management Plan has been submitted to and approved in writing by the local planning authority. This shall include the arrangements for the maintenance and management of the biodiversity measures carried out in accordance with Condition 8. The development shall be carried out in accordance with approved Ecological Management Plan.
- 10. No development shall take place, including works of demolition, until an Arboricultural Method Statement has been submitted to and approved in writing by the local planning authority. This shall detail protective measures for trees and hedgerows to be retained in accordance with the principles outlined in the *Arboricultural Impact Assessment* and *Arboricultural Report*, both by Lloyd Bore Ltd (26 February 2019 Rev P05 and 22 November 2018 Rev P02, respectively).
- 11. Before the development is first occupied a Landscape Management Plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved in writing by the local planning authority. The Landscape Management Plan shall be carried out as approved.
- 12. The landscaped grounds of the development hereby permitted shall be provided and managed as communal shared spaces. Notwithstanding the *Town and Country Planning (General Permitted Development) Order 1995* (as amended) or any subsequent Order revoking or re-enacting that order, no fences, gates, walls or other means of enclosure shall be erected for the purpose of creating an enclosed garden or private space for the benefit of any extra care dwelling unit.

13. No development shall take place, other than works of demolition, until details of existing and proposed site levels and proposed ground floor slab levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
14. No development shall take place, including works of demolition, until an assessment of any risks posed by contamination has been submitted to and approved in writing by the local planning authority. If any contamination is found, a report specifying the measures to be taken to remediate the site and render it suitable for the development shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures and a verification report shall be submitted to and approved in writing by the local planning authority. The assessment and any necessary remediation measures and verification shall be undertaken in accordance with a timescale that has been first submitted to and approved in writing by the local planning authority.
15. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended on the site and additional measures for remediation shall be submitted to and approved in writing by the local planning authority. The remediation shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within 14 days of the report being completed. It shall thereafter be approved in writing by the local planning authority and carried out as approved before any further work on the site recommences.
16. Before the development is first occupied details of the foul drainage system for the site shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
17. Before the development is first occupied details of the sustainable drainage system (SuDS) for the site, which shall be in general accordance with the *Flood Risk and Drainage Strategy* by Quad Consult dated May 2017, shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
18. Before the development is first occupied details of the implementation of the SuDS approved under condition 17 shall be submitted to and approved in writing by the local planning authority. These details shall include:
 - a. A timetable for implementation;
 - b. A management and maintenance plan for the lifetime of the development;
 - c. Arrangements for adoption by any public body or statutory undertaker or any other arrangements to secure the effective operation of the sustainable drainage system throughout its lifetime.

The sustainable drainage system shall be implemented and thereafter managed and maintained in accordance with the approved details.

19. Before the development is first occupied a Final Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Final Travel Plan shall be in accordance with the *Travel Plan* by TPA Consulting, dated March 2019. The development shall be carried out in accordance with the approved Final Travel Plan.
20. Before the development is first occupied, three rapid active electric charging points shall be provided in the communal parking area serving the shop for use by the general public and residents of the development. The electric charging points shall be retained for their intended purpose for the lifetime of the development.
21. No more than 75% of the extra care dwelling units shall be occupied until no less than 84 parking spaces have been equipped for passive vehicle charging, to allow for the integration of future charging points. Once the charging points have been provided, they shall be retained for their intended purpose for the lifetime of the development.
22. Before the development is first occupied:
 - a. The site vehicular access shall be constructed and open to traffic
 - b. The new section of footway along London Road shall be constructed and available for pedestrian use
 - c. The off-site traffic calming scheme shall be completedIn accordance with the general arrangement shown on drawing no: 1701-56 SK08 rev B.
23. Before a dwelling is first occupied the internal access roads and footways serving that dwelling shall have been laid out and constructed in accordance with details that have first been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
24. No above ground development shall take place until details of external lighting, including light intensity, spread and shielding, has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
25. The extra care units shall include water efficiency measures in order to meet the optional requirement of Building Regulations part G to limit the water usage of each extra care dwelling unit to 110 litres of water per person per day.

End of conditions 1-25.

Appendix 2

Stage 1 Site Pro-Forma – All Sites

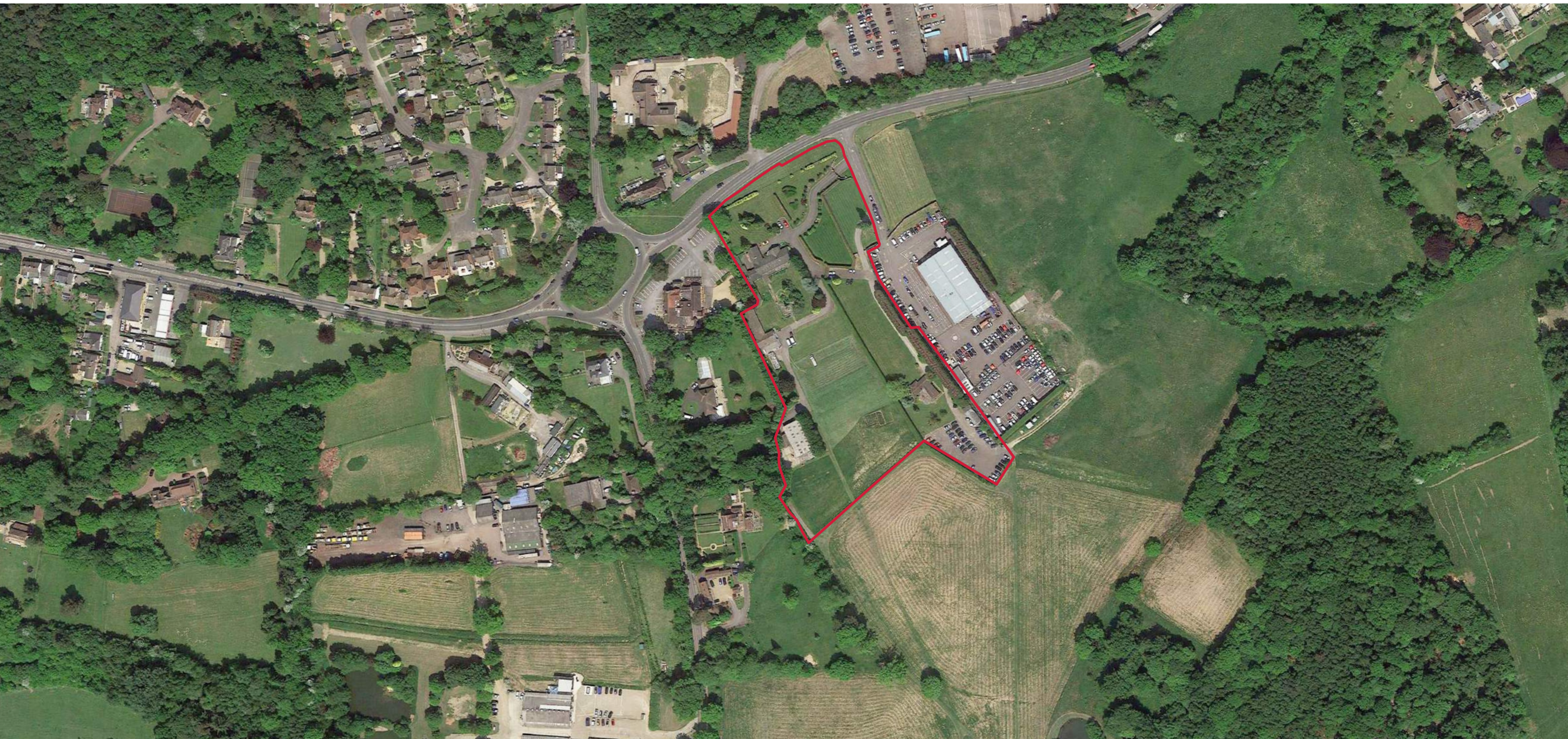
SHELAA Ref	810	Parish	Worth
Site Location	Woodpeckers, Snow Hill, Crawley Down		
<p>Reproduced from Ordnance Survey mapping. Map Sussex District Council. 100021794. 2017</p>			
Site uses	Dwellings		
Gross Site Area (ha)	2.4		
Potential Yield	72		
Site History			
Absolute Constraint	Flood Zone 2 or 3	✗	
	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		

Appendix 3

Woodpeckers, Copthorne

Vision Document

May 2019



prp-co.uk

- Architecture
- Urban Design
- Masterplanning
- Landscape
- Development Consultancy
- Planning
- Interiors
- Research

PRP Job Reference
AA5059

Issuing Date / Office
May 2019 / Surrey

Revision Number / Date
N/A

Project Lead
Anne-Marie Nicholson, Mark Walker

Original File Location
L:\AA5059 Woodpeckers Copthorne\PRP Live Data\Presentation\Submissions\Vision Document

This document is for illustrative purposes only and should not be used for any construction or estimation purposes. Do not scale drawings. No liability or responsibility is accepted arising from reliance upon information contained in this document.



Client

Somerston Development Projects Ltd
45 Esplanade
St Helier
Jersey
JE2 3QB



Planning Consultant

Stuart Crickett
Director – Head of Guildford Planning
Tel: 01483 931510
Stuart.crickett@struttandparker.com

Strutt & Parker
London Head Office
13 Hill Street
London
W1J 5LQ



Architects

PRP
Ferry Works
Summer Road
Thames Ditton
Surrey
KT7 0QJ

Transport Planning And
Highway Consultants

Peter Evans Partnership Ltd
21 Richmond Hill
Clifton
Bristol BS8 1BA

Landscape Architect

PRP
Ferry Works
Summer Road
Thames Ditton
Surrey
KT7 0QJ

Site Address

Woodpeckers
Copthorne
West Sussex

Contents

1. Executive Summary	4
2. Introduction	5
3. The Site	6
4. Planning Policy Background	7
5. Care Accommodation Needs	9
6. Understanding the Site and Context	10
7. Design Principles	13
8. Proposals	14
9. Sustainable Development	20
10. Conclusion	21



1. Executive Summary

- 1.1.

This Vision Document presents Somerston Development Projects (Somerston) vision to create a high quality new specialist extra care community on land known as Woodpeckers, Snow Hill, near Copthorne. The site is a parcel of land, parts of which have previously been developed, and part which has an extant consent for a 59 bedroom hotel, which lies within a small settlement to the east of the main built-up area of Copthorne.
- 1.2.

Somerston have identified the site’s potential to be redeveloped to provide a new retirement community of approximately 118 apartments and 4 cottages providing Use Class C2 Extra Care accommodation. In addition, a Village Hub with communal facilities for the developments new residents and potentially the existing wider community’s use is being promoted. The new homes will be set within an attractive and well landscaped setting.
- 1.3.

Extra Care accommodation is a form of specialist retirement accommodation where residents benefit from a range of care and support facilities while retaining independence by remaining in a home of their own.
- 1.4.

Somerston have commissioned Caterwood, a Health and Social Care market expert, to undertake an independent Care Needs Assessment to gain an up to date appreciation of the scale of need for extra care accommodation within the District – and specific to the local and market areas of the site. This assessment, which post-dates the Council’s current existing adopted Local Plan database, shows there are shortfalls of 640 and 166 private extra care units within the market (10-mile radius) and localised (3-mile radius) catchment areas (respectively) – and 334 within the Mid-Sussex District Council local authority area. Moreover, based on current and planned provision and without further planned provision within the District these shortfalls are expected to almost double by 2028, within the plan period which runs to 2031.
- 1.5.

Policy DP30 of the Mid Sussex District Plan sets out that if there is an identified shortfall in care accommodation within the District, the Council will give consideration to allocating sites in the forthcoming Site Allocations DPD.
- 1.6.

It is in the context of this compelling quantitative and qualitative need, aligned to the commitment given within the adopted Local Plan, that Somerston have recognised and are promoting the site and its potential.
- 1.7.

The site is suitable, available, and its development is achievable. It would make a significant contribution to addressing the identified shortfall and is capable of delivering a high quality new development. Accordingly, we are seeking the Council’s support for its allocation within the emerging Site Allocations Development Plan Document.

2. Introduction

- 2.1. This Vision Document has been prepared to support Somerston's submission of the Land at Woodpeckers, Snow Hill, Copthorne for allocation in the Mid Sussex Site Allocations DPD to provide a new care village comprising approximately 118 apartments and 4 cottages of C2 Extra Care accommodation, together with a Village Hub providing a range of services and facilities.
- 2.2. The site has previously been considered in the Mid Sussex Strategic Housing and Economic Land Availability Assessment April 2018 (Stage 1) where it was considered potentially suitable for housing.
- 2.3. The site has also previously been the subject of formal pre-application enquiries submitted to the Council, with the most recent written response provided by Officers in March 2018.
- 2.4. The purpose of this Vision Document is to set out Somerston's vision to create a high quality new specialist retirement community and to inform ongoing discussions and assessment of the site by Officers at Mid Sussex Council. Somerston are also committed to engaging with the local Ward and Parish Councillors and the local community. It should be noted that the proposals set out here represent 'work in progress' and will continue to be refined and informed by the outcome of further technical work. It is also Somerston's intention to engage with and work with the Council and the local community to refine the development proposals from here on.

- 2.5. Whilst the document can be read in isolation, and provides an overview of the site and its potential, it is supported by a number of initial technical assessments and reports. These include:
- Masterplanning and concept proposals by PRP
 - A Headline Planning Needs Assessment by Carterwood
 - A Highways and Sustainable Access note by Peter Evans Partnership
- 2.6. These reports are summarised within this document and appended to this document.
- 2.7. Somerston is a privately-owned specialist real estate developer and investor. Whilst working in a number of sectors, more recently they have concentrated on a range of elderly persons healthcare facilities and accommodation across the UK. To date they have brought forward a number of healthcare schemes to include care homes (C2 use class), extra care accommodation (C2 use class), retirement living (C3 age restricted) and GP surgeries (D1 use class).



3. The Site

- 3.1. The site (comprising Woodpeckers, Courtland Cottage, agricultural land and outbuildings (several in use/benefiting from Class B1 commercial uses) is a parcel of land measuring approximately 2.4ha which is within a small settlement east of the built-up area of Copthorne, and to the north of Crawley Down.
- 3.2. Copthorne is a reasonably large village with a population of approximately 5,000 people located a short way to the east of Crawley. The majority of the village's existing developed area dates from the mid to late 20th Century. A number of services and facilities are located in the village centre around Copthorne Bank, including a village hall, primary school, pharmacy, convenience stores and a pub. Crawley Down is a similarly sized settlement which also contains a range of services including a restaurant.
- 3.3. The village of Crawley Down is approximately 1.2 miles to the south, while Crawley is 5 miles to the west and East Grinstead 4 miles to the east. Much of the site has previously been developed and has historically contained two dwellings, Woodpeckers and Courtland Cottage, along with a number of substantial outbuildings, some of which are in B1 business uses.
- 3.4. Hedging and mature trees currently provide screening along the northern, eastern, and western site boundaries. There are large employment sites associated with vehicle servicing to the immediate east and north east and the Dukes Head Public House to the west. There are a number of residential properties to the north and west. To the south lie agricultural fields and woodland.
- 3.5. The site is currently accessed off the A264 Snow Hill, which is the primary road between Crawley and East Grinstead.



4. Planning Policy Background

National Planning Policy

- 4.1. National planning policy consists of the National Planning Policy Framework (NPPF) 2019 and associated Planning Practice Guidance. At the heart of national policy lies the presumption in favour of sustainable development and its economic, social, and environmental objectives. As set out at Paragraph 11 of the NPPF this means plans should provide for the objectively assessed needs for housing and other uses as a minimum, unless there are clear and robust reasons why this is not possible.
- 4.2. The NPPF states at paragraph 61 that policies should plan for housing for different groups in the community including older people. Paragraph 59 sets out that the needs of groups with specific housing requirements should be addressed through ensuring a sufficient amount and variety of land can come forward.

Local Planning Policy

- 4.3. The adopted Local Plan for Mid Sussex comprises:
- District Plan 2018
 - Small Scale Housing Allocations DPD 2008
 - Saved Policies of the Local Plan 2004 (only applies to South Downs National Park)
 - Made Neighbourhood Plans including for Crawley Down
 - The Policies Map
- 4.4. **Policy DP30** of the District Plan seeks to ensure the development of sustainable communities through the provision of a range of housing to meet the needs of different groups within the community. This includes the potential allocation of sites for Use Class C2 accommodation for older people through the forthcoming Site Allocations DPD – in the event a shortfall in provision is identified.

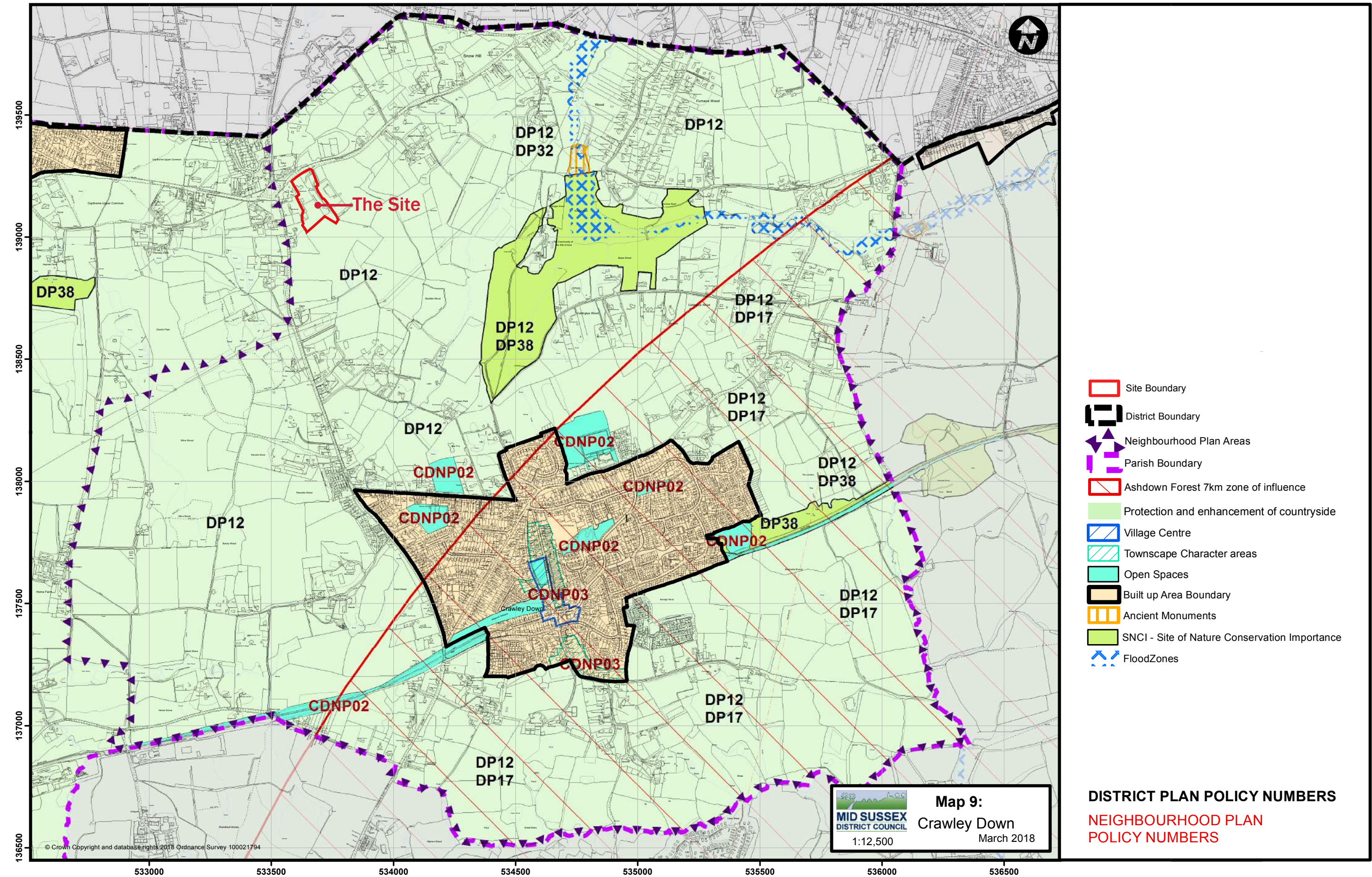
- 4.5. The Crawley Down Neighbourhood Plan, which applies to this site, notes the results of housing surveys conducted during the preparation of the Neighbourhood Plan which identified a high demand and a limited supply of accessible dwellings for older people to downsize to. The Housing Survey from 2014 identified 300 households within the village were looking to remain in the Parish but downsize within the next ten years, with many of these being older households. The survey also identified that a significant proportion of the existing housing stock is under-occupied with over 2,000 unused bedrooms. Provision of smaller units for those looking to downsize would help free up housing for families.

Emerging Planning Policy

- 4.6. Mid Sussex are in the process of preparing a Site Allocations DPD to ensure the identification of a sufficient supply of development sites up to 2031 (the end of the current plan's period). The stated delivery timetable for the DPD is:
- Regulation 18 Consultation – Summer 2019
 - Regulation 19 Consultation – Winter 2019/2020
 - Submission – Spring 2020
 - Adoption – Winter 2020
- 4.7. The focus of the DPD is currently expected to be on conventional housing sites. However, in accordance with Policy DP30 of the adopted District Plan, and further to Somerston's discussions with Officers earlier this year, we would encourage the Council to allocate a site(s) for the planned delivery of much needed extra care provision in the District - through the DPD.



Grants Hill Entrance



Extract of adopted Mid-Sussex Local Plan Proposals Map.

5. Care Accommodation Needs

- 5.1. Somerston have commissioned a Care Needs Assessment prepared by Carterwood. Established in 2008 Carterwood are a specialist consultancy dedicated to the care sector. They have become leading experts at providing advice and analysis on care needs and market demand, working with clients in the public, private, and voluntary sectors.
- 5.2. As set out in the Carterwood Report, Extra Care is a relatively recent form of care accommodation which can include a number of different specific models. However, it specifically involves independent units which have been purposely designed or adapted to meet care and support needs, and where access to care and support is available 24-hours a day.
- 5.3. Extra Care accommodation is generally accepted to fall within Class C2 of the Use Class Order. The reasoning behind this includes the fact that residences are only available to those above a certain age who are in need of a specified level of care, or are in receipt of a package of care services as well as the round-the-clock availability of care and support services. These factors differentiate Extra Care accommodation from uses such as sheltered accommodation where there will normally be only very limited communal facilities, residents may not have specific care needs, and where 24-hour access to care will not normally be provided.
- 5.4. The latest needs assessment from the Council's evidence base is set out in the Housing and Economic Needs Assessment (HEDNA) Addendum 2016. This indicated a significant immediate shortfall in Extra Care accommodation and future shortfall anticipated up to 2031. The HEDNA figures presented a need of 120 Extra Care Units, rising to 345 by 2031 within the District.

- 5.5. The Carterwood Report makes a more detailed analysis of the need and supply of Extra care accommodation in the area, using more recent available data and evidence. This report identifies a shortfall of between 640-860 Extra Care beds within a 10-mile catchment as of 2018, depending on whether all planned or only planned units which are highly likely to come forward are included. Within the local authority area as a whole, the report identifies a shortfall of 334-468 beds. By 2028 the need within 10 miles is anticipated to rise by up to 1,244 beds, or 581 beds within the local authority area, if no further supply is planned. The provision of a high quality Extra Care village on this site would make a significant contribution to meeting the current and future unmet needs within the District.
- 5.6. Extra care accommodation can be provided in a number of forms, including a care village as being proposed for this site. This form of developments has the benefit of being of a scale to include a Village Hub, which would provide a wide range of care and support facilities for residents. This would not be achievable on a smaller site or collection of sites.
- 5.7. As well as providing specialist accommodation, dedicated Extra Care provision will free up often under-occupied market housing in the local area for families, as acknowledged by the supporting text to Policy DP30 of the District Plan.



6. Understanding the Site and Context

Facilities

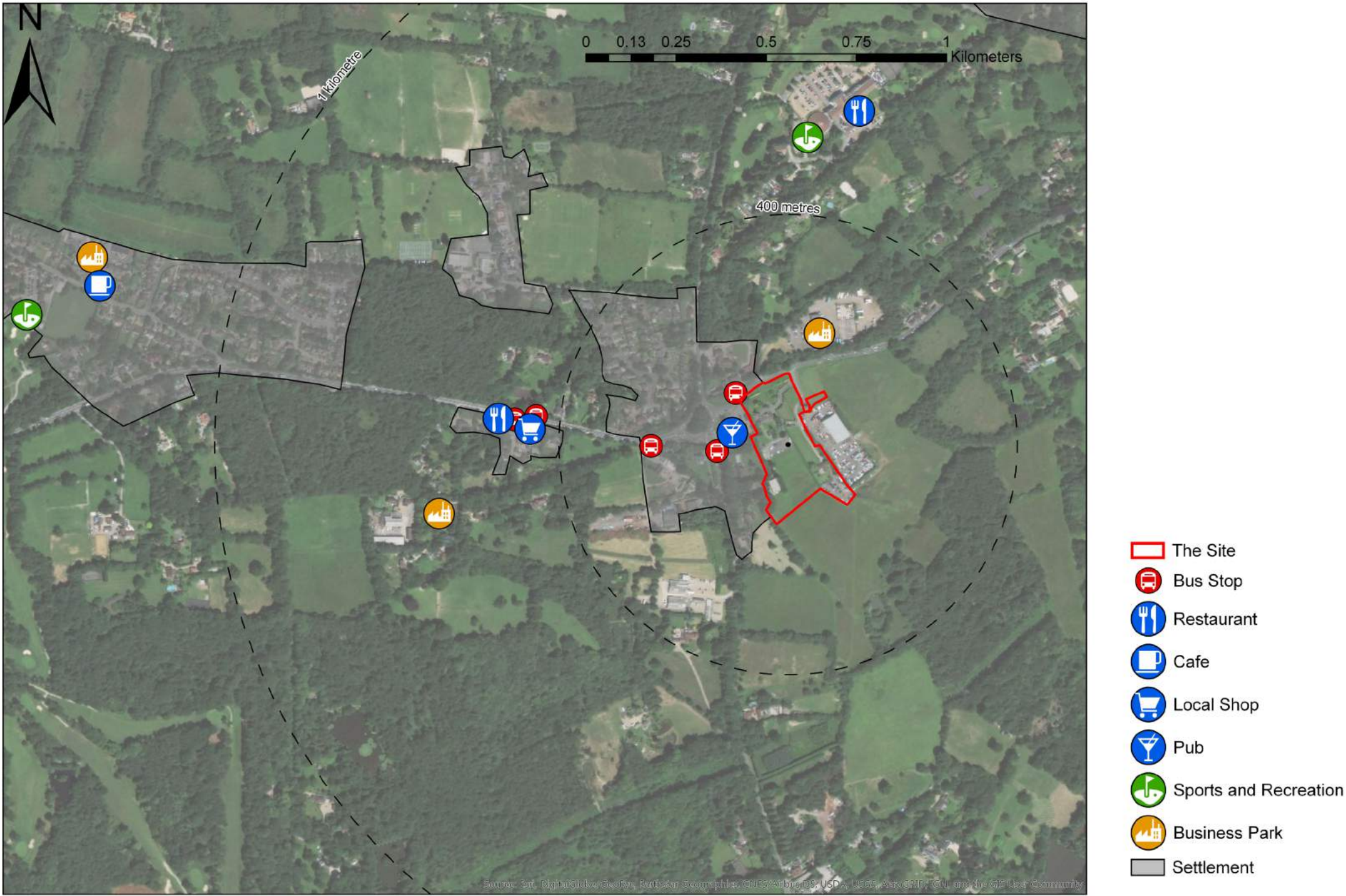
- 6.1. There is a range of services and facilities close to the site. It is important to note that in addition to existing facilities, the proposed Village Hub would likely include a range of everyday services including restaurant/bistro facilities, hairdressers, residents lounge, wellness suites along with medical facilities for the new, and potentially the existing community's use. The development will also likely include a dedicated minibus service to provide regular transport to nearby shops, for day trips along with other places of interest.
- 6.2. Existing local facilities include:

Facility	Approximate distance from site*
Dukes Head pub and restaurant	Less than 100m
Bus stops	50-200m
Copthorne Chapel	300m
Convenience Store	400m
Effingham Park Golf Course	400m
Haskins Garden Centre	900m
Copthorne village centre	2km

*(Distances measured as the crow flies)

- 6.3. In addition to the proposed minibus service, the site benefits from good transport links with a number of bus stops within a 5-minute walk of the site. These provide regular services with between 2-3 buses an hour to Crawley and East Grinstead. Whereupon access to hourly services onward to Tonbridge and Brighton can be accessed.
- 6.4. The site also benefits from good road links with the A264 providing easy access to Crawley and East Grinstead as well as the wider road network via the M23. Crawley provides mainline rail services.

Facilities Plan



Site Appraisal – constraints and opportunities



Key

- Electricity Sub Station
- Bus Stop
- 1 Storey Building
- 2 Storey Building
- Existing Buildings on site (Predominately 1 Storey)
- Public House
- Car Park/Industrial Area
- Existing Green Space
- Change in Level
- Existing Trees (Estimated Size & Position)
- Site Boundary
- Pedestrian Links
- Visual Links
- Primary Vehicular Route
- Secondary Vehicular Route
- Sensitive Boundary
- Potential Noisy Boundary
- Existing Pedestrian Entrance
- Existing Vehicular Entrance
- Sun Path, East to West

0 5 10 20 30 40 metres

N

An aerial photograph showing the site location within a larger area, with a red rectangle highlighting the site boundary.

Highways

- 6.5. The Peter Evans Partnership (PEP) have been commissioned to provide a high level opinion on the site’s transport sustainability context.
- 6.6. The proposed extra care village will be accessed via the existing access road from Snow Hill (A264).
- 6.7. There are a number of bus stops within 200m of the site with at least twice hourly services to Crawley (three to four buses per hour) and East Grinstead (two to three buses per hour), as well as less frequent services to Tunbridge Wells and Brighton (one bus every one and two hours respectively). As such the site offers the potentials for sustainable transport options for both residents and staff.



- 6.8. Pedestrian walking facilities along footways or footpaths are provided on at least one side of the local roads. This includes adjacent to the local bus stops. On Snow Hill a footway is provided on the northern side of the carriageway from Duke’s Head roundabout with a short section provided on the south side from the roundabout only adjacent to the Duke’s Head frontage. There is the opportunity through development of the site to provide a pedestrian link between the site and the existing footpaths on the south side of Snow Hill. This linkage provides a connection between the site and the local bus stops for staff and visitors that use the bus services to travel to and from the care village.

- 6.9. Care Villages are different to conventional housing with a lower need to travel compared to the need to commute and take children to school, which is typical with conventional housing. The Village Hub would also mean many day-to-day needs could be met on-site. The greater level of independence enjoyed by residents means staffing levels are normally lower than would be expected for a care home of an equivalent capacity.
- 6.10. TRICS analysis of the traffic generation of a retirement development, as being proposed by Somerston for the site, shows the number of AM and PM peak hour movements would be 16% and 51% lower (respectively) than that for the previously consented hotel redevelopment on the site (generating 27 two-way movements in the AM peak and 17 two-way movements in the PM peak). This level of trip generation would not have a substantial adverse impact upon the existing highway network.



Looking South West from Snow Hill

- 6.11. Accommodation of adequate parking provision for residents, staff, and visitors within the site can be achieved – in accordance with applicable standards in place at the time of determination of a future planning application. This has previously been demonstrated through the submitted pre-application enquires submitted to the Council.
- 6.12. In summary PEP concluded that given the availability of bus services and provision of bus stops near the site, the existing footways and footpaths and the proposed improvement to pedestrian links from the site, they view the site as being in an accessible location with a range of sustainable travel options available.

In terms of traffic, the comparison with the permitted 59 bed hotel confirms that there would be a net reduction in traffic in the peak hours with the development of the proposed extra care village to the benefit of the local conditions.

Ecology

- 6.13. The site is not subject to or in close proximity to any designated wildlife site, with the nearest designated site being Hedgecourt SSSI approximately 1.5km away. The majority of the site is formed of developed areas and maintained grassland and is not likely to be of particular ecological value. An Extended Phase 1 Ecological Survey of the site together with any appropriate follow-up surveys will be carried out in due course.



Flood Risk & Drainage

- 6.14. Environment Agency online mapping shows the site is fully within Flood Zone 1 where there is a low risk of fluvial flooding.
- 6.15. Parts of the site are at low-to-medium risk of surface water flooding. Any proposals would incorporate a Sustainable Urban Drainage system (SUDs) to effectively mitigate the risk of surface water flooding to the development and ensure there is no increase in flood risk elsewhere.



Ground Conditions

- 6.16. There are no obvious surface indications that the site may be affected by adverse ground conditions.
- 6.17. Given the previous uses on the site, the overall risk of contamination is considered to be low/moderate. Contamination is not likely to significantly affect redevelopment of the site.

Trees

- 6.18. The majority of the site is clear from any existing tree coverage. There are a few isolated trees within the northern area of the site and there are a number of hedges within the site and along the shared site boundaries to the west and east.
- 6.19. Redevelopment of the site provides an opportunity to incorporate high quality strategic and internal landscaping from the very outset of the scheme proposals being developed. It is not anticipated that existing trees or landscaping within the site represents a constraint to development potential.

Summary

- 6.20. The site has, to date, been subject to a number of key initial technical assessments which have informed the understanding of its development potential – in general planning terms. The conclusion of the current analysis confirms no significant constraints would preclude the delivery of an Extra Care Village on the site.

7. Design Principles

Summary of Design Approach

The design principles have been developed through our understanding of the site, and in response to comments received through earlier pre-application meetings, with the most recent being in December 2015.

A summary of the principle design attributes and revisions is listed below:

- Removing the more 'institutional' care home from the proposed scheme.
- Reducing the overall building footprint and site area when compared to December 2015 Pre-App scheme.
- Revising the layout to create a looser geometry. Conceptually this references the arrangement of barns, farmyard and agricultural buildings and seeks to avoid an overly formal or sub-urban quality to the scheme.
- Reducing the extent of internal roads and hard standing, combined with the use of car barns and screen planting and a greater separation of the parking areas from the proposed accommodation. The intention is to significantly reduce the impact of vehicles within the site.
- Ensuring that the landscaped edge further extends into the site from the south through the creation of a 'meadow' at the southern end of the site and extending this landscaping through to a shared central green space located at the heart of the scheme. A further community 'green' is located towards the northern end of the site and provides an open space on arrival into the site. Additional gardens and green spaces are located through the site.
- Retaining views through the site and allowing these views to extend to the green boundaries and the countryside.
- Providing a community hub within the centre of the site to provide a vibrant heart to the scheme.
- Introducing a pedestrian link through to the Dukes Head Public House to the west of the site and a connection to the existing footpath to the North West corner of the site subject to final agreement with the Dukes Head.
- Restricting building heights on southern edge of the site to 1.5 storeys, with a gradual transition to 3 storeys in the central part of the site.

- Providing a more positive frontage to Snow Hill, ensuring that the scheme responds to its surroundings and is not inward looking. The northern boundary will have an 'open' character combining active pedestrian routes, primary elevations, balconies and colour and movement within the landscape design. The arrangement of the proposed barns and cottages will allow visual links through to the heart of the scheme.
- Overall the intention is to deliver an exemplar extra care village making use of high quality materials. The apartments are generously proportioned and provide high quality aspirational housing choices for older people. The proposed architectural approach will reference 'Sussex Barns' and combine high quality traditional materials with contemporary detailing.

There is an opportunity to deliver a sensitive scheme design that would not have a significant impact on the countryside setting nor significantly compromise the Council's objectives in respect of coalescence. Whilst the proposal will clearly have an increased footprint and floor space compared to existing, the buildings will be more appropriate to their setting. As shown in the design brochure, the clusters of accommodation have been placed within generous landscaped grounds with clear lines of site throughout so as to avoid having an unnecessarily urbanising impact.

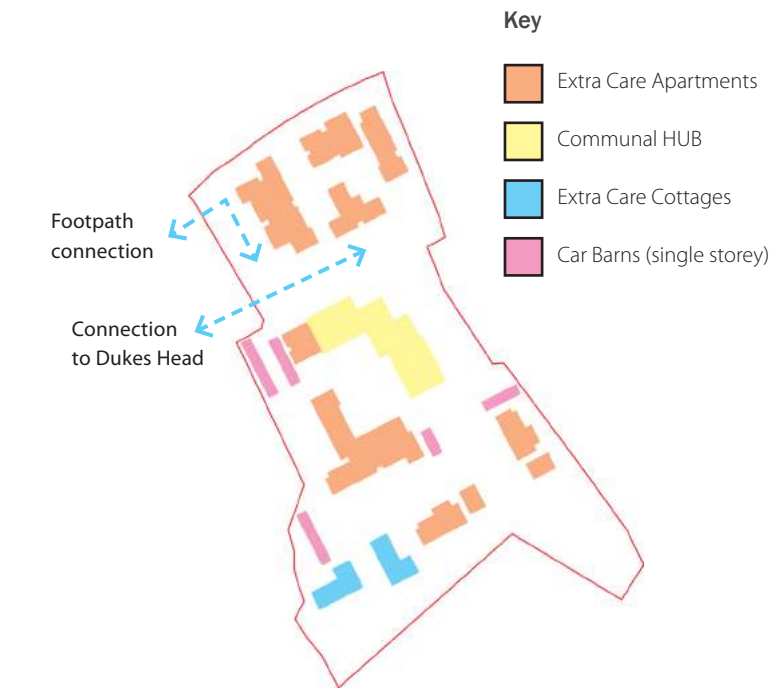
As a result, it is considered that the layout is relatively open in nature and does not detract from the character of the site (having regard to existing and approved developments). Within this context the fundamental integrity of the wider strategic gap itself would not be compromised.



8. Proposals

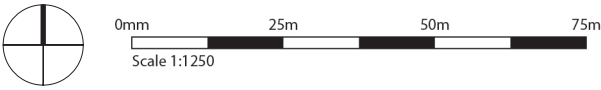
Illustrative Concept Layout Option

8.1. High level analysis of the site constraints and opportunities and the site's surrounding character and context has informed the production of Somerston's current Concept Masterplan.



Uses Diagram

A community HUB can be located centrally within the site providing an animated community facility that will create a vibrant heart to the development. There is a pedestrian link through to the Dukes Head Public House to the west of the site and a connection to the existing footpath to the North West corner of the site. The extra care accommodation can be located in clusters of 'barns' planned loosely around the site. Extra care cottages can be located towards the southwest corner.

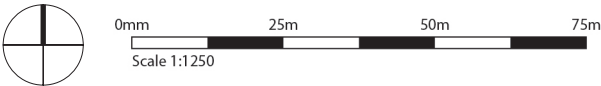


Heights Plan

The proposed heights across the site range from single storey to 3 storey; the higher buildings are located at the northern edge and within the centre of the site. The massing reduces towards the southern boundary where the site meets the landscape edge. Heights are also reduced to the eastern and western edges of the site reducing the visual impact from these vistas.

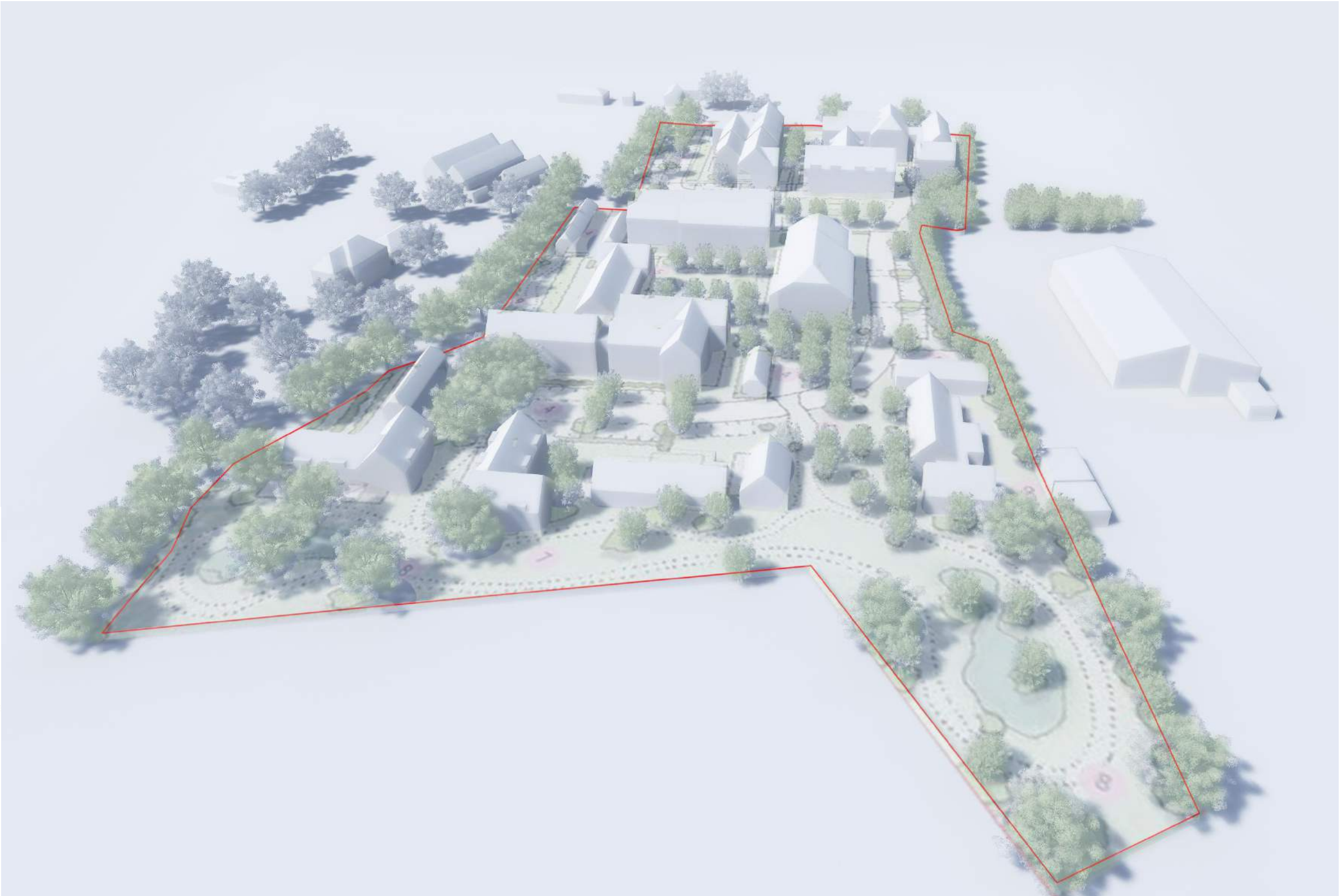
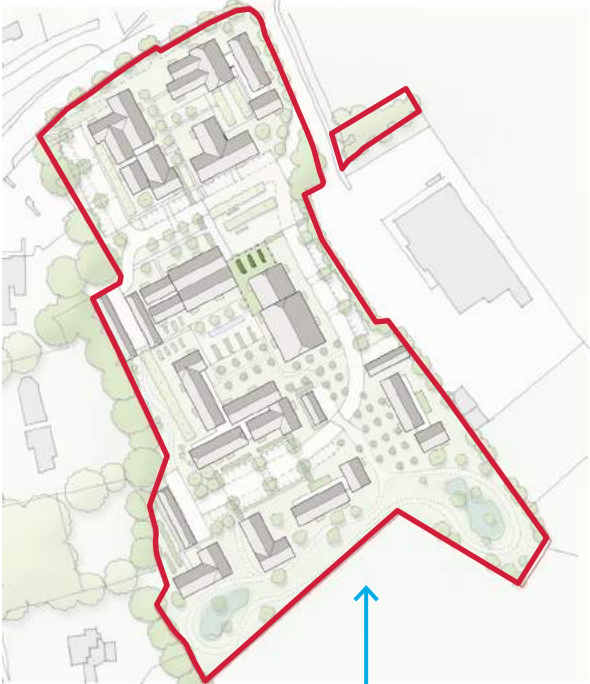
Key

- 3 Storey
- 2.5 Storey
- 2 Storey
- 1.5 Storey
- 1 Storey



Massing Study

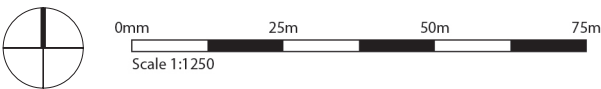
This massing study illustrates the well-articulated and broken up nature of the proposals. The massing and configuration of buildings create a loose, informal arrangement and allows for routes and visual connections between buildings. The massing and footprint decreases towards the southern end of the site where the landscape extends into the site and views extend outwards.



Routes and Connections

The site will include extensive pedestrian routes through garden spaces and beautiful landscaped areas. The permeable arrangement will allow for good levels of connectivity between buildings across the site. The site will be connected to the 'public realm' in the north west corner with access to the Dukes Head and Snow Hill.

- Key
- Connection to Public Realm
 - Site Pedestrian Routes



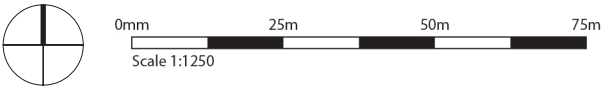
Landscape Strategy

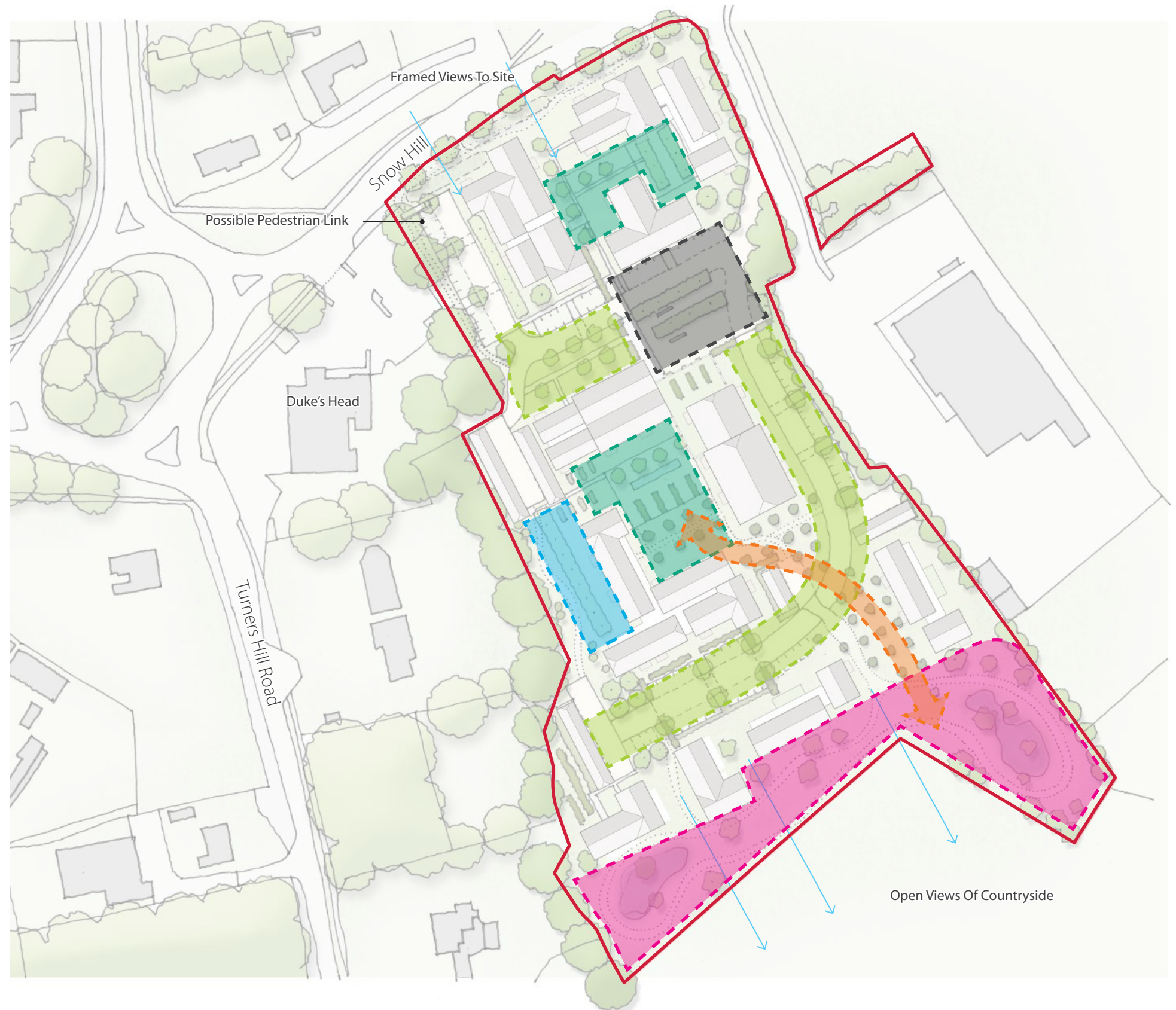
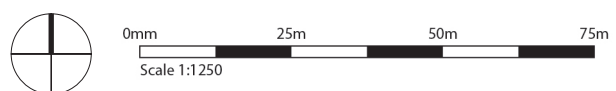
Key design opportunities

- Create a landscape setting for the new development which respects the local environment and extends the character of the surrounding countryside into the scheme
- Retain and strengthen the existing mature boundary vegetation in order to channel views from the new development into the countryside whilst screening sensitive views from adjacent properties, highways and public rights of way
- Introduce new large scale tree planting to the northern boundary with Snow Hill with tall grassland strips on shallow bunds to ‘animate’ the site frontage with their sound, movement and seasonal colour
- Introduce informal green lanes through the scheme which are visually sympathetic to the rural character of the area
- Employ a simple palette of surface materials and boundary treatments which establishes a visual connection with the new buildings and respects the local vernacular and rural setting
- Establish a generous open space and green corridor at the centre of the site to aid orientation, further reinforce connections to the countryside and promote an active outdoor environment
- Explore the potential for introduction of a fully sustainable surface water drainage strategy incorporating grassed swales, detention basins, permanent ponds, rain gardens and permeable pavements
- Create a new footpath network that connects to the public highways footpath network at the north-west corner of the site and provides for general recreation and pet walking
- Introduce indigenous planting to the woodland and hedgerow boundaries, introduce wetland meadow and wildflower swathes which enhance the ecological value of the area and create habitat for wildlife
- Create parking areas which are visually discrete and feel integrated with the landscape by introducing a sequence of car barns, planted pergolas and native tree and hedge planting for screening and enclosure
- Establish beautiful active garden spaces that contribute to the wellness and wellbeing of residents.



Key	
1.	Entrance drive
2.	Arrival court
3.	'Animated' planting to Snow Hill frontage
4.	Parking courts
5.	Courtyard gardens
6.	Green corridor – orchard walk
7.	Countryside edge/ Wildlife garden
8.	Potential attenuation ponds
9.	Retained and enhanced boundary vegetation
10.	Footpath connection to Dukes Head Pub
11.	Pedestrian link to existing Public Footpath Network





9. Sustainable Development

- 9.1.

While outside a defined settlement boundary, the site is surrounded by development on three sides. Much of the site has previously been developed and it contains existing dwellings together with a number of other buildings, some of which are permitted for B1 Business use along with the extant consent for a 59 bedroom hotel and associated parking. The NPPF sets out that policies and decisions should make efficient use of previously developed land.
- 9.2.

As discussed in this document, needs and impacts of care development in relation to sustainability differ from conventional housing with the level of trip generation from an Extra Care development expected to be significantly below that for conventional housing as residents are unlikely to need to commute or take children to school. The high levels of independence for residents also mean staffing levels will be lower than an equivalent care home, and so the numbers of staff needing to travel to the site will be lower.
- 9.3.

For staff commuting to the site, and residents wishing to travel, as well as good road links, there are four bus stops within 200m of the site, providing frequent services to Crawley and East Grinstead.
- 9.4.

The Extra Care village is proposed to largely be a self-contained community, with a Village Hub providing a range of services expected to include a village shop, restaurant, hairdressers, activity rooms, and medical facilities. As well as providing for many of the everyday needs of residents, the development will also generate approximately 20 FTE jobs for local people. Scope for use of the Village Hub by existing members of the community is also being considered.
- 9.5.

As well as the Village Hub there are a number of existing services and facilities nearby. The Dukes Head Public House and restaurant is immediately adjacent to the site. A convenience store and takeaway restaurant are both 400m to the west.
- 9.6.

There is the opportunity to help improve pedestrian and cycle linkages in the local area through the redevelopment of the site.
- 9.7.

In summary, key sustainability features that can be delivered by the site include:
 - Emphasis on high quality design to achieve an attractive extra care village development
 - Ensuring the new buildings are resource efficient and can respond to the threat of climate change by minimising energy, carbon and water use
 - Taking a sensitive and considered approach to the relationship between the new development and the undeveloped wider landscape to the south
 - An effective drainage strategy that would avoid or mitigate flood risk and emphasises attractive SUDS measures, which can integrate and form a landscaped part of the on-site public realm if needed.
 - Delivering biodiversity improvements through retention and enhancement of higher ecological value areas and delivering an appropriate new and comprehensive landscaping scheme across the site.



10. Conclusion

- 10.1.

This Vision Document sets out Somerstons vision for the site and demonstrates the compelling development opportunity the site provides in response to the significant unmet need for extra care accommodation within the local area, market area and across the District.
- 10.2.

Much of the site has previously been developed and redevelopment to provide a 59-bedroom hotel on the site has previously been approved. There are no overriding constraints which are likely to prevent the site's development, with the initial technical studies undertaken to date confirming it deliverability. The development option presented by this document would provide:

• A new Extra Care village community

• Approximately 118 apartments and 4 cottages of Use Class C2 accommodation

• A community Village Hub providing a range of convenience services and facilities

• High quality designed buildings set within a strongly landscaped setting

• Tree planting, ecological improvements and on-site biodiversity net gains
- 10.3.

While outside of a defined settlement boundary the site is bounded by development on three of its four sides and redevelopment can be sensitively achieved to ensure a transition to the wider landscape is created.
- 10.4.

The site would provide a largely self-contained extra care village with a range of everyday facilities and services provided. There are excellent bus links to the nearby town of Crawley and East Grinstead, as well as a number of other services close to the site. In transport terms the site is a suitable and sustainable location for an Extra Care development.
- 10.5.

Somerston are a specialist investor and developer with experience in developing healthcare and accommodation for older people. They will work with their operational partner to deliver the development and see there being no significant impediments to the site's delivery beyond the current adopted Development Plan policies.
- 10.6.

The site provides the opportunity to deliver a high quality development which positively responds to the character of the local area. One which is specifically designed to meet the objectively identified immediate and longer term unmet needs of older residents within the District, market and local area.
- 10.7.

Somerston are experienced in bringing sites forward for development and no impediments to the delivery of this site have been identified. The site is suitable, available, and viable and should therefore be considered deliverable under the terms of the NPPF.
- 10.8.

Somerston are committed to working with the Council, local community and other key stakeholders to refine their proposals through the local plan process.

Illustrative Sketch Studies



Central Garden Court



Shared surface routes and lanes

Contact:

Stuart Crickett

Stuart.crickett@struttandparker.com

Strutt & Parker

Somerset House

222 High Street

Guildford

Surrey

GU1 3JD



Mid Sussex Site Allocations DPD

Regulation 19 Consultation September 2020

Written Representations

On behalf of Somerston Development Projects

Contents

1. Executive Summary.....	2
2. Planning for Housing for Older People	4
National Planning Policy and Guidance.....	4
Extra Care	5
3. Adopted Planning Policy Context	7
4. Draft Site Allocations Development Plan Document	9
5. The Need for Extra Care.....	11
6. Woodpeckers, Snow Hill, Copthorne.....	13
The Site.....	13
The Proposed Development	13
7. Conclusion	15

Appendices

<i>Appendix 1</i>	-	<i>Allowed Appeal Decision – former Hazledene Nursery 3241644</i>
<i>Appendix 2</i>	-	<i>MSDC SHLAA Report Extract</i>
<i>Appendix 3</i>	-	<i>Vision Document</i>

Document Control:

Primary author: Stuart Crickett

Initialed: SC

Review by: Stuart Crickett

Initialed: SC

Issue	Date	Status	Checked
1	25.09.20	Draft	SC
2	28.09.20	Final	SC

1. Executive Summary

- 1.1. These representations have been prepared on behalf of our client, Somerston Development Projects Ltd.
- 1.2. The proportion of older people within the general population is increasing at a national level, as well as within Mid Sussex District which has a higher than average proportion of residents over the age of 65. There is also an increasing move towards the provision of a wide range of forms of specialist housing for older people, including Extra Care and sheltered housing, alongside traditional care homes to ensure older people have access to the right type of housing to meet their needs.
- 1.3. The growing demand and need to provide specialist housing is reflected in national policy and guidance which clearly states: ‘...***the need to provide housing for older people is critical.***’ National guidance goes on to make clear that local plans should be based on a robust analysis of need and make provision for housing for older people where there is an identified need, including through specific targets and site allocations as appropriate.
- 1.4. The adopted Mid Sussex District Plan does not allocate any specific sites for housing for older people. However, Policy DP30 clearly states the allocation of sites will be considered and actioned through the (future) Site allocations Development Plan Document (DPD) if a shortfall in provision is identified.
- 1.5. In preparation of the Site Allocations Development Plan Document (DPD) the Council appears to have continued with their approach of not publishing any up-to-date research into the level of need for different forms of specialist housing; or taken account of its own evidence in the Housing and Economic Development Needs Assessment addendum 2016. Moreover, only one proposed site allocation policy in the draft DPD (SA30) refers to the potential for a care development. Which itself is of an unspecified form and scale.
- 1.6. We have previously submitted to Officers an assessment of the level of demand for Extra Care accommodation undertaken by Carterwood (July 2019), identifying a considerable shortfall of at least 384 units of private Extra Care accommodation within the District. This is expected to rise to at least 607 units by 2030. This clearly represents a significant and worsening shortfall situation. We are also aware the Council’s significant shortcomings regarding approach to planned and actual delivery of housing for older people has been demonstrated in the Former Hazledene Nursery appeal decision (ref. 3241644) issued September 11 2020. We therefore once again strongly recommend and encourage the Council to look to redress this position through proactively planning for delivery through the Site Allocations DPD to meet the District’s demonstrable need.

- 1.7. We believe the land at Woodpeckers, Copthorne is sustainably located, with good bus links to Crawley and East Grinstead, and is within walking distance of a number of facilities. Whilst outside the defined settlement area of Copthorne, the site has previously been developed and is in an area containing residential and other development. The site has the potential to deliver a high quality Extra Care development. This will make a meaningful and valuable contribution to the site's immediate local area and the District's wider supply shortfalls.
- 1.8. We recommend the Council allocate this site to provide housing for older people in the Site Allocations DPD toward beginning to readdress the identified shortfall.

2. Planning for Housing for Older People

National Planning Policy and Guidance

- 2.1. Paragraph 61 of the National Planning Policy Framework (NPPF) 2019 states:

'the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own home.'

- 2.2. The June 2019 version of the Planning Practice Guidance (PPG) was updated to include a new section on housing for older and disabled people. This states:

'The need to provide housing for older people is critical. People are living longer lives and the proportion of older people in the population is increasing. In mid-2016 there were 1.6 million people aged 85 and over; by mid-2041 this is projected to double to 3.2 million. Offering older people a better choice of accommodation to suit their changing needs can help them live independently for longer, feel more connected to their communities and help reduce costs to the social care and health systems. Therefore, an understanding of how the ageing population affects housing needs is something to be considered from the early stages of plan-making through to decision-taking.'

(emphasis added)

- 2.3. The PPG goes on to set out that a diverse range of needs exists, and so will the type of housing and level of care and support people require. For plan making purposes authorities *'...will need to determine the needs of people who will be approaching or reaching retirement over the plan period, as well as the existing population of older people.'*
- 2.4. The PPG sets out strategic planners and decision makers should consider multiple sources of information including Census data, as well as tools such as the Housing LIN SHOP toolkit to assist in breaking down the tenure and type of housing which may be needed. Different types of specialist housing including age-restricted market housing, sheltered housing, Extra Care, and residential care and nursing homes.
- 2.5. In order to ensure delivery of specialist housing to meet identified needs the PPG states:

'Plan-making authorities should set clear policies to address the housing needs of groups with particular needs such as older and disabled people. These policies can set out how the plan-making authority will consider proposals for the different types of housing that these groups are likely to require. They could also provide indicative figures or a range for the number of units of specialist housing for older people needed across the plan area throughout the plan period.'

2.6. It goes on to clearly state:

'Plans need to provide for specialist housing for older people where a need exists. Innovative and diverse housing models will need to be considered where appropriate.'

(Emphasis added)

2.7. The critical importance attached to the provision of housing for older people by the Government is clear. It is also clear that plan-making should include a robust assessment of the need for specific types of specialist housing, with specific policy requirements and site allocations as appropriate.

Extra Care

2.8. Extra Care is a relatively new form of specialist housing in the UK, but is much more widespread in other advanced developed economies such as the USA, Australia, and New Zealand.

2.9. It is primarily a form of housing for older people where residents live in a self-contained dwelling which is designed to be accessible and adaptable to people with varied care needs, and where occupants will have a package of care which will vary according to their needs. On larger developments residents will often have access to shared care and community facilities.

2.10. Extra Care can be seen as providing a stepping stone between general needs or age-restricted housing at one end, and residential and nursing care at the other. The provision of accommodation and care services which are adaptable to changing care needs allows residents to live independently for longer whilst still receiving the care they need. In other words, it allows residents to 'age in place' by increasing the level of support they receive as their care needs increase.

2.11. The independence and adaptability this type of accommodation provides has the potential to provide significant health and wellbeing benefits to residents. A study for the International Longevity Centre of 4,000 residents found lower than expected levels of

hospitalisation, as well as relative health, financial, and quality of life improvements.¹ A further example in the House of Lords Report on Intergenerational Fairness² noted the benefits of Extra Care schemes providing a high level of care while enabling residents to remain part of a community.

2.12. It is vitally important the Council actively supports the delivery of Extra Care accommodation to ensure choice for older residents and a sufficient supply of fit-for-purpose housing for older people more widely, in accordance with the social objective of sustainable development.

2.13. There can be ambiguity over the planning use class different forms of housing for older should fall under, as alluded to in the PPG.³ Whilst Extra Care developments are designed to encourage a degree of independence of residents, they do so within a structured care environment. Whilst many residents may only need limited care provision initially, they will often need to access more extensive care and support services over time. As such Extra Care developments are normally considered to fall within use class C2. Details such as minimum care provision, and age requirements can be considered and controlled at the planning application stage.

¹ [ILC-UK \(2011\) Establishing the extra in Extra Care](#)

² [House of Lords Select Committee on Intergeneration Fairness \(2019\)](#)

³ Paragraph: 014 Reference ID: 63-014-20190626

3. Adopted Planning Policy Context

- 3.1. The extant Mid-Sussex District Council District Plan was adopted in 2018. It contains strategic policies for the District for the plan period 2014-2031. The District Plan identifies a number of strategic needs. This includes employment, with the allocations of at least 25ha of employment land, as well as the identification of a broad location for a new science and technology park.
- 3.2. The plan also identifies a significant housing need, with a requirement of 14,892 dwellings, as well as a further 1,498 dwellings to account for unmet need arising from neighbouring authorities, primarily from Crawley.
- 3.3. Alongside housing and employment needs, the District Plan identifies a range of policies relating to help deliver sustainable development and to promote good design.
- 3.4. Chapter 2 of the District Plan sets out the Council's Vision and Objectives, identifying meeting the changing needs of residents as one of the main challenges for the District, with 2011 Census data showing an above average proportion of older people with 18.1% of the district population aged 65 and over, and projections stating this is set to increase to 21.2% by 2021. The District Plan also states the proportion of people over 85 set to increase from 2.8% to 3.3% of the population in the District by 2021.
- 3.5. The published populations projections from the ONS confirm the aging trend at a national level with the number of people aged over 85 projected to nearly increase from 2.4% of the UK population in 2018 to over 4% in 2043 .⁴
- 3.6. Policy DP30 sets out that development proposals should include a range of housing to meet the future needs of different groups in the community including older people, and people wishing to build their own home. This policy sets out that:

If a shortfall is identified in the supply of specialist accommodation and care homes falling within Use Class C2 to meet demand in the District, the Council will consider allocating sites for such use through a Site Allocations Document, produced by the District Council.

- 3.7. The policies for the strategic allocations also set out that these sites should include provision of a range of housing including for older people, Policy DP28 states 20% of dwellings on sites of 5 or more units should be designed to meet Building Regulations Part M4(2) standards for accessibility.

⁴ ONS (2019) National population projections: 2018-based.

- 3.8. The Council's approach to date has not been to make specific provision for housing for older people but instead to assume that this need will be met through the general development management process.
- 3.9. Four strategic allocations are included in the District Plan. The outline permission for the strategic allocation East of Kings Way at Burgess Hill did not include any specific provision for housing for older people (reference 12/01532/OUT). The outline permission for the strategic allocation at Pease Pottage (DM/15/4711) included provision for a 48 bed 'care facility,' with a subsequent reserved matters approval for a 24-bed hospice facility (DM/17/2534). The March 2020 approved Outline planning permission on the strategic site north of Clayton Mills, Hassocks (ref. DM/18/4979) does not include any specific provision for housing for older people. Approval for the development of the Burgess Hill Northern Arc includes provision of 60 Extra Care units (application reference DM/18/5114).
- 3.10. As can be seen from the very limited provision of housing for older people being delivered through key strategic sites, and having regard to the objective evidence presented in the Carterwood Report - which we have previously formally provided to Officers (most recently in our email dated 1st August 2019) there remains a demonstrable need and undersupply of C2 Extra Care accommodation throughout the District – both immediate and long term. Indeed, throughout a 1.5-year period across 2018 – 2019 provision of Extra Care accommodation in the District amounted to a zero actual increase despite increased need over the same period due to the growth in the over 75s population.
- 3.11. Furthermore, within the recently issued allowed appeal decision on the former Hazeldene Nursery site (ref 3241644) (full copy attached at **Appendix 1**) the significant failings of the Council to address the requirements of Policies H7 and Policy DP30, specific to provision of housing for older people, have been very clearly identified.
- 3.12. It is therefore apparent the Council's current *laissez faire* approach has been ineffective in meeting the need for specialist housing for older people to date. This is a particularly concerning position within the context of the District's ageing population and evidences Policy H7 of the adopted Local Plan is failing to encourage and secure the delivery of sufficient proposals and development of elderly accommodation. Accordingly, Policy DP30 of the District Plan must be activated and the importance of allocating sites through the Site Allocations DPD is self-evident to redress this imbalance accordingly.

4. Draft Site Allocations Development Plan Document

- 4.1. District Plan Policy DP30 sets out that the Council will consider allocating sites for C2 development if a shortfall in supply is identified.
- 4.2. The Council has published a Regulation 19 Draft of its Site Allocations DPD. The Consultation document is accompanied by a Sustainability Appraisal and HRA as well as a number of evidence documents including site selection papers setting out how proposed allocations for housing and economic development have been chosen.
- 4.3. Within the Consultation document itself there is only a single reference to housing for older people, with site allocation SA20 at Imberhorne Lane, East Grinstead proposed to include a C2 Care Community (if there is an evidenced need). It should be noted, that as part of a larger site allocation the delivery of this care community will be dependent on a number of unrelated factors. Furthermore, the form and quantum of the care community is entirely unspecified within the wording of the proposed allocation policy. As such, there is unquestionably a significant degree of uncertainty over the site's ability to deliver this element.
- 4.4. The evidence base supporting the Reg.19 SA DPD only includes limited evidence on the housing needs of older people. This is primarily in the Housing and Economic Development Needs Addendum (HEDNA) 2016 which identified a shortfall in Extra Care provision of 120 units at 2014 within Mid Sussex, and a need of 345 units by 2031. Alongside this the HEDNA Addendum identifies an additional need for 1,276 units of sheltered housing, 340 units of enhanced sheltered housing, and 762 units of residential and nursing care accommodation by 2031. The report states that without additional provision there will be a significant shortfall by the end of the plan period.
- 4.5. Paragraphs 3.15 - 3.16 of the Reg 18 Preferred Option and Reg. 19 Sustainability Appraisals make reference to the fact the population in the District is aging, although it does not appear any consideration is given to any appropriate policy response. The Reg. 19 Equalities Impact Assessment stated the introduction of specific policies in relation to housing for older people had been considered but rejected. The Reg. 19 Equalities Impact Assessment (September 2019) appears to offer no further or new consideration in this regard. It is unclear where in the evidence base this consideration is set out, if set out at all?
- 4.6. We would also take this opportunity to once again restate our concerns with the Council's current assessment contained within the SHLAA/Site Allocations DPD evidence base. As advised, the site was submitted for consideration as an C2 Extra Care specific development opportunity. Nonetheless, the SHLAA assessment of the site has been

undertaken on the blanket basis that it is a C3 market housing site – see **Appendix 3**. This should be revisited and the site and its merits reassessed appropriately.

- 4.7. It appears the Council has proceeded to undertake no further assessment of the need for specialist housing since the HEDNA Addendum in 2016 and failing to address the identified need for housing for older people through the emerging Site Allocations DPD. We strongly encourage the Council revisit this approach and allocate sites to ensure delivery of specialist housing for older people to meet the District's clearly established and growing needs.

5. The Need for Extra Care

- 5.1. Carterwood have produced a Headline Planning Needs Assessment dated July 2019 which assesses the level of need for Extra Care accommodation across the District (Mid-Sussex DC boundary) and within the local and market catchment areas of Copthorne (c. 3-mile radius and 10-mile radius respectively). This has previously been provided to Officers, and we would be happy to share it again.
- 5.2. Carterwood are a leading RICS accredited consultancy providing advice in relation to the care sector, and are experienced working with private and voluntary sector care providers, as well as the public sector.
- 5.3. There is no standard method for assessing the need for Extra Care in national planning policy or guidance, and the assessment uses the Housing Lin SHOP toolkit, which is mentioned in PPG and has effectively become the industry standard. This identifies a need for 40 units of extra care and enhanced sheltered accommodation per 1,000 head of population aged 75 years and above.
- 5.4. Taking into account planned supply, the Carterwood report, which is significantly more up to date evidence than that underpinning the District Plan and also the Site Allocations DPD (evidence dated 2014) identifies an indicative shortfall of 384-492 private Extra Care units within Mid-Sussex District (as of 2020), including planned supply.⁵ Within the market catchment of the site itself (10-miles) the indicative shortfall is between 805-919 units, and within a localised 3-mile catchment the indicative shortfall is 174 units.
- 5.5. Carterwood's evidence demonstrates by 2030 the shortfall in private Extra Care units is expected to rise to at least 607 units in the District and 1,353 units within the 10-mile market catchment of the site. It is worth noting these projections assume existing demographic trends for Extra Care continue and as such are likely to underestimate the potential under-supply of Extra Care accommodation.
- 5.6. There is clearly **a very significant unmet need for Extra Care Accommodation** within the District. We strongly recommend the Council need to take account and positively respond to the evidence already publically available to them, or alternatively commission its own updated evidence on this specific matter and not to proceed to the Regulation 22 stage until the evident failings of the current SA DPD are addressed: given the importance and magnitude of the District's current under provision. Given the scale of need we also recommend the Council needs to allocate specific sites for Extra Care and other forms

⁵ N.B. The planned supply in the Caterwood Report included the 84 units at the Former Hazeldens Nursery, which have recently been granted permission at appeal.

of housing for older people as appropriate to ensure a sufficient supply over the remainder of the plan period. In accordance with Policy DP30 of the Local Plan.

6. Woodpeckers, Snow Hill, Copthorne

The Site

- 6.1. The land at Snow Hill, Copthorne (Woodpeckers) comprises an area of land approximately 2.4ha containing a mixture of undeveloped and previously developed land. Historically the site included two cottages (Woodpeckers and Courtland Cottage), as well as a number of other buildings some of which are in Class B1 use. The site is within an area containing a mix of generally lower density residential and commercial development to the east of the main settlement area of Copthorne. It is accessed off the A264 Snow Hill.
- 6.2. The site has previously gained permission for the development of a 59-bedroom hotel (application 09/02368/OUT1), together with replacement dwellings. Development works commenced and this permission remains extant, although development works have been paused.
- 6.3. The site is sustainably located with bus stops within a 5-minute walk of the site providing a regular service with 2-3 buses an hour to Crawley and East Grinstead. There are a number of facilities close to the site including the Dukes Head public house and restaurant which is less than 100m away, and a convenience store and petrol station within 400m of the site. There are also a number of employment and leisure facilities close to the site including various business parks, a golf course, and a garden centre.
- 6.4. The site has previously been submitted to the Mid Sussex SHELAA in 2018 where it was considered as being potentially suitable for housing. A pre-application enquiry was most recently submitted in 2018.

The Proposed Development

- 6.5. The proposals for the site at this stage are for an Extra Care development comprising 118 apartments and 4 cottages all falling within Use Class C2. The development is proposed to include:
 - A community hub which could include a range of everyday facilities including treatment rooms and a hairdresser.
 - Safe access from Snow Hill with adequate parking on site for residents and staff.
 - A well-designed development with a village feel providing a safe and supportive environment which encourages independence and activity and is designed around pedestrian movement.

- A comprehensive and stimulating soft-landscaping scheme which is multi-functional and promotes biodiversity.
- Thoughtfully designed Extra Care homes which are future-proofed and designed to use resources efficiently.

6.6. This previously developed site provides a compelling development opportunity which would assist the Council in beginning to address the significant level of unmet need for Extra Care housing within the District. Submitted alongside these representations is a copy of the Vision Document submitted to Officers in May this year (2019) providing further details.

6.7. The site is available for development now, is suitably located, and development is achievable. The site should be considered deliverable and be allocated to provide housing for older people in the Site Allocations DPD.

7. Conclusion

- 7.1. Recent changes to national policy and guidance reflect the significant scale of needs for housing for older people across the country, and for Council's this represent a step-change in the approach which needs to be adopted in order to ensure sufficient delivery to meet this need in full.
- 7.2. The adopted District Plan does not make specific provision for housing for older people, although Policy DP30 provides clear guidance that sites providing housing for older people should be allocated where a shortfall is identified.
- 7.3. The Council's evidence base supporting the Reg.19 Site Allocations DPD relies on outdated and minimal evidence regarding the level of need to plan for the provision of housing for older people. A need which is noted by national policy to be of critical national importance and even within the Council's current published evidence base to being unserved within the District itself. The Regulation 19 Site Allocations DPD makes no meaningful provision for housing for older people.
- 7.4. The evidence produced by Carterwood, focusing specifically on the need for Extra Care accommodation identifies a significant shortfall in the provision of private Extra Care accommodation, with a current shortfall of at least 384 units as of 2020, which is set to rise to 607 units by 2030 given demographic profile and growth rates in the area. Clearly this represents a significant shortfall against the identified need.
- 7.5. Furthermore, the level of unmet need has clearly been identified in the District through the consideration and conclusions reached by the Inspector in the allowed appeal for the redevelopment of the former Hazeldene Nursery site.
- 7.6. Accordingly, we strongly encourage the Council to correct the SA DPDs current shortcomings concerning provision of accommodation for the District's elderly community. The SA DPD should include appropriate site allocations and specifically sites that will specifically meet its elderly housing needs. In accordance with Policy DP30 of the Local Plan.
- 7.7. The site at Woodpeckers, Snow Hill, Copthorne represents a sustainable location for a new Extra Care development of much needed new homes. The site is available now and development is achievable. The site is deliverable and we recommend the Council allocate it to provide housing for older people in the Site Allocations DPD to help address the identified unmet need for housing for older people.

Appendices

Appendix 1

Appeal Decision

Inquiry Held on 20-22, 24, 27, 28, 30, 31 July and 6 August 2020

Site visits made on 16 July, 7 and 16 August 2020

by Christina Downes BSc DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 11 September 2020

Appeal Ref: APP/D3830/W/19/3241644

Site of the former Hazeldens Nursery, London Road, Albourne, West Sussex BN6 9BL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by RV Developments Ltd and Notcutts Ltd against the decision of Mid Sussex District Council.
 - The application Ref DM/19/1001, dated 8 March 2019, was refused by notice dated 26 July 2019.
 - The development proposed is an extra care development of up to 84 units (comprising of apartments and cottages) all within Use Class C2, associated communal facilities. 2 workshops, provision of vehicular and cycle parking together with all necessary internal roads and footpaths, provision of open space and associated landscape works, and ancillary works and structures. Works to include the demolition of the existing bungalow on the site.
-

DECISION

1. The appeal is allowed and outline planning permission is granted for an extra care development of up to 84 units (comprising of apartments and cottages) all within Use Class C2, associated communal facilities. 2 workshops, provision of vehicular and cycle parking together with all necessary internal roads and footpaths, provision of open space and associated landscape works, and ancillary works and structures. Works to include the demolition of the existing bungalow on the site on the site of the former Hazeldens Nursery, London Road, Albourne, in accordance with the terms of the application, Ref DM/19/1001, dated 8 March 2019, subject to the conditions in Annex C to this decision.

PROCEDURAL MATTERS

2. A costs application was made by RV Developments Ltd and Notcutts Ltd against Mid Sussex District Council. This is the subject of a separate Decision.
3. The application was made in outline form with access as the only matter to be considered at this stage. It was accompanied by a Parameter Plan (drawing no: RET1150215 PP-01 rev G) along with a detailed plan of the access and traffic calming measures proposed along London Road (drawing no: 1701-56 SK08 rev B). Following discussion at the inquiry it was agreed that the Sketch Layout (drawing no: RET1150215 SKL-04 rev J) should also be treated as an application drawing.

4. At the request of the Appellants, I undertook an accompanied visit to Charters Village, one of **Retirement Villages'** extra care developments in East Grinstead, West Sussex.
5. The proposal is supported by a Planning Obligation by Agreement (S106 Agreement) and a Planning Obligation by Unilateral Undertaking (UU). Just before the close of the inquiry the Council and the Appellants were involved in further discussions about the definition of Personal Care in the UU, amongst other things. As a result, changes were made whereby the Council reviewed its position and agreed that the proposed development would fall with Use Class Use C2 rather than Class C3 in the *Town and Country Planning (Use Classes) Order 1987 (as amended)*. As a consequence, there was no longer a policy requirement for affordable housing and the reason for refusal relating to that matter was no longer pursued. In order to allow the completion and engrossment of the legal documents, I agreed to a short extension of time following the close of the inquiry.
6. The planning application was made with reference to Use Class C2 in the description of the proposal. I was told that the Council would not validate it unless this reference was removed, which the Appellants agreed to do although by accounts not altogether willingly. In any event, as indicated in the preceding paragraph there is now no dispute that the proposal would fall within Class C2 and so it remains in the description as originally submitted.

REASONS

PLANNING POLICY CONTEXT AND THE APPROACH TO DECISION MAKING

7. For the purposes of this appeal the relevant part of the development plan comprises the *Mid Sussex District Plan 2014-2031* adopted in March 2018 (the MSDP) and the *Albourne Parish Council Neighbourhood Plan* made in September 2016 (the ANP). I do not consider that there are any pertinent saved policies or allocations in the *Mid Sussex Local Plan* (2004) or the *Small Scale Housing Allocations Development Plan Document* (2008) in this case. I return to this briefly below. The *West Sussex Joint Minerals Local Plan* (2018) is agreed by all parties not to be relevant.
8. It is the Appellants' **case that the presumption in favour of sustainable** development applies as set out in paragraph 11 of the *National Planning Policy Framework* (the Framework). This is on two counts each of which is considered below. The first is that the development plan itself is not up-to-date. If that is the case, then the Appellants agree that paragraph 11c) could not apply. The second is that the basket of most important policies for determining the application are out-of-date because they are inconsistent with Framework policies. It is agreed between the main parties that the Council is able to demonstrate a five-year supply of deliverable sites to meet its housing requirement.

Whether the development plan as a whole is up-to-date

9. The Council has chosen to adopt a two-stage approach whereby the MSDP only includes strategic allocations, with the smaller housing sites to be identified through a *Site Allocations Development Plan Document* (SA DPD) and neighbourhood plans. Policy DP4 in the MSDP anticipates the former document

being adopted in 2020, but the 2019 Local Development Scheme envisages this to be the summer of 2021. I was told at the inquiry that the Regulation 19 consultation had only just commenced and so there appears to have been further slippage and a more realistic assessment would be adoption later next year or even early in 2022.

10. The 2004 *Planning & Compulsory Purchase Act (as amended)* requires local planning authorities to identify strategic priorities for the development and use of land in their area. Policies in the development plan document must address these priorities. This is reflected in paragraph 17 of the Framework and similarly in the 2012 version of the Framework. The MSDP sets strategic priorities (termed objectives) in Chapter 2 and the policies to address them in Chapter 4. These include policy DP4. As mentioned above, policy DP4 specifically refers to the subsequent preparation of the SA DPD. If this had been required to have been produced at the same time it is difficult to see how the Examining Inspector could have been found it legally compliant in terms of consistency with national policy or legislation. However, it was found to be sound and as far as I am aware, no legal challenge was made to its adoption.
11. It is the case that the Examining Inspector indicated an expectation that the SA DPD would follow "*soon after this plan*" and recorded that the Council had committed to bringing it forward "*at an early date*". However, there was no clear indication as to the anticipated timeframe, apart from what is indicated in policy DP4. There has clearly been slippage but, the complaint that the MSDP does not adequately address small sites coming forward is as true now as it was when the plan was found sound. The Framework does not require a plan to necessarily allocate all of the housing land supply for the whole plan period. That is why it distinguishes between deliverable and developable sites during different stages of the lifetime of the plan.
12. In any event, the MSDP includes other means for bringing small sites forwards including neighbourhood plans. Mid Sussex District has a good coverage of such plans, albeit that most were made under the auspices of the 2004 Local Plan. Nevertheless, **there is insufficient evidence to support the Appellants' assertion that this therefore means that the contribution of small sites from this source is "nominal"** on a district-wide basis. Whilst the Albourne Neighbourhood Plan includes few allocations, it is one of around 20 such plans. Policy DP6 is permissive of settlement expansion and allows small sites of less than 10 dwellings to come forwards under certain conditions. The Examining Inspector considered that it provided the MSDP with extra robustness and flexibility in maintaining a rolling 5-year supply of housing land.
13. For all of the above reasons I do not consider that the development plan is out-of-date at the present time.

The most important policies for determining this application

14. The Council and the Appellants consider that the following policies, which are included in the reasons for refusal, should be considered most important:

- MSDP: DP6, DP12, DP15, DP21, DP31, DP34, DP35
- ANP: ALC1, ALH1

All of these seem to me to fall within this category, save for policy DP31

relating to affordable housing. This rested on the dispute about whether the proposal fell within Use Class C2 or Use Class C3 and this in turn was resolved **by the tightening of the definition of "Personal Care" in the UU**. This document was not finalised at the time that the planning application was being considered by the Council and there was thus scope for change, as indeed happened during the inquiry. There was no dispute that the policy does not apply to Use Class C2 housing proposals and so, whilst it is relevant, I do not consider policy DP31 is of key importance to the determination of the application.

15. There are a number of disputed policies, which are as follows:

- Policy DP4 relates to housing delivery and sets out the **District's** housing requirement and how it will be addressed. It also commits to the preparation of a SA DPD as referred to above. It is clearly relevant to the consideration of a housing proposal, but it is not a development management policy that plays a significant role in determining planning applications. It is thus not a most important policy in this case.
- Policy DP20 is included in the reasons for refusal and relates to securing infrastructure and mitigation through planning obligations or the Community Infrastructure Levy. This will be addressed through the legal Deeds and, whilst clearly relevant is not to my mind of most importance.
- Policy DP25 concerns community facilities and local services and the supporting text makes clear that specialist accommodation and care homes are included. This supports the type of development being proposed and is therefore a most important policy in this case.
- Policy DP30 relates to housing mix and the need to meet the current needs of different groups in the community, including older people. It is a most important policy to the consideration of this proposal.
- Policy ALH2 in the ANP is an allocation for 2 houses in Albourne. This is not of particular relevance to the proposal and is not a most important policy.

16. The Appellants consider the saved policies in the 2004 Local Plan and policies SSH/7 to SSH/18 in the 2008 Small Scale Housing Allocations Development Plan Document to be most important. These relate mainly to site specific matters and allocations. Both are based on an out-of-date housing requirement established in the West Sussex Structure Plan. They also do not address the need for elderly persons accommodation. However, their relevance to the current proposal is tenuous and they are not of pertinence to this application.

17. Drawing together the above points, the most important policies to the determination of this application are:

- MSDP: DP6, DP12, DP15, DP21, DP25, DP30, DP34, DP35
- ANP: ALC1, ALH1

Whether the most important policies are out-of-date

18. Whether the aforementioned policies are considered out-of-date in terms of paragraph 11d) of the Framework will depend on their degree of consistency with its policies. This was not a matter that the Council specifically addressed in its evidence, **but I agree with the Appellants' assessment that** policies DP21,

DP34 and DP35 are consistent and can be considered up-to-date.

19. **The Appellants' complaint regarding** policies DP6, DP15, DP25 and DP30 is that they fail to address the way that extra care housing will be provided to meet identified needs as required by the Framework and Planning Practice Guidance.
20. **The assessment of need, including for older person's housing, was undertaken** through the Housing and Economic Needs Assessment (HEDNA) and its Addendum and formed part of the evidence base for the MSDP. Whilst this has been strongly criticised by the Appellants on many counts it nevertheless does provide an assessment of the type and tenure of housing needed for older people. Furthermore, it is clear that the Examining Inspector considered the **matter of older person's housing**. Policy DP30 was found sound, subject to modifications that were subsequently incorporated.
21. The matter of need is considered in detail later. However, policies DP25 and DP30 flow from the assessment of need in the HEDNA Addendum. Policy DP30 indicates that current and future needs of different community groups, including older people, will be met and that if there is found to be a shortfall in Class C2 housing, allocations through the SA DPD will be considered. There is an allocated site (SA 20) within that draft document for a care community. The Appellants are critical of this for various reasons, but the plan is still at an early stage and these will be considered at the examination in due course.
22. Policy DP6 supports settlement growth, including to meet identified community needs. Bearing in mind the terms of policy DP25, this could include extra care housing. Policy DP15 addresses housing in the countryside and refers to policy DP6 as a criterion. The Planning Practice Guidance is not prescriptive as to how the housing needs of older people are addressed in planning policies. Overall, the aforementioned policies are, in my opinion, consistent with the guidance and Framework policy, including paragraph 61.
23. Policy DP12 indicates that the countryside will be protected in recognition of its intrinsic character and beauty. It also refers to various landscape documents and evidence to be used in the assessment of the impact of development proposals. Whilst the wording could be improved, it does not seem to me to imply uncritical protection but rather a more nuanced approach that takes account of the effect on the quality and character of the landscape in question. To my mind this is consistent with the policy in both the 2012 Framework, under which the MSDP was considered, and the current version (2019). In that respect I do not agree with the Inspector in the Bolney appeal that the approach to protection has materially changed between the two documents.
24. Policy ALC1 seeks to maintain and where possible enhance the quality of the rural and landscape character of the Parish. Overall, its terms seem to me to be similar to policy DP12.
25. Policy ALH1 generally supports development on land immediately adjoining the built-up boundary, whereas policy DP6 permits such development if it is contiguous with an existing built-up area. Policy ALH1 also has the added requirement that other than a brownfield site the development must be infill and surrounded by existing development. These provisions are more restrictive than policy DP6 in the MSDP, which as the more recent policy in the development plan therefore takes precedence.

Whether the basket of most important policies is out-of-date

26. From the above, I have found that other than policy ALH1 in the ANP, the most important policies are not out-of-date and in the circumstances I do not consider that the basket overall is out-of-date either.

Conclusions

27. Paragraph 11 of the Framework sets out the approach to decision making within the context of the presumption in favour of sustainable development. In this case there are development plan policies relevant to the determination of this application and overall, I conclude that they are not out-of-date. Paragraph 11d)ii) is therefore not engaged.
28. In such circumstances it will be necessary to consider whether the proposal would accord with an up-to-date development plan and whether paragraph 11c) is engaged. This is a matter to which I will return in my final conclusions.

THE EFFECT OF THE PROPOSAL ON THE CHARACTER AND APPEARANCE OF THE AREA AND THE SURROUNDING LANDSCAPE, INCLUDING THE NEARBY SOUTH DOWNS NATIONAL PARK

29. The appeal site comprises about 4.4 hectares of land on the western side of London Road. Its previous longstanding use as a nursery ceased several years ago. The large glasshouses that once stood on the northern area have been demolished and all that now exists are remnant hardstandings. A small bungalow occupies the north-eastern part of the site. This building would be demolished, and the site would be redeveloped with 84 extra care dwellings within a mix of apartment buildings and bungalows. The site is outside the defined built-up boundary of Albourne and is therefore in the countryside for policy purposes.

Effect on the landscape

30. The appeal site is within the Hurstpierpoint Scarp Footslopes Landscape Character Area (the LCA) in the *Mid Sussex Landscape Character Assessment* (2005). Key characteristics include undulating sandstone ridges and clay vales; an agricultural and pastoral rural landscape; a mosaic of small and large fields; woodlands, shaws and hedgerows with woodland trees; expanded ridge line villages; traditional rural buildings and dispersed farmsteads; and a criss-cross of busy roads. In addition, views are dominated by the steep downward scarp of the South Downs.
31. The site boundaries are bordered by boundary tree and hedge lines, but in places these are patchy and their quality is diminished in places by the incursion of non-indigenous conifers. There is a small ridge running east to west across the northern part, which includes the roadways, hardstandings and bungalow along with conifer tree lines and groups. There is a narrow view of the South Downs framed by vegetation. The southern section is on the shallow valley side running down to Cutlers Brook and comprises rough grassland. From here there are open views southwards to the escarpment. Two lines of non-native hybrid black poplars cross the western section, which were grown as shelter belts for the nursery stock.
32. Unlike Albourne and the surrounding countryside, I do not consider that the

appeal site is typical of the LCA of which it forms a part. Although it includes some characteristics such as the shallow ridge and some outward views to the escarpment, its tree and hedge lines are not particularly strong and its use as a nursery over many years has changed its character substantially. In my opinion, it is not well integrated with the wider landscape.

33. The appeal proposal is in outline, with the layout and external appearance to be considered at a later stage. However, the Parameters Plan and Sketch Layout help to establish some basic principles. The *Arboricultural Impact Assessment* indicates that a number of trees and tree groups within the site would be removed. These include the non-indigenous conifers and all those to be felled are judged by the Tree Survey to be of low quality and value. The better trees are mainly along the site boundaries and would be retained. Some of the hybrid black poplars would be removed but most would be assessed and, if necessary, there would be a phased programme of replacement with native tree stock. There would also be additional indigenous tree planting in the south-western corner in front of the incongruous conifer hedge along the boundary with Spurk Barn.
34. The built development would be within the western and eastern parts of the site with groups of cottages and apartment buildings set within landscaped gardens and interspersed with intervening belts of trees. The cottages would be one and a half storeys in height whilst the apartment buildings would be two-storeys with some higher elements incorporating accommodation in the roof. A 10m landscaped swathe between the trees along the London Road boundary and the adjacent apartment buildings is proposed. The largest building would be the two-storey clubhouse, which would be at the northern end of the site. There would be views maintained through to the South Downs escarpment, although these would be within the context of a built environment.
35. Undoubtedly the character of the site would change. The proposal would replace open and largely undeveloped land with buildings and hard surfacing within a green framework. However, as the site shares few of the features that provide this LCA with its identity and taking account of the large area that it covers, the overall impact would be small-scale and localised. In terms of the tree cover, the replacement of the non-indigenous species, especially the conifer stands, with native trees would be a landscape benefit that would increase as the new planting matures. For the reasons given below, I do not consider that the appeal scheme would be seen as an expansion of the ridgeline village. However, for the aforementioned reasons, the harm that would arise to landscape character would be relatively small and would reduce over time.

Visual effects

36. There are public footpaths close to the northern and western boundaries of the site and these run west and south into the open countryside. They appear to be well used and provide attractive routes that link up with a wider network of paths for informal recreation. Walkers are likely to particularly value the rural nature of these paths and the attractive views of the South Downs escarpment and Wolstonbury Hill. These people will be attuned to the environment through which they pass and thus highly sensitive to change. However, it is important to remember that this will be a kinetic experience, which will continually

change as the receptor moves through the countryside.

37. During my visits to the area, I walked along the adjoining footpaths and to my mind the place where the impact of the new development would be greatest would be from the stretch of Footpath 19/1AI that runs adjacent to the northern boundary. From the direction of London Road, the site is on the left. At present there are intermittent inward views between trees and vegetation, with a framed view of the escarpment about half-way along. However, this corridor is not altogether rural in character and the inward view includes the hard standings, roadway and bungalow as well as tall stands of conifer trees. In addition, on the other side of the footpath is the large, hard surfaced car park of the **Brethren's Meeting Hall**. Whilst this is relatively well screened by the mixed indigenous hedge along the boundary, there are glimpses through the green wire fence and a full view through the metal gate. In addition, the managed appearance of the hedge and tall lighting columns that project above it further detract from the rural ambience. Further along the path, the large barrel roofed building itself comes into view.
38. Nevertheless, the appeal development would result in a considerable change on the southern side of the footpath. Whilst the Sketch Layout shows some tree retention and a belt of new planting, the new buildings would be evident to the observer and most particularly the long rear elevation of the clubhouse. Whilst a view of the South Downs would be maintained this would be framed by built development rather than vegetation. The existing user experience would therefore be considerably diminished although the adverse effects would be reduced over time as the new planting matures. Furthermore, these effects would be experienced over a relatively small section of the walk. Once past the site the footpath emerges into open farmland.
39. Approaching the site along Footpath 19/1AI from the other direction, there is a wide panorama. At various points this includes the **Brethren's Meeting Hall** building, the houses in the village amongst trees, the vineyard and the roof of Spurk Barn with Wolstonbury Hill behind. There are glimpses through the trees along the western site boundary of the bungalow and the conifers along the London Road frontage. The understorey is variable, and following development I have little doubt that filtered views of the new buildings would be seen, especially during the winter months. Whilst reinforcement planting with species such as holly would provide more screening, I am doubtful that it would be wholly effective in the longer term. Although there would be large gaps between the clusters of new buildings, the context of Spurk Barn as a lone rural outlier would also be compromised.
40. Footpath 18AI runs close to the western site boundary but when moving southwards the **walker's** attention is likely to be particularly drawn to the open panoramic view of attractive countryside and the dramatic form of the South Downs escarpment in the background. Views into the site would be to one side and secondary in the overall experience. In the other direction, Spurk Barn is the first building to come into view on the right-hand side. With its relatively open frontage and domesticised curtilage, the effect of the new development behind the trees would not be particularly pronounced.
41. Along the eastern site boundary, the bank with trees and understorey vegetation provides a relatively good screen to London Road. However, in

places the cover is patchier and there are filtered views into the site, which will be more pronounced in winter. Motorists would be concentrating on the road ahead and so would have a lower awareness of changes to the peripheral view. There is a footway along the eastern side of the road, and I was told that this is relatively well used by dog walkers and those working in the businesses further to the south. For these people there would be a change, but it would be on one side and within the context of a relatively busy road and the existing built development along the eastern side of London Road.

42. The north-eastern corner of the site would be opened up with a new section of footway along the frontage and a new engineered access. This would entail some frontage tree removal, although the higher value oak tree is shown to be retained. From this point there would be a considerable change with views of the new clubhouse, cottages and apartments. New landscaping would provide some mitigation and the change would be experienced within the context of other urbanising influences. These include the wide green metal gates and **entrance to the Brethren's Meeting Hall adjacent** and the relatively prominent historic stuccoed houses opposite.
43. I observed the site from more distant footpaths, approaching along London Road in both directions and from various points in Church Lane. However, taking account of the undulating topography and the benefit of distance, I judged that the visual impact would be largely benign. I walked up Wolstonbury Hill and to **the Devil's Dyke but was unable to** identify the site from these more distant locations due to the vegetation cover. It may be that there would more visibility following development and in winter. However, this would be within the context of a wide panorama that includes built development.
44. In the circumstances, even if it were to be seen, I do not consider that the appeal scheme would materially detract from the enjoyment of these panoramic views. The site is not within the Dark Skies zone of the South Downs National Park and whilst the development would introduce new lighting this could be controlled. In addition, it would be seen within the context of lights in other villages, towns and roadways. In the circumstances there would be no conflict with policy ALC2 or the dark skies initiative in the ANP.
45. For all of these reasons I consider that there would be some adverse visual impacts, particularly for footpath users and at the site entrance on London Road. However, these would be limited and localised. The adverse effects would be reduced but not eliminated as new landscaping and tree planting matures.

Effect on the character of the settlement of Albourne

46. Albourne is a ridgeline village and its main historic core is around The Street and Church Lane with a smaller historic group of houses to the north at Albourne Green. By the mid-20th century the space between these two areas had been infilled and later still the village expanded eastwards. The village therefore has a mixed character with the older parts in particular being defined by their wooded setting. The village boundary is quite tightly defined for policy purposes. However, as often happens, there is a more dispersed settlement pattern with linear development radiating outwards along the road frontages,

including along the eastern side of London Road as far as Cutlers Brook. The built-up area is therefore more extensive than the policy boundary.

47. The agrarian landscape provides the setting for this Downland village, but for the reasons I have given above the appeal site is not representative of its rural surroundings. Whilst it is largely undeveloped, in my opinion it contributes little to the context of the village. On the other hand, the proposed development would not appear as a natural expansion of the built-up area either. I appreciate that it would not extend it further to the west or south, but this is a factor of little consequence. The dispersed nature of the settlement is mainly due to frontage development, which the appeal proposal could not claim to be.
48. **The Brethren's Meeting Hall** is a development that physically, functionally and visually stands outside the village. The appeal scheme would be further to the south and appear as an outlier that would not conform to the prevailing pattern of development described above. On the other hand, it would share some of the features of the village. For example, the site benefits from a local ridgeline and over time the new buildings would stand within a well treed environment. Furthermore, the *Design Commitment Statement* indicates that the design approach is to create a development that reflects the surrounding architecture and landscape. The appearance of the new buildings is a matter that can be controlled by the Council at reserved matters stage.
49. There has been a great deal of local concern about the size of the development relative to the existing village. The Parish Council indicate that Albourne has about 250 households and some 650 residents. It therefore points to an increase in size of over 30%. For the reasons I have already given, I do not consider that this development would appear as a natural extension to the village. However, the proposed shop, lockers, electric charging points and workshops, which I discuss later, would allow a degree of community integration. The village itself has grown incrementally and cannot be viewed as a set piece that has not changed over time. There may be harmful impacts from an increasing population in terms of highway safety and insufficient infrastructure, for example and I consider these later. However, the size of the development in itself would cause little harm to the character of the village, in my judgement.

Effect on agricultural land

50. Paragraph 170 of the Framework seeks to recognise the benefits of protecting the best and most versatile agricultural land, which is classified as Grades 1, 2, and 3a. The appeal site is shown on the *Provisional Agricultural Land Classification Maps* as being within an area of Grade 2, which denotes very good quality farmland. However, these maps were not based on physical surveys. They were intended to provide strategic guidance for planners on a small-scale map base. Natural England in its *Technical Information Note TIN049*, advises that they are outdated and should not be relied on for individual site assessments.
51. The Appellants commissioned an *Agricultural Land Classification Report*, which was based on a site survey carried out in February 2020, including examination of 5 auger samples and a trial pit. This concluded that the land was grade 3b with shallow soils over a depth of dense clay subsoil. This is the best available

evidence and I am satisfied that the development would not result in the unacceptable loss of high value agricultural land.

Overall conclusions

52. The appeal site is located within the open countryside, outside the built-up area and not contiguous with its boundaries. There would be some residual adverse landscape and visual impact, although this would be localised and limited in nature. There would also be a small adverse effect on the character of the village of Albourne because the development would not be seen as an expansion to the main built-up area of the village nor reflect the frontage development along the peripheral roads. There would be no adverse impact on the South Downs National Park or views from within it. Nevertheless, there would be conflict with policy DP6, DP12 and DP15 in the MSDP and policies ALC1 and ALH1 in the ANP.

THE EFFECT OF THE PROPOSAL ON HERITAGE ASSETS

53. There is no dispute that the designated heritage assets affected would be the four Grade II listed houses on the eastern side of London Road. The effect would derive from changes to their setting and it is agreed that any harm would be less than substantial in nature and that paragraph 196 of the Framework would be engaged whereby harm is to be weighed against public benefits. Unlike the setting of the listed buildings, the setting of the Albourne Conservation Area is not protected by statute. Nevertheless, the same considerations will apply as a matter of policy in terms of weighing harm to significance against benefits. Spurk Barn is adjacent to the south-western corner of the appeal site and is a non-designated heritage asset. Paragraph 197 of the Framework makes clear that a balanced judgement should be made, having regard to the scale of any harm and the significance of the asset.

The listed buildings

54. There was much discussion at the inquiry about the contribution of the appeal site to the significance of the listed buildings. Elm House, Tipnoaks and Hillbrook House are two-storey stuccoed villas built in the early 19th century. These were modest **country houses, which demonstrated their owners'** aspirations for elegant country living with their classical, well-proportioned facades and convenient roadside location outside the main village. The immediate setting is provided by the gardens in which they stood but the wider rural environment, including the fields to the front and rear would have contributed to the pastoral context and significance of these houses. It can be seen on the 1874 Ordnance Survey Map that there are 4 subdivisions on the appeal site. This suggests that by this time the land was being used as a market garden or commercial nursery.
55. Mole Manor was of earlier construction and the 1839 Tithe Map shows it standing in an isolated position on the eastern side of London Road. It is a rare example of a modest Sussex cottage with a red brick and clay tile construction and an isolated countryside setting and these factors contributed to its significance. In my opinion its setting was significantly compromised by the building of Elm House and Tipnoaks. These more substantial houses overpower the cottage as they not only join it on either side but also stand well forward of its front elevation.

56. There is also significance derived from the listed buildings as a group. In this respect, Mole Manor makes a contribution through its style and character, which is in contrast to the classical form and proportions of the stuccoed villas.
57. The appeal site was clearly part of the countryside setting when these buildings were built and thus contributed to their significance. There is no indication on the 1874 map that there was tree planting at this stage and it is reasonable to surmise that originally the dwellings faced a relatively open landscape, which would have allowed the owners attractive views from the front of their houses. In any event, by 1910 the Ordnance Survey map shows a tree belt along the eastern boundary and some tree planting within the site itself. Whilst the context is therefore likely to have changed somewhat, the westerly outlook would still have been essentially green and rural with likely views through the trees into the site.
58. More substantial changes occurred in the mid-20th century as Albourne expanded and the London Road was re-engineered and widened. More recently still there has been further development along London Road, including to the south of Hillbrook House and the Brethren's **Meeting Hall**. The latter appears to have been on land formerly used as part of Hazeldens Nursery. The wider pastoral environment has thus been considerably eroded over time, which has diminished the historical understanding provided by the wider setting of these listed buildings. Their individual and group significance is now mainly derived from their fabric and the immediate setting of their garden plots.
59. Following development, the views towards the appeal site would change through the introduction of a new access, a footway along the London Road frontage and views towards a built environment. The effect would be greatest in respect of Tipnoaks, due to its position opposite the site entrance. Hillbrook House stands further back from the road in an elevated position and there would be filtered views of the new buildings from within its site through and above the roadside vegetation. There would therefore be some further change to the context in which the listed buildings would be appreciated but, for the reasons I have given, I consider that the effect on significance would be relatively small.
60. With respect of Elm House and Mole Manor the harm would be at the lower end of the scale of less than substantial harm. With respect of Tipnoaks and Hillbrook House it would be slightly higher but still lower than moderate, with a similar effect on the significance of these houses as a group. Whilst the choice of materials, design and landscaping of the new development would be controlled through reserved matters, the impacts I have identified are unlikely to be materially reduced over time.

Spurk Barn

61. This agricultural building is a non-designated heritage asset probably dating back to the 19th century. Its primary interest is in its form and fabric with flint and brick construction and the retention of many original features. The boundary lines on historic maps suggest that Spurk Barn was not functionally connected to the appeal site. Indeed, with no obvious connection to any local farms it was probably an isolated field barn associated with the agricultural land to the west.

62. Spurk Barn has been converted to residential use and windows have been added along with an extension. Its immediate setting is now a domestic garden and parking area. Along its boundaries with the appeal site is a thick conifer hedge. Although this could be removed it would seem unlikely due to the privacy it affords. The significance derived from the wider setting is mainly across the open agricultural land to the west. Nevertheless, the largely undeveloped nature of the appeal site does contribute to the sense of isolation of the building, particularly in views from Church Lane and sequentially when walking east along Footpath 19/1AI and south along Footpath 18AI.
63. As I have already concluded above, the proposed buildings would be seen, especially in the winter months, through gaps in the trees and understorey along the western site boundary. Whilst the effect would be to have an adverse effect on the appreciation of the barn as an isolated entity, its value as a field barn is now diminished on account of its residential conversion and the domestication of its grounds. To my mind this undesignated heritage asset has a relatively low level of significance. The small degree of harm that would arise from the appeal proposal would also be further reduced over time as reinforcement planting matures, including the band of new trees between the conifer hedge and built development.

Albourne Conservation Area

64. This comprises the original historic core of the village at the southern end of The Street and along a section of Church Lane. The only appraisal is found in *The Conservation Areas in Mid Sussex* (August 2018), which notes five features that contribute to its character. These include the trees and hedges; the sunken road relative to many of the houses with attractive retaining walls; the cottage style houses with small windows; the lack of a set building line or footway with varying road widths and a meandering rural character; and the attractive countryside views to the west and south. The latter is the only one relevant to setting.
65. At one time no doubt the appeal site, because of its relatively open and undeveloped character, would have played some part in this respect. However, modern housing on the south side of Church Lane and the construction of the **Brethren's Meeting Hall** building and car park has provided a visual intervention that has meant that it no longer contributes in this way. The main southerly aspect is provided by the fields beyond its western boundary. Even if there were glimpses of the new development through the trees from the southern part of the conservation area, which is doubtful, they would be peripheral and oblique.
66. It is also the case that the Council did not consider that the proposed **development of the Brethren's Hall** site would have any adverse impact on the conservation area, notwithstanding that the large building with its incongruous design would be in close proximity to the southern edge. I appreciate that this development was built on exceptional grounds of need but that does not negate the requirement to consider the effects on the setting of the heritage asset. Furthermore, *the Council's Strategic and Economic Land Availability Assessment* (2018) did not consider that a potential yield of 132 houses on the appeal site would negatively impact on the heritage asset. **The Council's** objection now in terms of harm to setting therefore seems to me to be

inconsistent.

67. It is likely that Albourne depended on farming and market gardening for its growth. However, in the absence of a detailed appraisal the only evidence of the features that contribute to its character are those in the aforementioned 2018 document. There is nothing to say that the tree nursery financed buildings in the village and even if it did this use has long ceased. This was certainly not a matter referred to in respect of the development of the land to the north, which was also part of the nursery at one time.
68. For all of the above reasons I do not consider that the appeal site provides part of the setting of the Albourne Conservation Area. It follows that the appeal development would have no effect on the significance of the designated heritage asset.

Overall conclusion

69. Drawing together all of the above points it is concluded that the appeal proposal would cause less than substantial harm to the significance of the Grade II listed buildings, Elm House, Mole Manor, Tipnoaks and Hillbrook House. This would be at the low end of the scale but nevertheless is a matter to which considerable weight and importance should be ascribed. There would be a small degree of harm to Spurk Barn, but this will need to be considered against the relatively low significance of the building. The relevant balancing exercise will be undertaken later in the decision and a conclusion reached as to whether the appeal proposal would conflict with policy DP34 in the MSDP. The Albourne Conservation Area and its setting would remain unaffected by the appeal scheme. The appeal proposal would therefore comply with policy DP35 in the MSDP.

WHETHER THE SITE IS WITHIN AN ACCESSIBLE LOCATION, GIVING NEW OCCUPIERS THE OPPORTUNITY TO TRAVEL BY MODES OTHER THAN THE PRIVATE CAR

70. There is an age restriction of 65 years for primary occupiers of the proposed development, although younger partners would not be excluded. Nevertheless, I was told that the average age of Retirement Villages' occupants is 82 years and that only about 25% are couples. Bearing in mind the nature of the scheme with its care component, it is reasonable to surmise that most people living there would be in the older cohort. That does not mean to say that some residents would not still drive but it is unsurprising that the evidence indicates a lower level of car ownership than general purpose housing and that car sharing is popular on other Retirement Villages' developments.
71. Residents living in the proposed development would occupy a self-contained cottage or apartment. The purpose, unlike a care home, is to maintain independence although the degree will vary depending on the care needs of the individual. Nevertheless, each dwelling is fitted with a kitchen and although there is also a restaurant within the communal building on the site, it is anticipated that many will also wish to cook for themselves. Albourne is a Category 3 village and has no shops or facilities apart from a village hall and primary school. There is a volunteer run community shop in Sayers Green, but other than that, the nearest shops are in Hurstpierpoint, where there is also a health centre, post office and pharmacy.

72. It seems unlikely that residents, even those with good mobility, would walk to Sayers Common or Hurstpierpoint, although a few may undertake the relatively short cycle ride. The nearest bus stops are some 85m from the site travelling north and 250m from the site travelling south. These serve the 100 bus to Burgess Hill, which is a Category 1 settlement with higher order shops, services and facilities. A bus journey would take about 11 minutes, although the bus only runs hourly and not on Sundays. Nevertheless, residents would not be making regular work journeys and it seems to me that the bus may be a viable choice for some trips such as visits to the supermarket or bank, for example.
73. The bus stops for the 273 service are some 560m away, north of the Albourne Road traffic lights. This service runs through Hurstpierpoint, which is a bus journey of about 5 minutes. However, the bus runs only every 120-160 minutes and, again, not on a Sunday. The journey would therefore need to be carefully planned and would be most likely to take the form of an outing rather than a trip for a dedicated purpose.
74. The proposal is that there would be a shift pattern for staff, with about 15 being on site at any time. The information from the **Retirement Villages'** other sites is that staff are in general drawn from the local area, with over half living within 5 miles and 82% living within 10 miles. The analysis indicates that most staff living within 5 miles are likely to come from Burgess Hill. This would be within cycling distance and the 100 service would also be an option for some shifts. However, the bus only runs until the early evening and not at all on a Sunday. There may well be some flexibility in terms of shift patterns, but the bus would not be an option for late evening, early morning or Sunday travel.
75. The Framework indicates that the opportunities to maximise transport solutions will vary between rural and urban areas and this should be taken into account in decision-making. It also says that significant development should be focused on locations which are or *can be made* sustainable. In this case the Appellants have included a number of provisions to improve the accessibility credentials of the proposed development.
76. A dedicated non-profit making minibus would be provided for use by residents and staff. The S106 Agreement includes a covenant for its provision and the evidence indicated that it could be used for shopping trips, GP and health related appointments and day outings. It would also be available for staff travel, subject to the payment of subsidised charges. I was told that this could be used for late evening shifts when the bus has stopped running or for pick-ups from bus stops or the railway station in Hassocks. Whilst some staff, especially those on a late shift or working on a Sunday may prefer the convenience of a car, the existence of this option would extend the available modal choice for staff, provided the subsidised charges are reasonably priced.
77. The proposed development would be subject to a Final Travel Plan before the development is first occupied. This would be based on the *Travel Plan* submitted with the planning application, which includes various targets to increase public transport, cycle and pedestrian trips. Measures include the provision of a length of new footway along the western side of London Road to link the site to the northbound bus stop; cycle parking facilities with changing and washing facilities for staff and discounts on bicycles and cycle equipment; and the minibus. In addition, the traffic calming measures would include an

uncontrolled crossing and pedestrian refuge. Along with the introduction of a 30mph speed limit, this measure would provide those residents wishing to cross London Road, for example on the way back from the bus stop, with a safe means of doing so.

78. The on-site facilities in the communal building are also a relevant factor. This includes a small shop to provide fresh products and basic groceries. I saw the shop at Charters, which had quite a good range of everyday goods including fresh fruit and vegetables, dairy products, tinned items and toiletries. The clubhouse would also have a small library, hair salon, therapy room, bar and restaurant. Clearly providing these facilities on the site would have the potential to reduce the number of external journeys that residents would have to make. I was told that the various facilities are not intended to be profit making and the UU includes a covenant that they would be operated and managed by the Owner or the Management Company. That they could not be leased to a commercial operator gives some comfort that they would continue to operate effectively in the longer term in accommodate daily needs of residents.
79. It seems to me that the appeal proposal has done what it can to enhance accessibility. Residents and staff would have genuine choices available to undertake journeys by modes other than the private car. This is a rural area where it is to be expected that travel options are more limited than in a town and the car would undoubtedly be used for some trips. Every decision turns on its own circumstances but, insofar as there are similarities, I have not reached the same conclusion as the Bolney Inspector for the reasons I have given. I consider that the appeal scheme would be relatively sustainable in terms of location to minimise the need to travel. Overall it would not conflict with policy DP21 in the MSDP.

THE BENEFITS OF THE PROPOSAL

80. For the avoidance of doubt, in ascribing weight to the benefits I have used the following scale: limited, significant and substantial.

The need for extra care housing

81. Paragraph 61 of the Framework requires that the size, type and tenure of housing needs for different groups in the community, including older people, should be assessed and reflected in planning policies. The glossary indicates that these are people over or approaching retirement age. They will include the active elderly at one end of the scale and the very frail elderly at the other. There will be a range of housing needs from adapted and accessible general needs housing to specialised accommodation with support or care.
82. The June 2019 version of the *Planning Practice Guidance* includes its own expanded section on housing for older and disabled people. It makes the point that the need to provide housing for this group is critical in view of the rising numbers in the overall population. Furthermore, it considers that older people should be offered a better choice of accommodation to suit their changing needs in order that they can live independently for longer and feel connected to their communities. Extra care housing is recognised by the Government as providing such benefits.

83. The Council's **consideration** of the housing needs of elderly people can be found in the *Housing and Economic Development Assessment Addendum* (the HEDNA Addendum) published in August 2016. This provided part of the evidence base to the MSDP and uses the 2014-based population and household projections (released in 2016). Amongst other things the HEDNA Addendum considers the need for specialist housing for older people, including extra care housing, using the *Strategic Housing for Older People Analysis Tool* (SHOP@). This is given as an example of an online toolkit for assessment in the *Planning Practice Guidance* but the document neither endorses its use nor precludes the use of other methodologies. It is important to bear in mind that whichever model is used, its output will be determined by the assumptions on which it relies.
84. The SHOP@ toolkit is preset with the number of units required per 1,000 of the population over 75 years old at 25 or 2.5%. This I shall refer to as the **"provision rate"** and it has been derived from *More Choice Greater Voice* (2008), which is a document that seeks to provide a strategy for housing with care for older people. It is important to have in mind that the provision rate is an assumption and is not evidence based. The Council pointed out that a provision rate of 25 is roughly double that for extra care housing nationally. However, that reflects the critical need across the country and is not particularly helpful in the consideration of how need should be met in Mid Sussex.
85. In December 2012 *Housing in later life: planning ahead for specialist housing for older people* sought to update *More Choice Greater Voice*. It recognises that extra care housing was becoming better known as an alternative choice for older people who do not necessarily want or need to move to a residential care home. Furthermore, it recognises a prevalence for home ownership in the elderly population and predicts that demand for extra care housing for sale will be twice that of extra care housing for rent¹. It provides a toolkit for use by local authorities in their planning for and delivery of specialist housing for older people. It seeks to improve housing choice for a growing ageing population and increases the provision rate to 45 or 4.5% per 1,000 of the population over 75 years old. Whilst a worked example is given for Bury Metropolitan Council, it seems apparent from the information provided that this provision rate is one that is more generally applicable. That said, it is important to understand that this is an aspirational figure and is also not evidence based.
86. The assessment in the HEDNA Addendum relies on population data that is now out-of-date. Its conclusions on elderly care needs justify reconsideration using the 2016-based population data. The only such assessment has been provided by the Appellants and, on the basis of a provision rate of 2.5%, this indicates a demand for extra care units of 386 in 2020. On the basis of a 4.5% provision rate the equivalent figure is 694 units.
87. **In the Council's assessment the** tenure split of extra care housing has been set at 73% rent and 27% purchase. In Mid Sussex private leasehold extra care provision is limited to a single development at Corbett Court in Burgess Hill. In terms of extra care units for rent, the database is out-of-date because since 2014, 68 units have been demolished. The Council conceded at the inquiry that the figures in the HEDNA Addendum for extra care provision are thus out-of-

¹ Extra care housing for sale is generally on the basis of a leasehold tenure.

date. The current (2020) supply is lower, the need is higher, and the tenure split, based on existing provision and the corrected supply, would therefore be about 60% rent and 40% purchase.

88. In Mid Sussex the evidence indicates that the vast majority of older people are owner occupiers. Many of these people will be able to continue to live in their own homes through old age with the necessary adaptations and care support. However, not all homes are suitable. In such cases a homeowner may be attracted to an extra care facility where they can continue to own their own home and maintain a degree of independence whilst enjoying support and care within a secure environment. Within Mid Sussex such choice is largely unavailable.
89. The Appellants have used a tenure split of 33% rent and 67% purchase in their modelling. Whilst this is recognised as favouring an owner-occupied solution it nonetheless reflects the local housing market in Mid Sussex. Furthermore, it aligns with national policy insofar as it redresses the balance towards greater flexibility and choice in how older people are able to live. It is to be noted that the SHOP@ toolkit itself recognises that the percentage of leasehold tenures will increase in the future and that areas of affluence will see a higher percentage increase by 2035. In such areas, which includes Mid Sussex, it suggests a tenure split more redolent of the Appellants' modelling.
90. The Council argued that the tenure split is of less importance than the headline figure. However, the evidence indicates that the extra care properties for rent in this District are managed by Housing Associations and therefore an existing homeowner would be unlikely to qualify for occupation. It also appears that the pipeline supply of extra care housing is all social rented tenure. It is therefore reasonable to assume that maintaining a tenure split that favours rental units would be unlikely to allow realistic alternative options to the majority of older people who are currently homeowners. In the circumstances and based on the specific evidence I have been given, I consider that the Appellants' assessment of demand in terms of tenure is more credible and thus to be preferred.
91. The existing supply, taking account of the aforementioned demolitions, is 142 extra care units. If need is defined as the difference between supply and demand, then **even on the Council's favoured provision rate it** currently stands at 244 extra care units. The information indicates that there are planning permissions for some 132 additional extra care units in the pipeline, including 60 on the Burgess Hill strategic site. Whilst there is no national policy imperative to maintain a 5 year supply **of older person's housing** as is the case with housing generally, this nonetheless signals a significant residual unmet need regardless of tenure. **On the basis of the Appellants' higher provision rate** it would be even greater at 552 units. Either way it would rely on the permitted units being built expeditiously. Using the tenure split favouring leasehold provision, the **Council's assessment would be** of a current need for 163 leasehold **units whilst the Appellants' assessment would be for 368** leasehold units. The evidence indicates none in the pipeline supply.
92. Whilst there is no requirement in national policy or guidance to specifically allocate sites for specialist housing for older people, the *Planning Practice Guidance* does indicate that this may be appropriate where there is an unmet need. The response in Mid Sussex is to apply a flexible approach through policy

DP30 and the Council pointed out that the strategic allocations include provision for a range of housing, including for older people. Policy DP30 also indicates that further allocations may be made in the SA DPD if a shortfall is identified. Policy DP25 has a similar provision to meet local needs for community facilities, which include care homes and specialist housing. In the SA DPD there is a single residential allocation in East Grinstead that includes a **"care community"**. **There is though no detail as to** the number or type of units and, in any event, the emerging status of the document means that very little weight can be given to it at the present time.

93. In the circumstances I consider that the evidence indicates a significant level of current unmet need, in particular for extra care leasehold housing, whichever provision rate is adopted. Furthermore, this will significantly increase over the local plan period. This situation has not been helped by the slow progress on the SA DPD and the failure to recognise an unmet need that is clearly evident. **The Council's riposte that it is not being inundated by enquiries or applications** for this type of development does not seem to me to be a very robust or objective yardstick on which to rely. For all of these reasons I consider that the provision of extra care units by the appeal development to be a matter of substantial weight.

Freeing up family sized homes

94. As has already been said, in Mid Sussex a large proportion of those people 65 years of age and above are owner occupiers. Furthermore, the evidence indicates that a considerable number of older householders under occupy their homes. Indeed, the MSDP indicates in the supporting text to policy DP30 that providing suitable and alternative housing for this cohort can free up houses that are under occupied. It also records that a significant proportion of future household growth will generate a need for family sized homes, including those with over 3 bedrooms. This is reflective of the national picture.
95. There is though insufficient evidence to determine the proportion of new occupiers that would necessarily derive from the local area. Whilst Retirement Villages' analysis indicates that a third of moves to its developments have been from a 5 miles radius it also indicates that about 40% come from further than 20 miles. There is therefore likely to be some benefit to the local housing market as well as a contribution made in terms of the national housing crisis. Overall, I give this benefit significant weight.

On site facilities for use by the public

96. The appeal development would include some facilities that would be available for use by those living outside the development. Albourne has no village shop and whilst the proposed unit would be relatively small with a limited range of goods it would stock day-to-day staples as I have already indicated. Residents in the village could walk or cycle to the shop and it would, in my opinion, provide a useful facility for those living nearby. I give this benefit significant weight.
97. The lockers would allow those living nearby a point from which to collect online deliveries. This would provide a convenient option if the person who ordered the goods was not going to be at home. However, many delivery companies offer specific time slots or the opportunity to nominate a safe place at home

where the package could be left. These options would clearly be more convenient and, although the availability of the lockers could be useful in some circumstances, I give the benefit limited weight.

98. The two workshops would be available for local artisans as well as residents. However, I am not convinced that there is evidence of a demand for such facilities. In the circumstances, I give this benefit limited weight.
99. Three rapid electric charging points would be available for use by the general public as well as by residents. I am not aware of any similar facilities for public use in the vicinity. This would therefore provide an opportunity to those who wish to take advantage of a fast charge, perhaps combining it with a visit to the shop. I therefore give this benefit significant weight.

Highway safety and traffic calming

100. There was local concern that the appeal proposal would be harmful to highway safety. I am satisfied from my observations that lines of sight and the geometry of the new access would be satisfactory to allow for safe entry and exit. West Sussex County Council has a statutory responsibility to ensure the safety of the local highway network. It has not raised objections to the scheme on these grounds and this is a matter of considerable importance. The forecast trip generation would be relatively small and there is no evidence that London Road would have insufficient capacity to accommodate the additional vehicles safely. The proposed parking provision would exceed the **Council's minimum standards**. There is therefore no reason why there should be any overspill parking onto London Road.
101. The application drawing no: 1701-56 SK08 Rev B shows a number of measures to improve road safety within the vicinity of the appeal site. These include gateway features with kerb build outs and pinch points and a new 30 mph speed restriction between a point south of the limit of the built development on the eastern side of London Road and a point between the junction with Church Lane and the junction with Albourne Road. In the vicinity of the site entrance the road width would be narrowed and to the south of this would be an uncontrolled crossing with a refuge island and dropped kerbs.
102. These measures would be controlled by a planning condition. For the reasons I have given I consider them necessary to encourage reduced traffic speeds and allow residents to cross safely from the bus stop on the eastern side of London Road. However, it also seems to me that there would be some wider benefit due to decreased traffic speeds in the vicinity of the Church Lane junction, which is one of the main entrances into the village. I note that the ANP includes an aim to develop a scheme to improve the safety of road users utilising the local stretches of London Road and Albourne Road. It seems to me that this proposal would play some part towards achieving this objective. This benefit is attributed significant weight.

Economic and social benefits

103. There would be employment benefits in terms of the provision of jobs during the construction phase and also longer term in connection with the operation of the site. There would also be some further spending within local shops and facilities by the new population.

104. There is evidence to indicate that elderly people who live in an extra care environment, with all that it offers, benefit in terms of health and wellbeing. The secure community environment and sense of independence can reduce social isolation and encourage greater fitness and healthy lifestyles. It is reasonable to surmise that these factors are likely to result in a lower number of visits to the GP, reduced hospital admissions and overall savings to the National Health Service. The social and economic benefits are matters to which I give significant weight.

OTHER MATTERS

Ashdown Forest

105. The appeal site is outside the 7km zone of influence of Ashdown Forest Special Protection Area and therefore the issue of potential recreational disturbance would not be of concern. It is though necessary to consider whether there would be any effect on the Ashdown Forest Special Area of Conservation as a result of increased nitrogen deposition from vehicle emissions. **The Council's Screening Report indicated that** the in-combination transport model that supported the District Plan showed no overall traffic impact in terms of its strategy for housing and employment growth. The County Council considered that there would be about 4.6 additional daily trips that would travel to or through the Forest. I am satisfied with the conclusion of the Council that this would not result in a significant in-combination effect.

Ecology

106. There have been a number of local representations relating to the ecological interest of the site. The Appellants' *Ecological Assessment* records the site as having relatively low value with much of its central area comprising managed semi-improved grassland. The most important areas for wildlife comprise the boundary trees and hedgerows, which are to be retained and protected during the construction period. The assessment includes a programme of mitigation prior to site clearance to take account of reptiles and in the unlikely event that Great Crested Newts are found to be present. These are protected species and it is an offence to undertake development that would cause them harm. Similarly, there is a requirement to protect birds during the nesting season.
107. There is no evidence that bats are using the bungalow as a roost. If that were found to be the case during demolition, work would have to cease to allow the proper licence protocols to be followed. Bats will use the site for commuting and foraging, especially along the retained hedgerow lines. A condition is therefore required to control the level and type of lighting to ensure habitats are not disturbed. Overall, I am satisfied that the development would not give rise to unacceptable harm to ecological interests.
108. There are also proposed enhancements to biodiversity including introducing species rich grassland, new hedgerows, a wild flower meadow and a new pond. Swift bricks and bat boxes would also be provided.

Local healthcare services

109. There was local concern that the local healthcare facilities would be inadequate to serve the new residents. It is appreciated that existing residents often have to wait a considerable time to get a **doctor's** appointment

but that unfortunately is a much wider issue and applies to many places. Inevitably new residents will need medical care from time to time. However, there have been no representations from the local NHS Foundation Trust or local doctors objecting to the scheme or indicating an issue with capacity.

Residential amenity

110. Objections have been raised that the proposed development would result in overlooking and loss of privacy, particularly to properties on the eastern side of London Road. However, the Parameters Plan indicates a 10m inset of new development from the boundary treeline. Furthermore, the outline form of the proposal means that matters such as window positions would be determined at a later stage. In the circumstances, I am satisfied that there would be no unacceptable harm to the living conditions of existing residential occupiers.

Other appeal decisions

111. My attention was drawn to a number of appeal decisions, including some relating to other **Retirement Villages'** developments. A number were cited in relation to the Use Class matter, which is no longer an issue in this appeal. Most concerned other local authority areas and turned on their own evidence.
112. The appeals relating to Bolney were the subject of a recent decision in Mid Sussex District. One appeal was for a care home and the other for a care home and 40 age-restricted dwellings. The latter were classed as a C3 use. The conclusions of my colleague on need seem to relate to the care home (Class C2) element of the scheme rather than the extra care dwellings. In any event, I do not know what evidence was presented in respect of that scheme or whether tenure was a particular issue. I have commented on my **colleague's** conclusion on accessibility above. Overall, I do not consider that this decision is of particular assistance or relevance to the present appeal.

PLANNING OBLIGATIONS

113. The S106 Agreement and UU were considered in detail at the inquiry. They were each engrossed on 20 August 2020. I have considered the various obligations with regards to the statutory requirements in Regulation 122 of the Community Infrastructure Levy (CIL) Regulations and the policy tests in paragraph 56 of the Framework. It should be noted that the Deeds contain a **"blue pencil" clause in the event I do not consider a particular obligation to be** justified in these terms. In reaching my conclusions I have had regard to the supplementary planning document: *Development Infrastructure and Contributions Supplementary Planning Document* (2018) (the SPD) and development plan policies, including policy DP20 in the MSDP, which relates to securing infrastructure.

The S106 Agreement

114. This is made between the Council, West Sussex County Council, the Owner (Notcutts Ltd) and the Developer (Retirement Villages Developments Ltd). The library contribution is based on a formula set out in the SPD and a worked example is provided in the First Schedule. This cannot be definitive at this stage as the final housing mix is not yet determined. In addition, the cost multiplier will change annually. Although the clubhouse would include a library, no details have been provided. The one I saw at Charters was very

limited in terms of its size and breadth of reading material. I consider that residents of the development would be likely to use the public library in Hurstpierpoint. The County Council indicates that its facilities would require expanding to cope with the additional population. In the circumstances I consider that the library contribution would be justified.

115. The TRO Contribution would be used to promote and advertise a Traffic Regulation Order to reduce the speed limit from 40 mph to 30 mph in the vicinity of the site. This would be part of the traffic calming measures, which have been referred to above. I was told that £7,500 reflected the fixed cost to West Sussex County Council of consultation and review and it therefore seems reasonable and proportionate.
116. The dedicated minibus would be provided prior to the occupation of any dwelling and the covenant includes its use for residents and staff in accordance with the Travel Plan. This is necessary to enhance the accessibility of the development as I have explained above.
117. For all these reasons I am satisfied that all of the obligations are necessary, directly related to the development and fairly related in scale and kind. They comply with Regulation 122 of the CIL Regulations and paragraph 56 of the Framework. They can be taken into account in any grant of planning permission.

The UU

118. A primary resident is a person who is 65 years or older and is in need of at least 2 hours of personal care a week. The basic care package, which it is obligatory to take, is defined to include a range of services that are needed by reason of old age or disablement following a health assessment. The health assessment is to be undertaken by the partner domiciliary care agency who must be registered by the Care Quality Commission. There is also provision for a periodic review of the health assessment to establish whether a greater level of care has become necessary. The domiciliary care agency would also provide a 24-hour monitored emergency call system.
119. The Communal Facilities would be provided in the clubhouse on the northern part of the site. They would include a number of facilities such as a restaurant, bar, lounge, library, therapy and exercise room, hair salon, function room, shop and collection facility. The covenants also require construction of the clubhouse prior to the occupation of any dwelling and all residents and their guests would have access to it. The shop and collection facility would also be accessible to non-residents. Restrictions on the operation of the communal facilities may be imposed by the Management Company, including in respect of the hours of opening of the shop.
120. The scheme would include 2 workshops within the clubhouse with details to be approved at reserved matters stage. These would be made available for use before more than 50% of the dwellings are occupied. They would be made available for use by residents and local businesses and subject to restrictions by the Management Company, including hours of operation and the nature of the use.
121. The Management Company would be established prior to the occupation of

any dwelling as a non-profit making legal entity. It or the Owner would manage the sustainable drainage system (SuDS). It or the Owner would also operate the workshops, shop and collection facility. Any profit received by the Management Company from operating the Communal Facilities and workshops would be used to offset against the annual service charge payable by each homeowner. There is also a restriction on the disposal of the communal facilities or workshops.

122. The Covenants by the Owner to the Council are contained within the First Schedule to the Deed. They are required to ensure that the development would operate effectively as an extra care facility within Use Class C2, which formed the basis of the planning application and on which it has been assessed. They would ensure that the communal facilities are operated and managed for the long-term benefit of the residents living on the site and that the drainage system remains effective and fit for purpose during the lifetime of the development. I consider that all of the obligations are necessary, directly related to the development and fairly related in scale and kind. They comply with Regulation 122 of the CIL Regulations and paragraph 56 of the Framework. They can be taken into account in any grant of planning permission.

PLANNING CONDITIONS

123. A list of planning conditions was drawn up by the main parties and these were discussed at the inquiry. My consideration has taken account of paragraph 55 of the Framework and advice in the Planning Practice Guidance. In particular I **have had regard to the Government's intention that planning conditions** should be kept to a minimum and that pre-commencement conditions should be avoided unless there is clear justification. The Appellants have confirmed acceptance in writing of those pre-commencement conditions that have been imposed. I have changed the suggested wording in some cases to ensure that the conditions are precise, focused, comprehensible and enforceable.
124. The Appellants have agreed to a shorter implementation period in this case to reflect the case that it has put forward about the scale of the current unmet need. I was told that Retirement Villages will be developing the site itself and thereafter managing the development as part of its extra care portfolio. Much store was set on the high quality of the development and the way the proposed layout had been designed to respect the existing landscape and views. In order to ensure that this is carried forward into the scheme that eventually materialises it is necessary to require compliance with the Parameter Plan and Sketch Layout. For similar reasons and to ensure that the development fulfils its intended purpose, a condition limiting the number of dwellings to 84 is required.
125. A relatively recent *Ecological Impact Assessment* has already been submitted and so I consider it unnecessary to require further details to be submitted. A condition is though necessary to ensure that the mitigation and enhancement measures are implemented in order to protect ecological interests and improve biodiversity. The suggested condition on ecological management requires details that have already been submitted in the above assessment. I have therefore reworded the suggested condition accordingly. Although landscaping is a reserved matter, it is appropriate at this stage to ensure that

protective measures for retained trees and hedgerows are provided during construction in order to protect wildlife and visual amenity. I have reworded this to take account of arboricultural information that has already been submitted. For similar reasons a condition requiring the arrangements for the management and maintenance of the landscaped areas is required.

126. The landscaped grounds would be communal areas and individual dwellings would not have amenity space other than a small patio area for sitting out. The erection of individual private enclosures would not fit in with this ethos or the open character of the site. In the circumstances a condition is necessary to remove permitted development rights for the erection of such features and to retain the gardens as places for all residents to enjoy.
127. The construction period would inevitably cause some disturbance and inconvenience to those living and working in the area as well as to road users. A Demolition and Construction Management Plan is therefore required to help minimise adverse impacts. Separate conditions have been suggested to prevent the burning of waste material and restrict working hours. This is unnecessary as both of these matters would be covered by the provisions of the Plan.
128. A desk-based assessment submitted with the planning application concluded that the archaeological potential of the site was low. It recommends further investigation in the form of trial trenching. The County Archaeological Officer commented that there was nothing to indicate that remains were of a standard that would require preservation in situ. A condition is therefore appropriate to require a written scheme of investigation. There are significant gradient changes across the site. In order to ensure that the development would be visually acceptable, details of ground and floor levels are required.
129. The site has been previously used as a tree nursery with various buildings and glasshouses. The evidence suggests that contamination risks would be generally low. A precautionary but proportionate response is justified with a sequence of conditions that would require actions depending on whether contamination is found to be present.
130. Separate conditions are necessary for foul and surface water drainage. The *Flood Risk and Drainage Strategy* submitted with the application indicated that the site has a low flood risk and that surface water would be satisfactorily disposed by means of a sustainable drainage system (SuDS). In order to ensure this operates effectively in the longer terms it is necessary to require details of the management and maintenance of the system. The UU includes a covenant that the Owner or Management Company would be responsible for the SuDS, but it is not unreasonable to require that information be submitted of any adoption arrangements going forward. With these safeguards in place there is no evidence that there would be a flooding risk either on the site or elsewhere as a result of the appeal proposal.
131. A *Travel Plan* was submitted at application stage and its objectives include reducing the need for staff, residents and visitors to travel by car. It also contains targets to increase pedestrian, bus and cycle trips with milestones over a 5 year period. Various measures are included to encourage sustainable travel choices as already discussed above. A Final Travel Plan will be required

to be submitted based on the already submitted document before the site is first occupied.

132. In order to encourage sustainable solutions and comply with the **Government's objective** of moving towards zero emission road transport, the provision of electric charging points is necessary. These would include the three rapid active charging points in the communal parking area. Parking for residents is not assigned and it is understood that the use of the private parking spaces would be subject to a separate agreement. In such circumstances these spaces would be provided with passive provision, which can be activated by a socket as and when required.
133. Means of access is not a reserved matter and the details of this along with the new footway and traffic calming measures are shown on drawing no: 1701-56 SK08 Rev B. In order to ensure the safety of road users and pedestrians it is necessary to require the details to be implemented prior to the occupation of the development. I have reworded the condition to be comprehensive and concise. It is also important that before a dwelling is first occupied it is served by a pedestrian and vehicular access in order to ensure a safe and secure residential environment.
134. External lighting, especially along roadways and within public areas, can be intrusive and detrimental to ecological interests as well as the visual amenity of neighbouring residents. I have amended the wording to make the condition more concise bearing in mind that the approval of the relevant details is within the control of the Council. In order to meet the requirements of the Water Framework Directive and policy DP42 in the MSDP a condition is necessary to restrict water usage to that set out in the optional requirement in Part G of the Building Regulations.
135. Conditions relating to materials and landscaping are unnecessary as these will be considered at reserved matters stage.

PLANNING BALANCE AND OVERALL CONCLUSIONS

136. I consider that the development plan is up-to-date and that the basket of most important policies for determining this application are not out-of-date. The development would conflict with policies DP6, DP12, DP15 and DP34 in the MSDP and ALC1 and ALH1 in the ANP and in my judgement it would be contrary to the development plan when taken as a whole. The **"tilted balance"** and the presumption in favour of sustainable development in paragraph 11 of the Framework would therefore not apply.
137. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations determine otherwise. The MSDP was adopted relatively recently and the Framework makes clear that the planning system should be genuinely plan-led. Nevertheless, in this case there are a number of material considerations to be taken into account. The provision of extra care leasehold housing to meet a considerable level of unmet need is of particular importance, but there would also be various other benefits. I have explained why I consider them of pertinence and the reason for the varying degree of weight that I have attributed to them. Overall, I consider that the package of

benefits delivered by this appeal development is a matter of very substantial weight in the planning balance.

138. There would be harm to the landscape and the character and appearance of the area, including the village of Albourne. For the reasons I have given this would be relatively limited and localised.
139. There would be harm to the significance of designated and undesignated heritage assets by virtue of development proposed within their setting. In terms of the listed buildings the less than substantial harm identified in each case would be relatively low on the scale but nevertheless these are irreplaceable assets and the harm should be given considerable importance and weight. Nevertheless, in my judgement the harm would be outweighed by the very substantial public benefits I have identified. Spurk Barn is an undesignated heritage asset and the scale of harm relative to its significance would be low. The balance in that case is also that the benefits would outweigh the harm.
140. Drawing all of these matters together my overall conclusion is that this particular development would result in benefits of such importance that they would outweigh the harm that I have identified and the conflict with the development plan. In such circumstances, material considerations indicate that planning permission should be granted otherwise than in accordance with the development plan.
141. I have taken account of all other matters raised in the representations and in the oral evidence to the inquiry but have found nothing to alter my conclusion that, on the particular circumstances of this case, the appeal should succeed.

Christina Downes

INSPECTOR

ANNEX A: APPEARANCES

FOR THE APPELLANTS:

Mr Christopher Young	Of Queen's Counsel
Ms Leanne Buckley-Thomson	Of Counsel, both instructed by Ms L Wilford, Barton Willmore
<i>They called:</i>	
Mr G Flintoft BA(Hons) DipTP DipUD MRTPI	Planning Director of Retirement Villages Ltd
Mrs L Wilford BA(Hons) DipTP MRTPI	Planning Associate of Barton Willmore
Mr J Donagh BA(Hons) MCD MIED	Development Economics Director of Barton Willmore
Mr P Clark BA MALscArch CMLI	Landscape Associate of Barton Willmore
Mr J Darrell BSc(Hons) CMILT MCIHT	Associate Director of Transport Planning Associates
Richard Garside MRICS	Director and Head of Newsteer
Mr J Smith BA(Hons) MA PGCE DGDip MCIfA IHBC	Deputy Operational Director of Heritage at RPS
Mr T Kernon BSc(Hons) MRAC MRICS FBIAC	Director of Kernon Countryside Consultants Ltd
*Ms J Burgess LLB Law(Hons)	Solicitor with Aardvark Planning Law

*Participated in the Planning Obligations session

FOR THE LOCAL PLANNING AUTHORITY:

Mr Jack Parker	Of Counsel, instructed by Mr T Clark, Solicitor and Head of Regulatory Services, Mid Sussex District Council
<i>He called:</i>	
Mr D McCallum BA(Hons) MPhil MRTPI	Project Director of DPDS Ltd
Mr W Harley BSc(Hons) CMLI	Director of WH Landscape Consultancy Ltd
Mr C Tunnell BSc(Hons) MPhil FRTPI FAcSS FRSA	Director of Arup and Leader of the London Planning Group
Ms E Wade MA MSc	Conservation Officer at Mid Sussex District Council

FOR THE RULE 6 PARTY:

Ms N Ernest	Councillor of Albourne Parish Council
Mr G Stafford	Chair of Albourne Parish Council
Mr J Butler	Vice Chair of Albourne Parish Council
Mr J Drew	Councillor of Albourne Parish Council

INTERESTED PERSON:

Mr P Holding

Local resident of Church Lane, Albourne

ANNEX B: DOCUMENTS AND PLANS

DOCUMENTS

- 1 Planning for Retirement, ARCO and CNN (June 2020), submitted by Mr Young
- 2 The health and social care cost-benefits of housing for older people, the Mears Group (June 2019), submitted by Mr Young
- 3 Inquiry Note submitted by the Appellants explaining the reason for submitting Documents 1 and 2
- 4 Specialist housing need, alternative assessments, prepared by Mr Donagh
- 5 Tables of supply of specialist housing for older people, prepared by Mr Donagh
- 6 Understanding local demand from older people for housing, care and support, submitted by Mr Young
- 7/1 Committee Report relating to development including an extra care facility at Sayers Common, submitted by Mr Parker
- 7/2 Location plan of the Sayers Common development site submitted by Mr Young
- 7/3 Policy C1 of the Mid Sussex Local Plan (2004), submitted by Mr Parker
- 8/1 **Secretary of State's decision** on development at Wheatley Campus, Oxford Brookes University (APP/Q3115/W/19/3230827) dated 23 April 2020, submitted by Mr Young
- 8/2 **Inspector's Report on the above appeal**, submitted by Mr Young
- 9 Correspondence with Housing LIN concerning the use of the SHOP@ tool, submitted by Mr Young
- 10 Planning Obligation by Agreement between Mid Sussex District Council, West Sussex County Council and Eldon Housing Association Ltd relating to redevelopment for an extra care housing scheme at Lingfield Lodge, East Grinstead
- 11 Decision by the High Court relating to a planning appeal for extra care housing at The Elms, Upper High Street, Thame (31 July 2020), submitted by Mr Young
- 12/1 **Representations on behalf of the Appellants to the Council's** Strategic Housing and Economic Land Availability Assessment, submitted by Mr Young
- 12/2 Correspondence between the Parish Council and the Appellants regarding when the above was submitted
- 13/1 Schedule of draft conditions
- 13/2 Agreement by the Appellants to the pre-commencement conditions
- 13/3 Appellants' suggested additional conditions regarding electric charging and water usage
- 13/4 Appellants' suggested additional condition regarding the communal gardens
- 14/1 Site visit itinerary and map

- 14/2 Suggested viewpoint and map from Wolstonbury Hill, submitted by the Parish Council
- 15 Amendments to Document 4 and the proof of evidence of Mr Donagh, submitted by Mr Young
- 16 Agreed position on the Mid Sussex extra care housing supply, submitted by Mr Young
- 17/1 Costs application by Mr Young on behalf of the Appellants
- 17/2 Costs response by Mr Parker on behalf of the Council
- 18 Correspondence by the Council and Appellants regarding the Use Class of the proposed development
- 19 Planning Obligation by Agreement
- 20 Planning Obligation by Unilateral Undertaking

PLANS

- A Application plans
- B Sketch Layout Plan

ANNEX C: SCHEDULE OF PLANNING CONDITIONS

1. Details of the appearance, layout, scale and landscaping of the site (**hereinafter called the "reserved matters"**) shall be submitted to and approved in writing by the local planning authority before any development takes place and development shall be carried out as approved.
2. Application of the approval of reserved matters shall be made to the local planning authority before the expiration of 2 years from the date of this permission.
3. The development hereby permitted shall take place not later than one year from the date of approval of the last of the reserved matters.
4. Any reserved matter applications made pursuant to the development hereby permitted shall demonstrate compliance with the Parameter Plan (drawing no: and RETI150215 PP-01 rev G) and Sketch Layout (drawing no: RETI150215 SKL-04 rev J).
5. No more than 84 extra care dwelling units shall be built on the site.
6. No development shall take place, including any works of demolition, until a Demolition and Construction Management Plan (DCMP) has been submitted to and approved in writing by the local planning authority. The DCMP shall provide plans and details of the following:
 - a. Location of site offices
 - b. Demolition and construction traffic routing
 - c. Location of plant and materials storage
 - d. The area within the site reserved for the loading, unloading and turning of HGVs delivering plant and materials
 - e. The area reserved within the site for parking for site staff and operatives
 - f. Wheel washing facilities

- g. A scheme to minimise dust emissions from the site
- h. Measures to control noise affecting nearby residents. This should be in accordance with *BS5228: 2014 Code of practice for noise and vibration control on construction and open sites*, with particular regard to the noisiest activities such as piling, earthmoving, concreting, vibrational rollers and concrete breaking
- i. A scheme for recycling and disposal of waste resulting from the demolition and construction works
- j. Delivery, demolition and construction working hours
- k. Erection and maintenance of security hoarding, including decorative displays and facilities for public viewing where appropriate
- l. Site contact details

The approved DCMP shall be adhered to throughout the demolition and construction period for the development.

- 7. No development shall take place until an archaeological written scheme of investigation and programme of works has been submitted to and approved in writing by the local planning authority. The investigation and works shall be carried out as approved
- 8. The development shall be carried out in accordance with the mitigation and enhancement measures in the *Ecological Impact Assessment* by Lloyd Bore dated 7 March 2019.
- 9. No residential occupation shall take place until an Ecological Management Plan has been submitted to and approved in writing by the local planning authority. This shall include the arrangements for the maintenance and management of the biodiversity measures carried out in accordance with Condition 8. The development shall be carried out in accordance with approved Ecological Management Plan.
- 10. No development shall take place, including works of demolition, until an Arboricultural Method Statement has been submitted to and approved in writing by the local planning authority. This shall detail protective measures for trees and hedgerows to be retained in accordance with the principles outlined in the *Arboricultural Impact Assessment* and *Arboricultural Report*, both by Lloyd Bore Ltd (26 February 2019 Rev P05 and 22 November 2018 Rev P02, respectively).
- 11. Before the development is first occupied a Landscape Management Plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved in writing by the local planning authority. The Landscape Management Plan shall be carried out as approved.
- 12. The landscaped grounds of the development hereby permitted shall be provided and managed as communal shared spaces. Notwithstanding the *Town and Country Planning (General Permitted Development) Order 1995* (as amended) or any subsequent Order revoking or re-enacting that order, no fences, gates, walls or other means of enclosure shall be erected for the purpose of creating an enclosed garden or private space for the benefit of any extra care dwelling unit.

13. No development shall take place, other than works of demolition, until details of existing and proposed site levels and proposed ground floor slab levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
14. No development shall take place, including works of demolition, until an assessment of any risks posed by contamination has been submitted to and approved in writing by the local planning authority. If any contamination is found, a report specifying the measures to be taken to remediate the site and render it suitable for the development shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures and a verification report shall be submitted to and approved in writing by the local planning authority. The assessment and any necessary remediation measures and verification shall be undertaken in accordance with a timescale that has been first submitted to and approved in writing by the local planning authority.
15. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended on the site and additional measures for remediation shall be submitted to and approved in writing by the local planning authority. The remediation shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within 14 days of the report being completed. It shall thereafter be approved in writing by the local planning authority and carried out as approved before any further work on the site recommences.
16. Before the development is first occupied details of the foul drainage system for the site shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
17. Before the development is first occupied details of the sustainable drainage system (SuDS) for the site, which shall be in general accordance with the *Flood Risk and Drainage Strategy* by Quad Consult dated May 2017, shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
18. Before the development is first occupied details of the implementation of the SuDS approved under condition 17 shall be submitted to and approved in writing by the local planning authority. These details shall include:
 - a. A timetable for implementation;
 - b. A management and maintenance plan for the lifetime of the development;
 - c. Arrangements for adoption by any public body or statutory undertaker or any other arrangements to secure the effective operation of the sustainable drainage system throughout its lifetime.

The sustainable drainage system shall be implemented and thereafter managed and maintained in accordance with the approved details.

19. Before the development is first occupied a Final Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Final Travel Plan shall be in accordance with the *Travel Plan* by TPA Consulting, dated March 2019. The development shall be carried out in accordance with the approved Final Travel Plan.
20. Before the development is first occupied, three rapid active electric charging points shall be provided in the communal parking area serving the shop for use by the general public and residents of the development. The electric charging points shall be retained for their intended purpose for the lifetime of the development.
21. No more than 75% of the extra care dwelling units shall be occupied until no less than 84 parking spaces have been equipped for passive vehicle charging, to allow for the integration of future charging points. Once the charging points have been provided, they shall be retained for their intended purpose for the lifetime of the development.
22. Before the development is first occupied:
 - a. The site vehicular access shall be constructed and open to traffic
 - b. The new section of footway along London Road shall be constructed and available for pedestrian use
 - c. The off-site traffic calming scheme shall be completedIn accordance with the general arrangement shown on drawing no: 1701-56 SK08 rev B.
23. Before a dwelling is first occupied the internal access roads and footways serving that dwelling shall have been laid out and constructed in accordance with details that have first been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
24. No above ground development shall take place until details of external lighting, including light intensity, spread and shielding, has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
25. The extra care units shall include water efficiency measures in order to meet the optional requirement of Building Regulations part G to limit the water usage of each extra care dwelling unit to 110 litres of water per person per day.

End of conditions 1-25.

Appendix 2

Stage 1 Site Pro-Forma – All Sites

SHELAA Ref	810	Parish	Worth
Site Location	Woodpeckers, Snow Hill, Crawley Down		
Site uses	Dwellings		
Gross Site Area (ha)	2.4		
Potential Yield	72		
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/or Area of Townscape Character	
	Scheduled Monument	x	
	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		

Appendix 3

Woodpeckers, Copthorne

Vision Document

May 2019



prp-co.uk

- Architecture
- Urban Design
- Masterplanning
- Landscape
- Development Consultancy
- Planning
- Interiors
- Research

PRP Job Reference
AA5059

Issuing Date / Office
May 2019 / Surrey

Revision Number / Date
N/A

Project Lead
Anne-Marie Nicholson, Mark Walker

Original File Location
L:\AA5059 Woodpeckers Copthorne\PRP Live Data\Presentation\Submissions\Vision Document

This document is for illustrative purposes only and should not be used for any construction or estimation purposes. Do not scale drawings. No liability or responsibility is accepted arising from reliance upon information contained in this document.



Client
Somerston Development Projects Ltd
45 Esplanade
St Helier
Jersey
JE2 3QB



Planning Consultant
Stuart Crickett
Director – Head of Guildford Planning
Tel: 01483 931510
Stuart.crickett@struttandparker.com

Strutt & Parker
London Head Office
13 Hill Street
London
W1J 5LQ



Architects
PRP
Ferry Works
Summer Road
Thames Ditton
Surrey
KT7 0QJ

Transport Planning And Highway Consultants
Peter Evans Partnership Ltd
21 Richmond Hill
Clifton
Bristol BS8 1BA

Landscape Architect
PRP
Ferry Works
Summer Road
Thames Ditton
Surrey
KT7 0QJ

Site Address
Woodpeckers
Copthorne
West Sussex

Contents

1. Executive Summary	4
2. Introduction	5
3. The Site	6
4. Planning Policy Background	7
5. Care Accommodation Needs	9
6. Understanding the Site and Context	10
7. Design Principles	13
8. Proposals	14
9. Sustainable Development	20
10. Conclusion	21



1. Executive Summary

- 1.1.

This Vision Document presents Somerston Development Projects (Somerston) vision to create a high quality new specialist extra care community on land known as Woodpeckers, Snow Hill, near Copthorne. The site is a parcel of land, parts of which have previously been developed, and part which has an extant consent for a 59 bedroom hotel, which lies within a small settlement to the east of the main built-up area of Copthorne.
- 1.2.

Somerston have identified the site’s potential to be redeveloped to provide a new retirement community of approximately 118 apartments and 4 cottages providing Use Class C2 Extra Care accommodation. In addition, a Village Hub with communal facilities for the developments new residents and potentially the existing wider community’s use is being promoted. The new homes will be set within an attractive and well landscaped setting.
- 1.3.

Extra Care accommodation is a form of specialist retirement accommodation where residents benefit from a range of care and support facilities while retaining independence by remaining in a home of their own.
- 1.4.

Somerston have commissioned Caterwood, a Health and Social Care market expert, to undertake an independent Care Needs Assessment to gain an up to date appreciation of the scale of need for extra care accommodation within the District – and specific to the local and market areas of the site. This assessment, which post-dates the Council’s current existing adopted Local Plan database, shows there are shortfalls of 640 and 166 private extra care units within the market (10-mile radius) and localised (3-mile radius) catchment areas (respectively) – and 334 within the Mid-Sussex District Council local authority area. Moreover, based on current and planned provision and without further planned provision within the District these shortfalls are expected to almost double by 2028, within the plan period which runs to 2031.
- 1.5.

Policy DP30 of the Mid Sussex District Plan sets out that if there is an identified shortfall in care accommodation within the District, the Council will give consideration to allocating sites in the forthcoming Site Allocations DPD.
- 1.6.

It is in the context of this compelling quantitative and qualitative need, aligned to the commitment given within the adopted Local Plan, that Somerston have recognised and are promoting the site and its potential.
- 1.7.

The site is suitable, available, and its development is achievable. It would make a significant contribution to addressing the identified shortfall and is capable of delivering a high quality new development. Accordingly, we are seeking the Council’s support for its allocation within the emerging Site Allocations Development Plan Document.

2. Introduction

- 2.1. This Vision Document has been prepared to support Somerston's submission of the Land at Woodpeckers, Snow Hill, Copthorne for allocation in the Mid Sussex Site Allocations DPD to provide a new care village comprising approximately 118 apartments and 4 cottages of C2 Extra Care accommodation, together with a Village Hub providing a range of services and facilities.
- 2.2. The site has previously been considered in the Mid Sussex Strategic Housing and Economic Land Availability Assessment April 2018 (Stage 1) where it was considered potentially suitable for housing.
- 2.3. The site has also previously been the subject of formal pre-application enquiries submitted to the Council, with the most recent written response provided by Officers in March 2018.
- 2.4. The purpose of this Vision Document is to set out Somerston's vision to create a high quality new specialist retirement community and to inform ongoing discussions and assessment of the site by Officers at Mid Sussex Council. Somerston are also committed to engaging with the local Ward and Parish Councillors and the local community. It should be noted that the proposals set out here represent 'work in progress' and will continue to be refined and informed by the outcome of further technical work. It is also Somerston's intention to engage with and work with the Council and the local community to refine the development proposals from here on.

- 2.5. Whilst the document can be read in isolation, and provides an overview of the site and its potential, it is supported by a number of initial technical assessments and reports. These include:
- Masterplanning and concept proposals by PRP
 - A Headline Planning Needs Assessment by Carterwood
 - A Highways and Sustainable Access note by Peter Evans Partnership
- 2.6. These reports are summarised within this document and appended to this document.
- 2.7. Somerston is a privately-owned specialist real estate developer and investor. Whilst working in a number of sectors, more recently they have concentrated on a range of elderly persons healthcare facilities and accommodation across the UK. To date they have brought forward a number of healthcare schemes to include care homes (C2 use class), extra care accommodation (C2 use class), retirement living (C3 age restricted) and GP surgeries (D1 use class).



3. The Site

- 3.1. The site (comprising Woodpeckers, Courtland Cottage, agricultural land and outbuildings (several in use/benefiting from Class B1 commercial uses) is a parcel of land measuring approximately 2.4ha which is within a small settlement east of the built-up area of Copthorne, and to the north of Crawley Down.
- 3.2. Copthorne is a reasonably large village with a population of approximately 5,000 people located a short way to the east of Crawley. The majority of the village's existing developed area dates from the mid to late 20th Century. A number of services and facilities are located in the village centre around Copthorne Bank, including a village hall, primary school, pharmacy, convenience stores and a pub. Crawley Down is a similarly sized settlement which also contains a range of services including a restaurant.
- 3.3. The village of Crawley Down is approximately 1.2 miles to the south, while Crawley is 5 miles to the west and East Grinstead 4 miles to the east. Much of the site has previously been developed and has historically contained two dwellings, Woodpeckers and Courtland Cottage, along with a number of substantial outbuildings, some of which are in B1 business uses.
- 3.4. Hedging and mature trees currently provide screening along the northern, eastern, and western site boundaries. There are large employment sites associated with vehicle servicing to the immediate east and north east and the Dukes Head Public House to the west. There are a number of residential properties to the north and west. To the south lie agricultural fields and woodland.
- 3.5. The site is currently accessed off the A264 Snow Hill, which is the primary road between Crawley and East Grinstead.



4. Planning Policy Background

National Planning Policy

- 4.1. National planning policy consists of the National Planning Policy Framework (NPPF) 2019 and associated Planning Practice Guidance. At the heart of national policy lies the presumption in favour of sustainable development and its economic, social, and environmental objectives. As set out at Paragraph 11 of the NPPF this means plans should provide for the objectively assessed needs for housing and other uses as a minimum, unless there are clear and robust reasons why this is not possible.
- 4.2. The NPPF states at paragraph 61 that policies should plan for housing for different groups in the community including older people. Paragraph 59 sets out that the needs of groups with specific housing requirements should be addressed through ensuring a sufficient amount and variety of land can come forward.

Local Planning Policy

- 4.3. The adopted Local Plan for Mid Sussex comprises:
- District Plan 2018
 - Small Scale Housing Allocations DPD 2008
 - Saved Policies of the Local Plan 2004 (only applies to South Downs National Park)
 - Made Neighbourhood Plans including for Crawley Down
 - The Policies Map
- 4.4. **Policy DP30** of the District Plan seeks to ensure the development of sustainable communities through the provision of a range of housing to meet the needs of different groups within the community. This includes the potential allocation of sites for Use Class C2 accommodation for older people through the forthcoming Site Allocations DPD – in the event a shortfall in provision is identified.

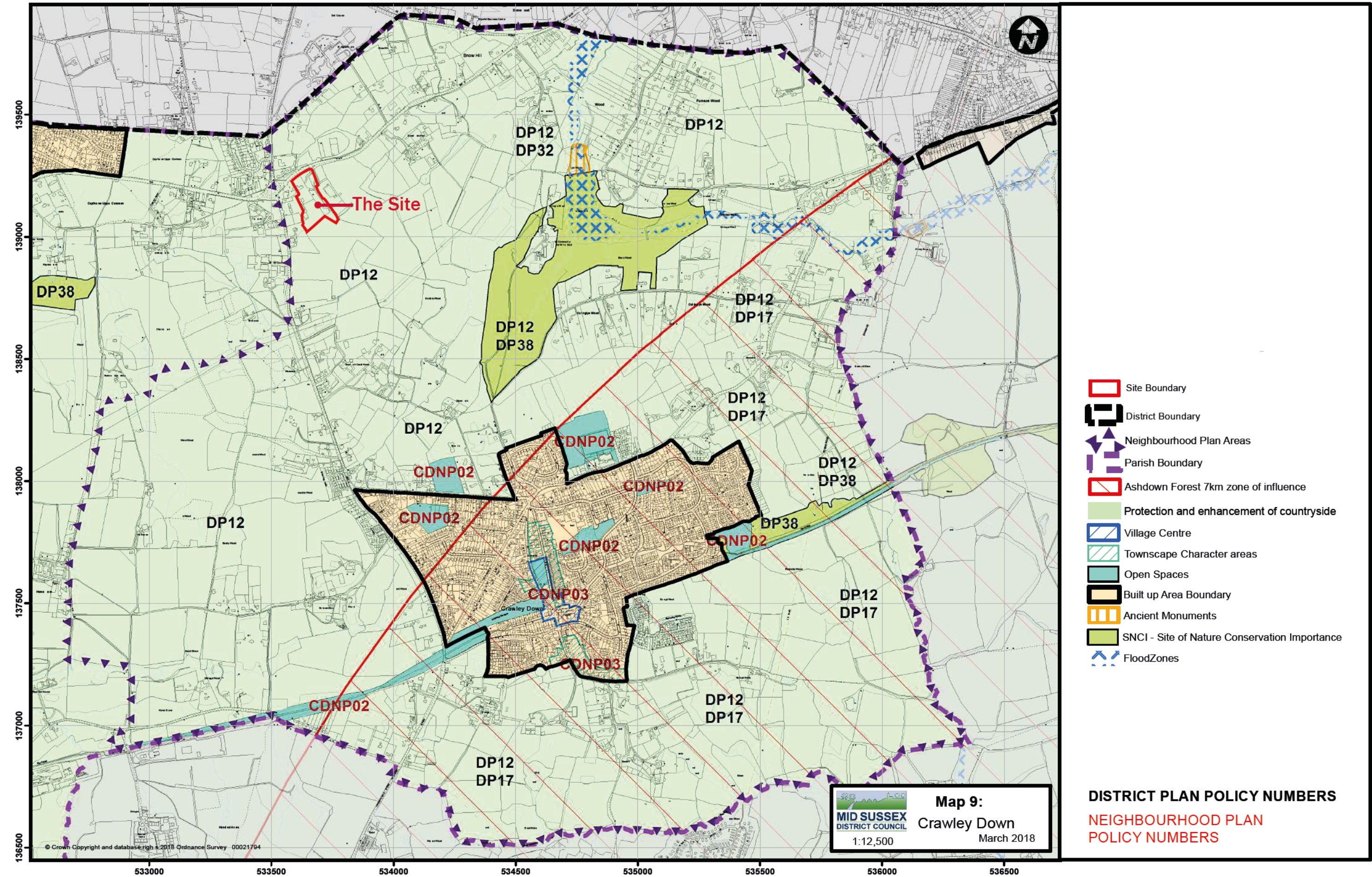
- 4.5. The Crawley Down Neighbourhood Plan, which applies to this site, notes the results of housing surveys conducted during the preparation of the Neighbourhood Plan which identified a high demand and a limited supply of accessible dwellings for older people to downsize to. The Housing Survey from 2014 identified 300 households within the village were looking to remain in the Parish but downsize within the next ten years, with many of these being older households. The survey also identified that a significant proportion of the existing housing stock is under-occupied with over 2,000 unused bedrooms. Provision of smaller units for those looking to downsize would help free up housing for families.

Emerging Planning Policy

- 4.6. Mid Sussex are in the process of preparing a Site Allocations DPD to ensure the identification of a sufficient supply of development sites up to 2031 (the end of the current plan's period). The stated delivery timetable for the DPD is:
- Regulation 18 Consultation – Summer 2019
 - Regulation 19 Consultation – Winter 2019/2020
 - Submission – Spring 2020
 - Adoption – Winter 2020
- 4.7. The focus of the DPD is currently expected to be on conventional housing sites. However, in accordance with Policy DP30 of the adopted District Plan, and further to Somerston's discussions with Officers earlier this year, we would encourage the Council to allocate a site(s) for the planned delivery of much needed extra care provision in the District - through the DPD.



Grants Hill Entrance



Extract of adopted Mid-Sussex Local Plan Proposals Map.

5. Care Accommodation Needs

- 5.1. Somerston have commissioned a Care Needs Assessment prepared by Carterwood. Established in 2008 Carterwood are a specialist consultancy dedicated to the care sector. They have become leading experts at providing advice and analysis on care needs and market demand, working with clients in the public, private, and voluntary sectors.
- 5.2. As set out in the Carterwood Report, Extra Care is a relatively recent form of care accommodation which can include a number of different specific models. However, it specifically involves independent units which have been purposely designed or adapted to meet care and support needs, and where access to care and support is available 24-hours a day.
- 5.3. Extra Care accommodation is generally accepted to fall within Class C2 of the Use Class Order. The reasoning behind this includes the fact that residences are only available to those above a certain age who are in need of a specified level of care, or are in receipt of a package of care services as well as the round-the-clock availability of care and support services. These factors differentiate Extra Care accommodation from uses such as sheltered accommodation where there will normally be only very limited communal facilities, residents may not have specific care needs, and where 24-hour access to care will not normally be provided.
- 5.4. The latest needs assessment from the Council's evidence base is set out in the Housing and Economic Needs Assessment (HEDNA) Addendum 2016. This indicated a significant immediate shortfall in Extra Care accommodation and future shortfall anticipated up to 2031. The HEDNA figures presented a need of 120 Extra Care Units, rising to 345 by 2031 within the District.

- 5.5. The Carterwood Report makes a more detailed analysis of the need and supply of Extra care accommodation in the area, using more recent available data and evidence. This report identifies a shortfall of between 640-860 Extra Care beds within a 10-mile catchment as of 2018, depending on whether all planned or only planned units which are highly likely to come forward are included. Within the local authority area as a whole, the report identifies a shortfall of 334-468 beds. By 2028 the need within 10 miles is anticipated to rise by up to 1,244 beds, or 581 beds within the local authority area, if no further supply is planned. The provision of a high quality Extra Care village on this site would make a significant contribution to meeting the current and future unmet needs within the District.
- 5.6. Extra care accommodation can be provided in a number of forms, including a care village as being proposed for this site. This form of developments has the benefit of being of a scale to include a Village Hub, which would provide a wide range of care and support facilities for residents. This would not be achievable on a smaller site or collection of sites.
- 5.7. As well as providing specialist accommodation, dedicated Extra Care provision will free up often under-occupied market housing in the local area for families, as acknowledged by the supporting text to Policy DP30 of the District Plan.



6. Understanding the Site and Context

Facilities

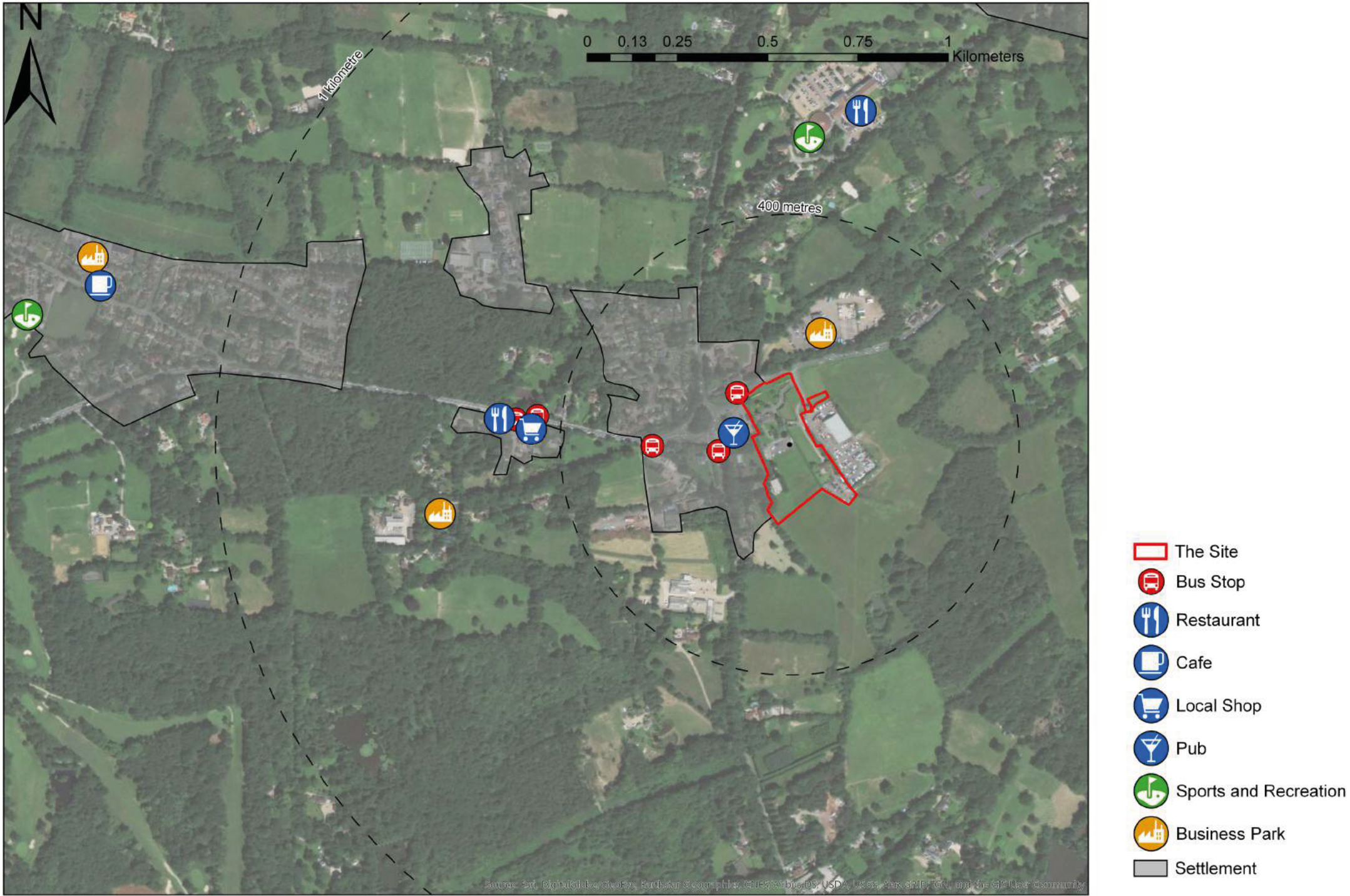
- 6.1. There is a range of services and facilities close to the site. It is important to note that in addition to existing facilities, the proposed Village Hub would likely include a range of everyday services including restaurant/bistro facilities, hairdressers, residents lounge, wellness suites along with medical facilities for the new, and potentially the existing community's use. The development will also likely include a dedicated minibus service to provide regular transport to nearby shops, for day trips along with other places of interest.
- 6.2. Existing local facilities include:

Facility	Approximate distance from site*
Dukes Head pub and restaurant	Less than 100m
Bus stops	50-200m
Copthorne Chapel	300m
Convenience Store	400m
Effingham Park Golf Course	400m
Haskins Garden Centre	900m
Copthorne village centre	2km

*(Distances measured as the crow flies)

- 6.3. In addition to the proposed minibus service, the site benefits from good transport links with a number of bus stops within a 5-minute walk of the site. These provide regular services with between 2-3 buses an hour to Crawley and East Grinstead. Whereupon access to hourly services onward to Tonbridge and Brighton can be accessed.
- 6.4. The site also benefits from good road links with the A264 providing easy access to Crawley and East Grinstead as well as the wider road network via the M23. Crawley provides mainline rail services.

Facilities Plan



Site Appraisal – constraints and opportunities



Key

- Electricity Sub Station
- Bus Stop
- 1 Storey Building
- 2 Storey Building
- Existing Buildings on site (Predominately 1 Storey)
- Public House
- Car Park/Industrial Area
- Existing Green Space
- Change in Level
- Existing Trees (Estimated Size & Position)
- Site Boundary
- Pedestrian Links
- Visual Links
- Primary Vehicular Route
- Secondary Vehicular Route
- Sensitive Boundary
- Potential Noisy Boundary
- Existing Pedestrian Entrance
- Existing Vehicular Entrance
- Sun Path, East to West

0 5 10 20 30 40 50 metres

N

Highways

- 6.5. The Peter Evans Partnership (PEP) have been commissioned to provide a high level opinion on the site's transport sustainability context.
- 6.6. The proposed extra care village will be accessed via the existing access road from Snow Hill (A264).
- 6.7. There are a number of bus stops within 200m of the site with at least twice hourly services to Crawley (three to four buses per hour) and East Grinstead (two to three buses per hour), as well as less frequent services to Tunbridge Wells and Brighton (one bus every one and two hours respectively). As such the site offers the potentials for sustainable transport options for both residents and staff.



- 6.8. Pedestrian walking facilities along footways or footpaths are provided on at least one side of the local roads. This includes adjacent to the local bus stops. On Snow Hill a footway is provided on the northern side of the carriageway from Duke's Head roundabout with a short section provided on the south side from the roundabout only adjacent to the Duke's Head frontage. There is the opportunity through development of the site to provide a pedestrian link between the site and the existing footpaths on the south side of Snow Hill. This linkage provides a connection between the site and the local bus stops for staff and visitors that use the bus services to travel to and from the care village.

- 6.9. Care Villages are different to conventional housing with a lower need to travel compared to the need to commute and take children to school, which is typical with conventional housing. The Village Hub would also mean many day-to-day needs could be met on-site. The greater level of independence enjoyed by residents means staffing levels are normally lower than would be expected for a care home of an equivalent capacity.
- 6.10. TRICS analysis of the traffic generation of a retirement development, as being proposed by Somerston for the site, shows the number of AM and PM peak hour movements would be 16% and 51% lower (respectively) than that for the previously consented hotel redevelopment on the site (generating 27 two-way movements in the AM peak and 17 two-way movements in the PM peak). This level of trip generation would not have a substantial adverse impact upon the existing highway network.



Looking South West from Snow Hill

- 6.11. Accommodation of adequate parking provision for residents, staff, and visitors within the site can be achieved – in accordance with applicable standards in place at the time of determination of a future planning application. This has previously been demonstrated through the submitted pre-application enquires submitted to the Council.
- 6.12. In summary PEP concluded that given the availability of bus services and provision of bus stops near the site, the existing footways and footpaths and the proposed improvement to pedestrian links from the site, they view the site as being in an accessible location with a range of sustainable travel options available.

In terms of traffic, the comparison with the permitted 59 bed hotel confirms that there would be a net reduction in traffic in the peak hours with the development of the proposed extra care village to the benefit of the local conditions.

Ecology

- 6.13. The site is not subject to or in close proximity to any designated wildlife site, with the nearest designated site being Hedgecourt SSSI approximately 1.5km away. The majority of the site is formed of developed areas and maintained grassland and is not likely to be of particular ecological value. An Extended Phase 1 Ecological Survey of the site together with any appropriate follow-up surveys will be carried out in due course.



Flood Risk & Drainage

- 6.14. Environment Agency online mapping shows the site is fully within Flood Zone 1 where there is a low risk of fluvial flooding.
- 6.15. Parts of the site are at low-to-medium risk of surface water flooding. Any proposals would incorporate a Sustainable Urban Drainage system (SUDs) to effectively mitigate the risk of surface water flooding to the development and ensure there is no increase in flood risk elsewhere.



Ground Conditions

- 6.16. There are no obvious surface indications that the site may be affected by adverse ground conditions.
- 6.17. Given the previous uses on the site, the overall risk of contamination is considered to be low/moderate. Contamination is not likely to significantly affect redevelopment of the site.

Trees

- 6.18. The majority of the site is clear from any existing tree coverage. There are a few isolated trees within the northern area of the site and there are a number of hedges within the site and along the shared site boundaries to the west and east.
- 6.19. Redevelopment of the site provides an opportunity to incorporate high quality strategic and internal landscaping from the very outset of the scheme proposals being developed. It is not anticipated that existing trees or landscaping within the site represents a constraint to development potential.

Summary

- 6.20. The site has, to date, been subject to a number of key initial technical assessments which have informed the understanding of its development potential – in general planning terms. The conclusion of the current analysis confirms no significant constraints would preclude the delivery of an Extra Care Village on the site.

7. Design Principles

Summary of Design Approach

The design principles have been developed through our understanding of the site, and in response to comments received through earlier pre-application meetings, with the most recent being in December 2015.

A summary of the principle design attributes and revisions is listed below:

- Removing the more 'institutional' care home from the proposed scheme.
 - Reducing the overall building footprint and site area when compared to December 2015 Pre-App scheme.
 - Revising the layout to create a looser geometry. Conceptually this references the arrangement of barns, farmyard and agricultural buildings and seeks to avoid an overly formal or sub-urban quality to the scheme.
 - Reducing the extent of internal roads and hard standing, combined with the use of car barns and screen planting and a greater separation of the parking areas from the proposed accommodation. The intention is to significantly reduce the impact of vehicles within the site.
 - Ensuring that the landscaped edge further extends into the site from the south through the creation of a 'meadow' at the southern end of the site and extending this landscaping through to a shared central green space located at the heart of the scheme. A further community 'green' is located towards the northern end of the site and provides an open space on arrival into the site. Additional gardens and green spaces are located through the site.
 - Retaining views through the site and allowing these views to extend to the green boundaries and the countryside.
 - Providing a community hub within the centre of the site to provide a vibrant heart to the scheme.
 - Introducing a pedestrian link through to the Dukes Head Public House to the west of the site and a connection to the existing footpath to the North West corner of the site subject to final agreement with the Dukes Head.
 - Restricting building heights on southern edge of the site to 1.5 storeys, with a gradual transition to 3 storeys in the central part of the site.
- Providing a more positive frontage to Snow Hill, ensuring that the scheme responds to its surroundings and is not inward looking. The northern boundary will have an 'open' character combining active pedestrian routes, primary elevations, balconies and colour and movement within the landscape design. The arrangement of the proposed barns and cottages will allow visual links through to the heart of the scheme.
 - Overall the intention is to deliver an exemplar extra care village making use of high quality materials. The apartments are generously proportioned and provide high quality aspirational housing choices for older people. The proposed architectural approach will reference 'Sussex Barns' and combine high quality traditional materials with contemporary detailing.

There is an opportunity to deliver a sensitive scheme design that would not have a significant impact on the countryside setting nor significantly compromise the Council's objectives in respect of coalescence. Whilst the proposal will clearly have an increased footprint and floor space compared to existing, the buildings will be more appropriate to their setting. As shown in the design brochure, the clusters of accommodation have been placed within generous landscaped grounds with clear lines of site throughout so as to avoid having an unnecessarily urbanising impact.

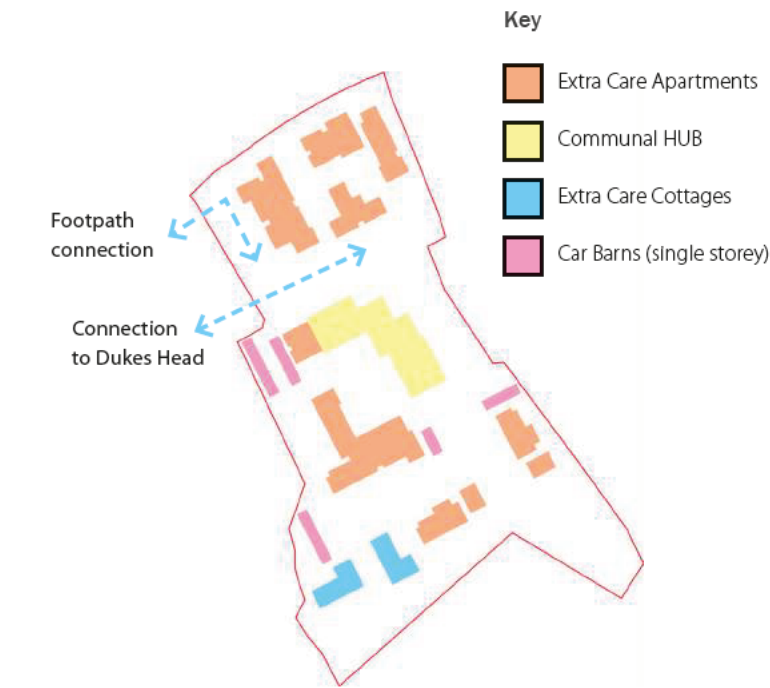
As a result, it is considered that the layout is relatively open in nature and does not detract from the character of the site (having regard to existing and approved developments). Within this context the fundamental integrity of the wider strategic gap itself would not be compromised.



8. Proposals

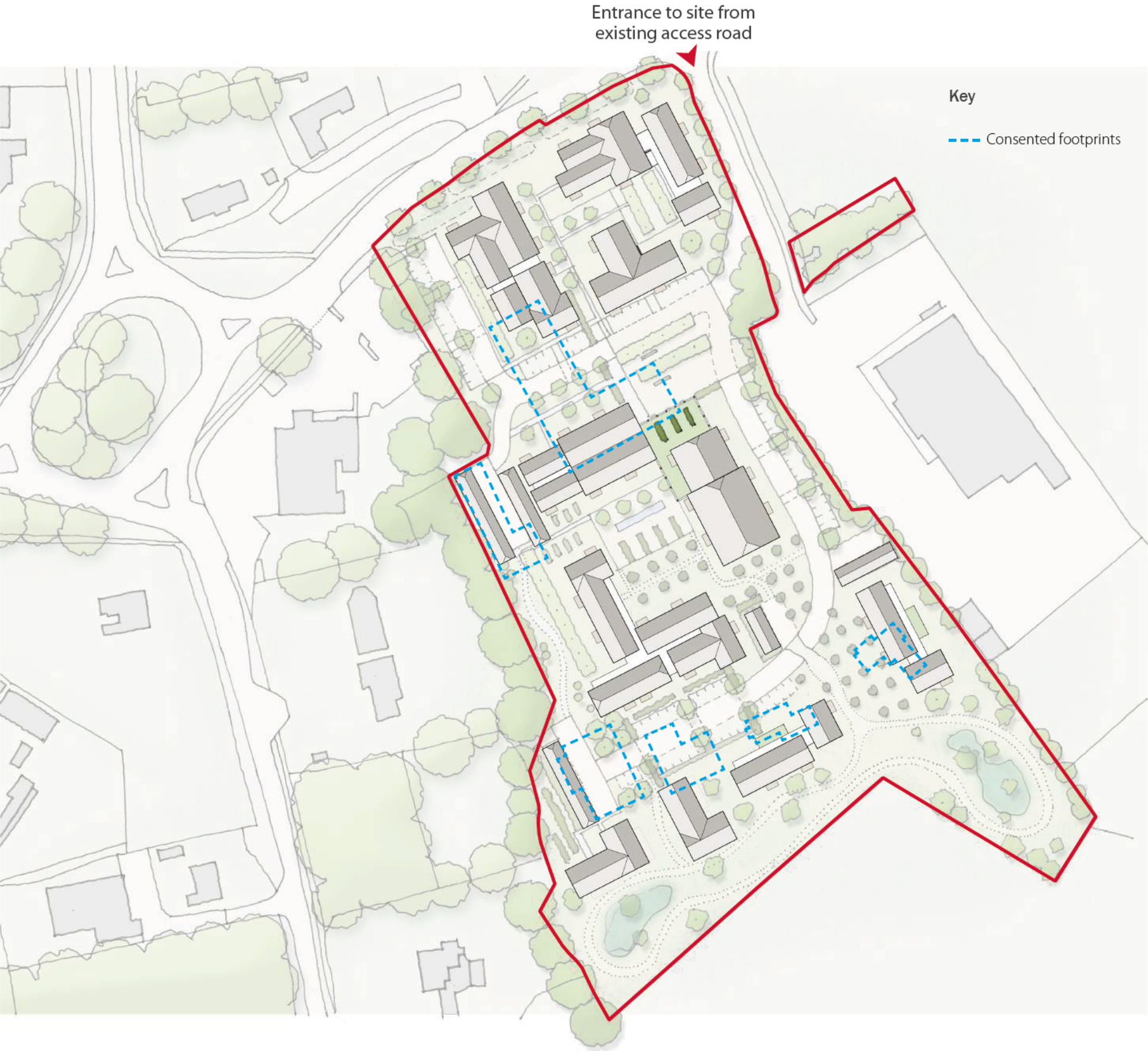
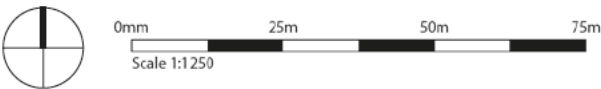
Illustrative Concept Layout Option

8.1. High level analysis of the site constraints and opportunities and the site's surrounding character and context has informed the production of Somerston's current Concept Masterplan.



Uses Diagram

A community HUB can be located centrally within the site providing an animated community facility that will create a vibrant heart to the development. There is a pedestrian link through to the Dukes Head Public House to the west of the site and a connection to the existing footpath to the North West corner of the site. The extra care accommodation can be located in clusters of 'barns' planned loosely around the site. Extra care cottages can be located towards the southwest corner.

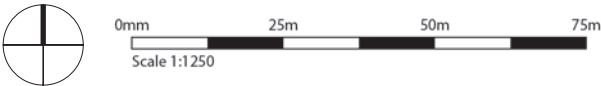


Heights Plan

The proposed heights across the site range from single storey to 3 storey; the higher buildings are located at the northern edge and within the centre of the site. The massing reduces towards the southern boundary where the site meets the landscape edge. Heights are also reduced to the eastern and western edges of the site reducing the visual impact from these vistas.

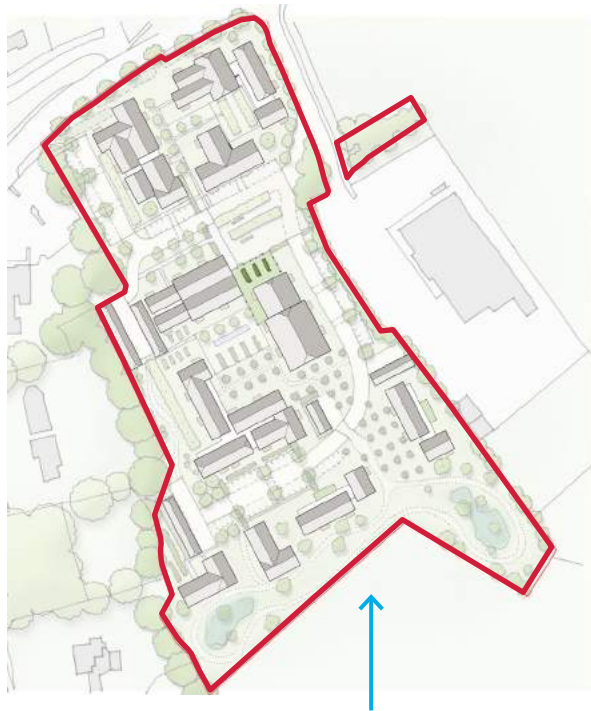
Key

- 3 Storey
- 2.5 Storey
- 2 Storey
- 1.5 Storey
- 1 Storey



Massing Study

This massing study illustrates the well-articulated and broken up nature of the proposals. The massing and configuration of buildings create a loose, informal arrangement and allows for routes and visual connections between buildings. The massing and footprint decreases towards the southern end of the site where the landscape extends into the site and views extend outwards.

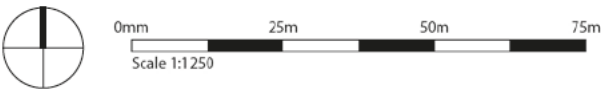


Routes and Connections

The site will include extensive pedestrian routes through garden spaces and beautiful landscaped areas. The permeable arrangement will allow for good levels of connectivity between buildings across the site. The site will be connected to the 'public realm' in the north west corner with access to the Dukes Head and Snow Hill.

Key

- Connection to Public Realm
- Site Pedestrian Routes



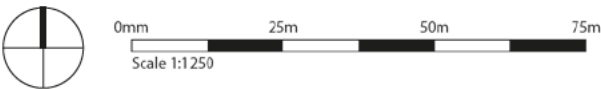
Landscape Strategy

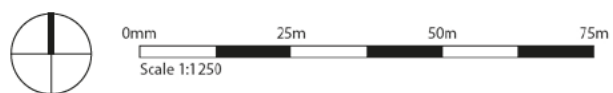
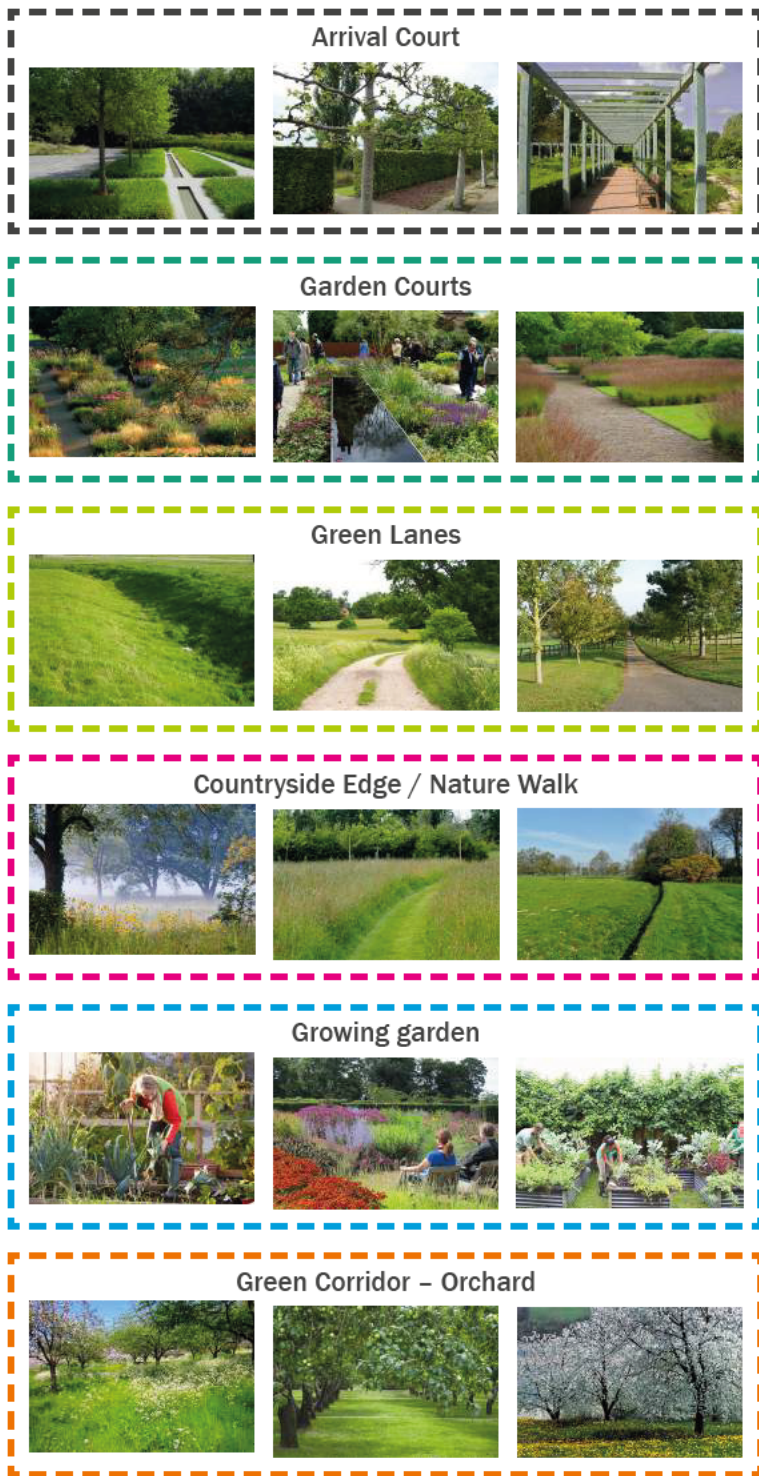
Key design opportunities

- Create a landscape setting for the new development which respects the local environment and extends the character of the surrounding countryside into the scheme
- Retain and strengthen the existing mature boundary vegetation in order to channel views from the new development into the countryside whilst screening sensitive views from adjacent properties, highways and public rights of way
- Introduce new large scale tree planting to the northern boundary with Snow Hill with tall grassland strips on shallow bunds to ‘animate’ the site frontage with their sound, movement and seasonal colour
- Introduce informal green lanes through the scheme which are visually sympathetic to the rural character of the area
- Employ a simple palette of surface materials and boundary treatments which establishes a visual connection with the new buildings and respects the local vernacular and rural setting
- Establish a generous open space and green corridor at the centre of the site to aid orientation, further reinforce connections to the countryside and promote an active outdoor environment
- Explore the potential for introduction of a fully sustainable surface water drainage strategy incorporating grassed swales, detention basins, permanent ponds, rain gardens and permeable pavements
- Create a new footpath network that connects to the public highways footpath network at the north-west corner of the site and provides for general recreation and pet walking
- Introduce indigenous planting to the woodland and hedgerow boundaries, introduce wetland meadow and wildflower swathes which enhance the ecological value of the area and create habitat for wildlife
- Create parking areas which are visually discrete and feel integrated with the landscape by introducing a sequence of car barns, planted pergolas and native tree and hedge planting for screening and enclosure
- Establish beautiful active garden spaces that contribute to the wellness and wellbeing of residents.



- Key**
1. Entrance drive
 2. Arrival court
 3. 'Animated' planting to Snow Hill frontage
 4. Parking courts
 5. Courtyard gardens
 6. Green corridor – orchard walk
 7. Countryside edge/ Wildlife garden
 8. Potential attenuation ponds
 9. Retained and enhanced boundary vegetation
 10. Footpath connection to Dukes Head Pub
 11. Pedestrian link to existing Public Footpath Network





9. Sustainable Development

- 9.1. While outside a defined settlement boundary, the site is surrounded by development on three sides. Much of the site has previously been developed and it contains existing dwellings together with a number of other buildings, some of which are permitted for B1 Business use along with the extant consent for a 59 bedroom hotel and associated parking. The NPPF sets out that policies and decisions should make efficient use of previously developed land.
- 9.2. As discussed in this document, needs and impacts of care development in relation to sustainability differ from conventional housing with the level of trip generation from an Extra Care development expected to be significantly below that for conventional housing as residents are unlikely to need to commute or take children to school. The high levels of independence for residents also mean staffing levels will be lower than an equivalent care home, and so the numbers of staff needing to travel to the site will be lower.
- 9.3. For staff commuting to the site, and residents wishing to travel, as well as good road links, there are four bus stops within 200m of the site, providing frequent services to Crawley and East Grinstead.
- 9.4. The Extra Care village is proposed to largely be a self-contained community, with a Village Hub providing a range of services expected to include a village shop, restaurant, hairdressers, activity rooms, and medical facilities. As well as providing for many of the everyday needs of residents, the development will also generate approximately 20 FTE jobs for local people. Scope for use of the Village Hub by existing members of the community is also being considered.
- 9.5. As well as the Village Hub there are a number of existing services and facilities nearby. The Dukes Head Public House and restaurant is immediately adjacent to the site. A convenience store and takeaway restaurant are both 400m to the west.
- 9.6. There is the opportunity to help improve pedestrian and cycle linkages in the local area through the redevelopment of the site.
- 9.7. In summary, key sustainability features that can be delivered by the site include:
- Emphasis on high quality design to achieve an attractive extra care village development
 - Ensuring the new buildings are resource efficient and can respond to the threat of climate change by minimising energy, carbon and water use
 - Taking a sensitive and considered approach to the relationship between the new development and the undeveloped wider landscape to the south
 - An effective drainage strategy that would avoid or mitigate flood risk and emphasises attractive SUDS measures, which can integrate and form a landscaped part of the on-site public realm if needed.
 - Delivering biodiversity improvements through retention and enhancement of higher ecological value areas and delivering an appropriate new and comprehensive landscaping scheme across the site.



10. Conclusion

- 10.1.

This Vision Document sets out Somerstons vision for the site and demonstrates the compelling development opportunity the site provides in response to the significant unmet need for extra care accommodation within the local area, market area and across the District.
- 10.2.

Much of the site has previously been developed and redevelopment to provide a 59-bedroom hotel on the site has previously been approved. There are no overriding constraints which are likely to prevent the site's development, with the initial technical studies undertaken to date confirming it deliverability. The development option presented by this document would provide:

• A new Extra Care village community

• Approximately 118 apartments and 4 cottages of Use Class C2 accommodation

• A community Village Hub providing a range of convenience services and facilities

• High quality designed buildings set within a strongly landscaped setting

• Tree planting, ecological improvements and on-site biodiversity net gains
- 10.3.

While outside of a defined settlement boundary the site is bounded by development on three of its four sides and redevelopment can be sensitively achieved to ensure a transition to the wider landscape is created.
- 10.4.

The site would provide a largely self-contained extra care village with a range of everyday facilities and services provided. There are excellent bus links to the nearby town of Crawley and East Grinstead, as well as a number of other services close to the site. In transport terms the site is a suitable and sustainable location for an Extra Care development.
- 10.5.

Somerston are a specialist investor and developer with experience in developing healthcare and accommodation for older people. They will work with their operational partner to deliver the development and see there being no significant impediments to the site's delivery beyond the current adopted Development Plan policies.
- 10.6.

The site provides the opportunity to deliver a high quality development which positively responds to the character of the local area. One which is specifically designed to meet the objectively identified immediate and longer term unmet needs of older residents within the District, market and local area.
- 10.7.

Somerston are experienced in bringing sites forward for development and no impediments to the delivery of this site have been identified. The site is suitable, available, and viable and should therefore be considered deliverable under the terms of the NPPF.
- 10.8.

Somerston are committed to working with the Council, local community and other key stakeholders to refine their proposals through the local plan process.

Illustrative Sketch Studies



Central Garden Court



Shared surface routes and lanes

Contact:

Stuart Crickett

Stuart.crickett@struttandparker.com

Strutt & Parker

Somerset House

222 High Street

Guildford

Surrey

GU1 3JD

From: Tracey Flitcroft [REDACTED]
Sent: 28 September 2020 14:55
To: ldfconsultation; Andrew Marsh
Cc: Caroline West
Subject: WSCC Response to Mid Sussex Site Allocation DOD Reg 19 Consultation
Attachments: WSCC Officer response Reg 19 Consultation Comments Final .docx

Follow Up Flag: Follow up
Flag Status: Completed

Categories: TBC

Dear Andrew

Please find attached the West Sussex County Council Officer response to Mid Sussex Site Allocation DPD Regulation 19 Consultation.

As I'm sure you are aware, the transport evidence has not been completed, we are therefore submitting a 'holding objection' as part of the County Council's formal representation. This will allow us to consider the transport evidence and, if necessary, submit further evidence or seek changes to the plan as part of the examination process. We will continue to provide technical advice to support this work and offer assistance as necessary to address the soundness of the Plan.

In addition, we have made a few additional comments which do not go the heart of the plan and soundness, but we have made them for clarification, which could possibly be made as minor modification.

Please get back to me if you have any queries.

Tracey

Tracey Flitcroft BA (Hons) PGDip MRTPI

Principal Planning Officer

Planning Policy and Infrastructure | Planning Services

West Sussex County Council, Ground Floor, Northleigh, County Hall, Chichester PO19 1RH

Phone: 0330 2229484

Email: [REDACTED] | Web: www.westsussex.gov.uk

LEGAL DISCLAIMER

This email and any attachments are confidential and intended solely for the persons addressed. If it has come to you in error please reply to advise us but you should not read it, copy it, show it to anyone else nor make any other use of its content. West Sussex County Council takes steps to ensure emails and attachments are virus-free but you should carry out your own checks before opening any attachment.

WSCC Officer response to the Mid Sussex Site Allocations Development Plan Document (DPD): Regulation 19 Consultation

This note sets out officer comments upon the proposed submission documents, highlighting key issues and suggesting changes which the County Council is requesting be made to the DPD prior to adoption by Mid Sussex District Council.

Transport objection to the Submission Draft Local Plan on the grounds that it has not been 'Positively Prepared' and 'Consistent with national policy'. WSCC would wish to participate in the examination hearings.

SA9: Science and Technology Park

The transport evidence base study for the DPD showed that scenarios including the Science and Technology Park allocation adjacent to the A2300 before mitigation measures are applied could result in a severe impact on the A23/A2300 interchange at Hickstead and the southbound merge onto the A23. Such an impact could result in traffic using unsuitable alternative routes to avoid congestion at this key interchange, which could potentially worsen traffic conditions at locations such as Ansty and Hurstpierpoint.

An effective mitigation solution to address the issue at the A23/A2300 interchange has not yet been identified, but options are being explored that include a combination of sustainable transport measures with highway capacity improvements. This work is known to be underway as a collaborative project led by the transport consultant for the site promoter, including the District Council and their consultant and in regular consultation with the County Council and Highways England. In order to confirm that this site allocation is deliverable, it will be essential to demonstrate that a mitigation solution will be effective and deliverable. If necessary, this includes demonstrating that any land required would be available and that funding will be available from the development or other sources. The County Council considers that the Plan cannot be considered sound until these issues of effectiveness and deliverability have been resolved.

Safety Study

The transport evidence base for the DPD has addressed issues related to traffic generation and distribution, identifying capacity impacts and mitigation measures including sustainable transport and highway improvements. The evidence base is also required by paragraph 108 c) of the NPPF to demonstrate that there is no unacceptable impact on highway safety. The County Council is aware that study work to demonstrate this is underway, conducted by the District Council's consultant with preliminary results expected by early October.

It is essential that the study demonstrates that either no such impacts would be incurred or that any potential impacts would be mitigated by an effective and deliverable solution. The study should relate any such impacts to the traffic from the development allocations which passes through any impacted locations to enable developer contributions to be sought towards a mitigation solution and if the impact is from multiple sites, to apportion costs between the site based on site-specific impacts. The County Council considers that the Plan cannot be

considered sound until the evidence confirms that the plan is compliant with paragraph 108 c) of the NPPF.

Additional Comments – potential minor modifications / clarification:

SA9: Science and technology Park – Following discussions WSCC welcome the removal of the waste allocation (West Sussex Waste Local Plan 2014 (Policy W10)). We would draw to your attention that the interactive map does not appear to reflect this change.

Paragraph 3.16: As previously requested in comments made at Reg 18, it is requested that paragraph 3.16 is amended to acknowledge that if highway improvements are not deliverable, then alternative transport strategy approaches, such as demand management or a major scheme, may need to be introduced to address pre-existing congestion and mitigate the cumulative impacts of development on the highway network. Failing to include a statement to this effect may undermine the ability to bring forward a strategic scheme. If there is reason to not include this, or a similar statement to this effect, then we would ask for the reasons to be explained.

Page 17: Under Access and highways only part of West Sussex Transport Plan 2011-2026 is in bold font, this should be corrected so is either fully in bold or fully in plain text.

Page 59: SA20 – the description title (4th line of the table) mentions the Primary School and Early Years but not SEN facility. For consistency, could this be revised to match the entry on page 60 under 'Social and Community'.

Page 60: SA20 – 'Social and Community' 3rd bullet 'A community use agreement for the new playing fields/sports facilities at Imberhorne Upper School and for the neighbourhood/local centre to be provided on site'. This doesn't read clearly; it might be that two aims have linked together. Is the intention that the neighbourhood / local centre is provided on the school site? If so, has there been discussions?

Pages 98 and 99: the safeguarding plans for the Copthorne Hotel and Hickstead junctions have been printed under each other's headings, they need to be swapped over.

Sustainable Transport General Comments: Previous comments made at Reg 18 (Appendix 2 of WSCC Comments) relating to sustainable transport have not been included / reflected in the Reg 19 version of the DPD. We would ask that the comments previously provided be re-considered for inclusion in the DPD.

PROW: For ease of reference these have been grouped together:

- In terms of the Sites allocated for Commercial sites (SA2 to SA9) there should be a clear emphasis on securing either on site works or contributions

for offsite works to improve connectivity for pedestrians and cyclists, utilising existing PROW or through creation of new ones, to increase the sustainable transport access for future employers which in turn can reduce the reliance on commuting in privately owned, single occupancy vehicles. This will mitigate the potential traffic increases reducing the pressure on the local road networks and moving toward an improvement in air quality and local amenity.

- SA18 – no mention of improved walking and cycling links. These should be explored.
- SA19 – no mention of importance of bridleway link to the south through the proposed development leading to the Worth Way and existing bridleway links to the east and west south of the proposed site. Whilst this has a benefit to potential sustainable commuting it is also a key recreational location of the area.
- SA24 – whilst there is reference to improvements to pedestrian access the east west footpath to the south of the site would benefit from uplifting to a bridleway to link into existing routes to the east and also allowing users to avoid busy roads. This would require work on a safe crossing for users of the railway line. Bridleway through development to the north would also improve linkages to the existing bridleway network to the northwest of the site across the A273.
- SA27 – look to link this development, by way or a bridleway ideally to the existing north south route to the east of the development improving local connectivity.
- SA30 – should be looking to create PROW linkages to surrounding existing network where possible.
- Generally, a lot of the sustainable transport improvements refer to walking and cycling but from a PROW perspective we would like to see bridleway creation so it allows walking and cycling but also equestrian access improvements to link into the existing bridleway network in these areas. This will not only benefit potential sustainable commuters but also recreational users.

Site Allocations DPD: Regulation 19 Consultation Response

Code: 1j

ID: 792

Response Ref: Reg19/792/1

Respondent: Mrs T Flitcroft

Organisation: West Sussex County Council

On Behalf Of:

Category: Local Authority

Appear at Examination? x

1005

Site Allocations DPD: Regulation 19 Consultation Response

Code: 1j

ID: 1005

Response Ref: Reg19/1005/5

Respondent: Mr L Beirne

Organisation:

On Behalf Of:

Category: Resident

Appear at Examination? x

From: Leo Beirne [REDACTED]
Sent: 28 September 2020 17:19
To: ldfconsultation
Subject: MSDC DEVELOPMENT PLAN DOCUMENT – REG 19 : CONSULTATION.

Categories: [REDACTED]

Dear Sir,

Please accept my comments as per the following re. the above, where the text in 'bold' relates to the Document followed by my comments. I found this exercise very taxing limited by my knowledge of how MSDC has applied specific working knowledge and practices to this Plan including supporting reference documents relating to their effect on East Grinstead; therefore, my comments are very much limited as per the following – i.e.:

'an allocation for a Science and Technology Park to the west of Burgess Hill' – how will this be affected by the reduced office working due to the Corona Virus and more employees working from home in future re. the proposed 7 employment sites Science and Technology Park?

The purpose of the Examination is to determine whether the Site Allocations DPD is 'legally compliant' and 'sound' – does this mean that what is being proposed not 'legally compliant' and 'sound'??

The document is required to ensure the provision of homes, jobs and infrastructure, that have already been agreed to in the District Plan, are delivered. This will ensure we can continue to rely on the District Plan to deliver sustainable growth and so ensuring the Council fulfils its obligations . . . w.r.t. the four main aims – how will and when will MSDC amend this proposal taking the impact and effects of the Corona virus into account which could produce an overall saving for residents?

SA4: Copthorne Land north of the A264 at Junction 10 of M23 – it would appear that this is well underway prior to asking for comments in this document?

SA18: Former East Grinstead Police Station:

- a) with the potential increase in local population, why has this draft omitted to re-establish a permanently staffed Police Station replacing the so part-time Police Hub to support residents where present police support is remote – more people will statistically increase local crime??
- b) **Land owner has expressed an interest in bringing the site forward for development** – who is the Land Owner?
- c) **Optimise the development potential of the site through the provision of apartments of no more than 2½ storeys taking account of potential development opportunities that exist immediately**
- d) **beyond the site boundaries to ensure future redevelopment opportunities are not hindered** – why has the amount of available land for future developments have not been specified nor specifying any restriction that may be applicable from the Covenant Land that require compliance?
- e) **any necessary mitigation is undertaken to the rear of the site adjacent to Blackwell Hollow** – this requires further explanation;
- f) **Biodiversity and Green Infrastructure** – who will be responsible for authorising and accepting a monitoring role through construction?

SA20: Land South and West of Imberhorne Upper School –:

- a) **'a high quality and sustainable extension to East Grinstead'** – how is this 'subjective term' defined in terms of affordability for people living in East Grinstead?
- b) the closeness of this construction to the existing location will make a significant increase in local impact on traffic adding to existing cumulative usage of between 31-39,000+ vehicles annually through A22/A264 road junctions now reduced in width by the Cycle Lane where cyclists now have to fear challenges from adjacent HGV vehicles;
- c) **Retain and enhance existing established trees and other landscape features and weave them into green infrastructure / open space / movement strategy that encourages pedestrian and cycle use** – what policing and punitive consequences will be legally incorporated in agreements to ensure the above is protected?
- d) **Ensure the site maximises connectivity with the existing settlement and services within East Grinstead and utilises a permeable layout throughout** – does this mean that the existing services will be

added to facilitate this development, if so, what residual capacities are available to accept these added loadings?

- e) **Conserve and enhance areas of wildlife value and ensure there is a net gain to biodiversity overall. Avoid any loss of biodiversity through ecological protection and enhancement, and good design. Where this is not possible, mitigate and as a last resort, compensate for any loss** – this appears to be a 'get-out' clause which should be mitigated/avoided as part of the Design prior to granting Consent at the outset;
- f) **Highways and Access** – the existing peak-time traffic congestion/tail-backs should not be added to by this Development as the situation is gruelling at present;
- g) **Utilities** – see 'd)' previous.

Site Allocations Development Plan Document: The Sites DPD allocates additional development sites to meet the residual necessary to meet the agreed housing requirement for the plan period as reflected in the District Plan 2014-2031. The additional allocations are in accordance with the Spatial Strategy and Strategic Policies set out in the District Plan – what does this mean . . . why not use 'Plain English'

The District Plan 2014-2031 and Sites DPD will be used to inform decisions on planning applications across the district, in conjunction with any DPDs relating to minerals and waste prepared by West Sussex County Council and any 'made' neighbourhood plans prepared by the community – when have MSDC promoted this making residents fully aware that this opportunity was/is available via. <https://www.midsussex.gov.uk/planning-building/neighbourhood-plans/>?

Access and highways:

- **Ensure development contributes towards delivering sustainable development and appropriate infrastructure in accordance with District Plan Policy DP21: Transport and the objectives of the West Sussex Transport Plan 2011 – 2026.**
- **Provide a Transport Assessment and Sustainable Transport Strategy to identify appropriate mitigation and demonstrate how development will be accompanied by the necessary sustainable infrastructure to support it.**
- **Highway infrastructure mitigation is only considered once all relevant sustainable travel interventions (for the relevant local network) have been fully explored and have been taken into account in terms of their level of mitigation.**
- **Identify how the development will provide safe and convenient routes for walking and cycling through the development and linking with existing networks beyond. Create a permeable road network within the site with clearly defined route hierarchies.**
- **Safeguard Public Rights of Way (PRoW) and protect their amenity.**
- **Provide adequate car parking in accordance with District Plan Policy DP21: Transport.**

How for how long will the above remain valid given the propensity to accelerate the use of home working, the increased introduction of electric vehicles with power supplies and a reduced workforce?

Employment projections are based on a number of factors and so they are sensitive to change, such as changes in the jobs and employment market and the impact of national policy/legal interventions such as Permitted Development for office to residential conversions.⁸

Office to residential conversions increases the need for adequate off-road vehicle parking and electric charge points – has this been included?

District Plan Policy DP1: Sustainable Economic Development that supports the delivery of an average of 543 jobs per year and allocates 25 hectares of employment land at Burgess Hill to the east of Cuckfield Road to assist meeting this requirement. This is purely speculative to support a hypothesis to increase development.

Table 2.3: District Plan Housing Requirement (updated) – there is insufficient evidence to support these figures including the expected level of affordability given the present and future state of the economy and how demographic stability will support this hypothesis here and elsewhere in the document.

SA18: Former East Grinstead Police Station - 22 dwellings;

SA19 Land South of Crawley Down Rd – 200 dwellings;

SA20 Land South and West of Imberhorne Upper School – 550 dwellings.

The density of infill building in East Grinstead in recent years has brought the Town to gridlock at main times with more to come in the pipeline from Hill Place Farm and Imberhorne Lane, with inadequate parking facilities, the political loss/manipulation of CIL monies for the benefit of the Town, the use of the artificial planning figure of 1.7 vehicles per dwelling, insufficient medical/dental facilities, the adding to poor air quality, etc., which is proving difficult to see the compatibility with the aims/objective referred to in **Para 2.38 Individual applications for the site allocations should be accompanied by**

2.39 Community involvement and consultation is key to ensuring that appropriate facilities are identified and designed to meet the needs of those who will use them. Community engagement and involvement is also

essential for ensuring that new residents integrate with existing communities. This is virtually impossible for a Community to fully achieve given the mass of prerequisite knowledge and familiarity required with the volume of dedicated/specific knowledge (bordering on systems of manipulative jargon) in order to fully appreciate and participate!

In conclusion. As an East Grinstead resident, I have reservations as to the perceived imbalance between the affordability local housing (when I have seen local property being Globally advertised) and the loadings imposed on the infra-structure, which I have previously questioned under the Freedom of Information that remain unanswered in part. In my opinion, there is too much detail to fully assimilate from which to construct a quality response to describe the 'impact Vs benefit' of this Plan that will be affected by the present set of economic circumstances for some time to come. Perhaps a non-political working party of lay people may also have been constructive that would have better insight into the workings of constructing this Plan.

Yours sincerely,

Leo Beirne.

██████████
██████████
██████████
██████████
23rd September 2020

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

Regulation 19

To Whom It May Concern:
Having read the Site Allocations Development document I wish to comment as follows.

There is little to be gained from a consultation process in 2020 for a total of 1764 planned dwellings which will be inflated at a later stage by Case Officers at pre-planning meetings in order to boost housing targets. Planning applications DM/15/3448, DM/17/4190 and DM/17/2739 are all cases in point.

SA21

The inclusion of this site for development is difficult to comprehend due to the fact as DM/16/3998 it has already been refused planning permission. The following text submitted by Wivelsfield Parish Council explains some of the reasons for that decision.
“The application site is not allocated within the Haywards Heath Neighbourhood Plan, would diminish the strategic gap between Haywards Heath and Burgess Hill and encroach upon the green gap surrounding Wivelsfield. It is contrary to the stated objective of the Mid Sussex Submission Plan, (as detailed in policy DP10) which indicates, ‘The primary objective of the District Plan with respect to the countryside is to secure its protection by minimising the amount of land taken for development and preventing development that does not need to be there.’ The application is also at odds with policy DP11 which states, ‘a strategic objective of the Plan is to promote well located and designed development that reflects the distinctive towns and villages, retains their separate identity and character and prevents coalescence’. 47 To give permission to the application in question would totally undermine the basis of policy DP11, stating as it does that: ‘The individual towns and villages in the District each have their own unique characteristics. It is important that their separate identity is maintained. When travelling between settlements people should have a sense that they have left one before arriving at the next.’ To allow this application would totally erode any remaining gap between the edge of the Parish of Wivelsfield and that of Haywards Heath. Policy DP11 says that ‘development will be permitted if it does not result in the coalescence of settlements which harms the separate identity and amenity of settlements, and would not have an unacceptably urbanising effect on the area between settlements’. Given the distinctly contrasting nature of the small, rural Parish of Wivelsfield and the ever-growing urban town of Haywards Heath, Wivelsfield Parish Council cannot see how the application could be permitted, since it would clearly conflict with the values that the Plan purports to uphold. Residents of Wivelsfield have chosen to live in a small rural parish for a reason. They wish to maintain the small rural community feel of the Parish and prevent coalescence with neighbouring towns. It would be unacceptable for the Mid Sussex Plan to, on the one hand, claim to value the individual identities of communities and to seek to protect them, and on the other to approve this application which is entirely contrary to this. Furthermore, with plans already approved for an additional 100 homes at Gamblemead, 113 off Ridge Way (in addition to the 62 already being built) and the prospect of major development at Hurst Farm, Wivelsfield Parish Council has significant concerns about safety and capacity on the local roads, as well as the ability of general infrastructure to cope with ever-growing demand. In light of the many contra-indications to this application’s approval, we would ask you to refuse it.”
The issues with drainage, the location of Cleavewater Farmhouse and sustainability regarding public transport still remain resulting in an over dependence on single occupancy car usage. In the latest edition of the adopted District Plan Policy DP12 replaces DP10 and DP13 replaces DP11 with respect to the above text which remains as valid today, apart from now being included in the plan, as did on 23.11.2016 and therefore this site (SA21) should be excluded.

SA37 Burgess Hill to Haywards Heath Multifunctional Network

3.25 “A number of route options are being investigated to the east and west of the Brighton main railway line and these include, for example, opportunities to connect strategic development to the north and north west of Burgess Hill, including a new secondary school to be developed, and with Haywards Heath that is away from the road highway.”

Sustrans have carried out a feasibility study which includes a proposed route from Burgess Hill to Haywards Heath via Theobalds Road (private and now gated) the existing Bridleway and Lunces Hill until reaching the Fox & Hounds. There are three proposed options for the remainder of the route terminating at Fox Hill roundabout. Options are for a segregated pedestrian/cycle track or shared provision pedestrian/cycle track both of which would use Fox Hill. The third option is via Hurst Farm, was not offered as part of the consultation for Regulation 18, which Sustrans state “Such a greenway would not provide the most direct route but would be pleasant and safe with the potential to link to local services as an alternative to travelling along Fox Hill.”

The existing bridleway currently caters for equestrians, walkers (with or without dogs), joggers and cyclists and any of the long overdue improvements should not discriminate against any of those categories. As a daily user of the present bridleway, due to other footpaths being closed as result of development, one can not escape the signs erected depicting the prospect of a high speed cycle route. Any upgrade of the bridleway should primarily permanently rectify the poor surface condition, arising from 40 years of neglect, and not detract from the tranquillity presently enjoyed by users and be comprised of a permeable surface acceptable to the British Horse Society. Both ESCC and WSSC, like other local authorities, should be able to provide the Technical Guidance concerning the construction for Bridleways part of which states: “For all except urban paths, a non-metalled surface (i.e. “gravel” path, not tarmac) is strongly preferred. This should be smooth, of adequate width, well compacted and firm underfoot but with a little ‘give’, well-drained and useable in all weathers.”

Both the segregated and shared cycle/pedestrian options will create potentially more dangerous situations as a result of removing grass verges on the western side of Fox Hill thereby restricting the vision of vehicle drivers, due to a reduced buffer zone, when attempting access to the highway. Health and Safety may well have an issue with southbound cyclists passing at speed close to the front door of the Fox and Hounds. There are three bus stops, between location E20 and the Fox Hill roundabout, at which school age children congregate whilst waiting for the

Warden Park bus during the peak morning period. Passengers boarding and alighting from buses will do so from the cycle path section of either a segregated or shared option, which is a recipe for disaster when every category of cyclist, as detailed in LTN 1/12, will be able to use the same cycle path. Currently it is possible for cyclists when descending Fox Hill to exceed the speed limit once abreast of the junction at Weald Rise (F5). A route through Hurst Farm, away from the road highway, for a Greenway would appear to be the better option on the grounds of health, safety and cost and would allow residents to use the existing Fox Hill footway in relative safety. There is little merit in exposing the public to higher levels of Nitrogen Dioxide (NO₂) concentrations by running either a segregated or shared cycle/pedestrian route over the entire length of Fox Hill tending to discourage rather than encourage walking which together with cycling is the main objective of the Greenways exercise. A fourth option would be to locate the cycle path element on the opposite side of Fox Hill segregated away from pedestrians. The aspirational concept of a multifunction network is a positive step forward despite the many stumbling blocks that lay ahead meaning it may not be achievable by the end of the plan.

Local Transport Note 1/12, Table 7.5 below indicates the minimum space required for an unsegregated shared use route to be 3.0 metres whereas a segregated route would require 4.5 metres. An unsegregated shared use route and a two-way cycle track both require 3.0 metres which appears to suggest that pedestrians could be placed in jeopardy if such an option results. A 5.0 metre segregated route through Hurst Farm would appear to be the safer option by eliminating all the pitfalls listed in LTN 1/12 associated with frontages, bus stops, side roads etc. Reconstruction of the carriageway in order to provide a segregated route along Fox Hill is likely to be costly and very disruptive.

Table 7.5

Minimum widths summary

Type	Minimum widths
Unsegregated shared use	3 m preferred (effective)
Pedestrian path unbounded on at least one side, e.g. segregated by white line	1.5 m (actual)
Pedestrian path bounded on both sides	2 m (actual)
One-way cycle track	2 m preferred (effective)
Two-way cycle track	3 m preferred (effective)

Additional width is needed where there are edge constraints – see Table 7.4

Table 1

SA38, Air Quality

Background

“Emissions of Nitrogen Oxides from Modern Diesel Vehicles Assessment: January 2016

Defra provides road traffic emission factors that predict how fleet-averaged vehicle emissions will change year-on-year as newer, cleaner vehicles populate the national vehicle fleet (Defra, 2015). These emission factors are routinely used in air quality modelling. Historically, modelling carried out using these emission factors has predicted large reductions in nitrogen oxides (NO_x) emissions and concentrations, but in recent years it has been found that these reductions have not been reflected in ambient measurements (Carslaw et al., 2011).

The reason for the disparity relates to the on-road performance of modern diesel vehicles. New vehicles registered in the UK have had to meet progressively tighter European type approval emissions categories, referred to as "Euro" standards. While the NO_x emissions from newer vehicles should be lower than those from equivalent older vehicles, the on-road performance of some modern diesel vehicles has often been no better than that of earlier models (Carslaw and Rhys-Tyler, 2013).

Defra has attempted to account for the historical discrepancies using a new set of emission factors, published in 2014. There remains, however, some uncertainty regarding whether these emissions reflect the on-road performance of modern vehicles. This report considers recent evidence of on-road emissions performance and analyses it in the context of Defra's vehicle emission factors.

The report only considers emissions of NO_x from diesel vehicles. There is no evidence that emissions of other pollutants are affected by the issues discussed. Furthermore, there is good evidence that the on-road performance of petrol vehicles reflect the reductions imposed by the emission standards (TfL, 2015). Finally, this document only considers emissions of total NO_x.

No consideration is given to the function of NO_x emitted as NO₂ (fNO₂) or how this may change over time.”

Road Traffic Forecasts 2018 indicate that “Car traffic is forecast to grow at between 11% and 43% by 2050, whilst LGV traffic is forecast to continue growing significantly in all scenarios (between 23% and 108%). Strong LGV traffic growth has a significant impact on total traffic growth, particularly in Extrapolated Trip Rates (scenario 6). In this scenario although car traffic is forecast to grow by just 11%, overall traffic growth still reaches 17% with LGV traffic accounting for 19% of total traffic. HGV traffic growth is forecast to be lower than 6 other vehicle types, with growth ranging from 5% to 12% by 2050. Traffic growth on the Strategic Road Network (SRN) is forecast to be strong and positive in all scenarios, ranging between growth of 29% and 59% by 2050, driven by forecast increases in the number of car trips and trip distances, as well as increasing Light Goods Vehicle (LGV) traffic. Forecast growth on principal roads and minor roads is lower than the SRN, between 10%-44% and 11%-48% respectively.”

“Air pollution ‘more dangerous than driving’

Breathing in polluted air is more dangerous than driving a car, a report has found as it accuses councils of declaring climate change emergencies while failing to tackle the issue.

An analysis by Centre for Cities blames the failure of local authorities to introduce clean air zones and other measures that could reduce the death rate from pollution, which is 25 times greater than the risk of being killed in a car crash. “Local policy aimed at limiting air pollution in recent years has at best been slow and at worst absent,” the think tank stated in its annual study of urban areas.

“The rush to declare climate emergencies by local authorities in the last year, a global issue over which they have very little direct control, strongly contrasts with action on air pollution, an issue where their actions can more clearly make a difference.”

Overall, more than one in 19 deaths in UK cities and large towns are related to long-term exposure to air pollution, according to the analysis of official health and emission data for particulate matter (PM_{2.5}) comprising soot, ash and dust from coal and wood fires as well as cars and lorries.

The worst five locations, where an estimated one in 16 deaths is linked to exposure to the deadly PM_{2.5} toxin, are London (6.4 per cent), Slough (6.4 per cent), Chatham (6.3 per cent), Luton (6.2 per cent) and Portsmouth (5.9 per cent)."

Modelling

The vagaries associated with modelling are many and the reliability of the output is not only dependent upon the model itself but also the accuracy of the input data. Classic examples of algorithms miss performing are the predicted death toll from Covid-19 and the exam results debacle and air quality models whilst not in the same league have tended to under perform due to poor data input. Models can be useful tools when attempting to predict the future but when comes to traffic forecasts there are many uncertainties which thankfully have been recognised by the DfT resulting in a substantial update of their forecasting models, with a changed in mindset, in 2018 probably due to the many reports indentifying the problems relating to the 2015 forecasts as identified under background. Air quality modelling initially attempts to predict the emissions for a baseline year using TEMPRO which then feeds into two other separate models, namely the Emission Factor Toolkit as AADT to calculate NO_x, and then into ADMS-Roads as emission factors.

Those engaged in air quality modelling, by recourse to the laqm helpdesk, will be aware of the uncertainties regarding emissions, background concentrations together with road traffic forecasts and TEMPRO factors have all tended to under predict the true situation due to various reasons and that results arising from modelling are the best minimum prediction at that moment in time. Standard methodology for air quality modelling is not a silver bullet or a one size fits all yet there are those at MSDC, with their heads in the sand, who seem to think that modelling is a panacea. Modelling may be regarded as being very good at quantifying the amount of change in pollution levels at a given point, even if absolute figures are slightly out, and it is the change in pollution levels caused by a development which is key to its impact. That said the over dependence upon output data derived from an unreliable (flawed) model fed with under predicting input data is farcical and undermines the credibility of those overseeing the process.

Since 2001 there have been ten revisions for background concentrations, nine upwards and the last in 2018 downwards, indicating that concentrations derived from background mapping may have peaked. Using the year 2020 as an example the background concentration derived from 2015 mapping the background concentration was predicted to be 8.370151. Using 2018 mapping data the background concentration for 2020 was predicted to be 9.156648 resulting in an increase of 9.396%.

Model verification

The Verification Study will attempt to reduce the difference between monitored and modelled NO₂ concentrations to within less than 25%. The monitored NO₂ concentrations which are provided to consultants by MSDC can predate the modelled by up to two years earlier than the modelled NO₂ concentrations depending upon the publication date of the ASR. The monitored concentrations do not necessarily have to consist of a 100% data capture within a calendar year and are therefore not fully representative of the air quality at the monitoring site. Defra accept data capture of above 75% for air quality reports without correction. It would be astonishing if Defra were to acknowledge that an erroneous bias corrected monitored concentration of 24.7µg/m³ instead of the expected concentration for NO₂ of 28.8µg/m³, for raw data, would be acceptable as part of an Air Quality Assessment Model Verification Study which seeks to remove the under prediction for modelled concentrations. In connection with a local planning application the revised concentration of 28.8µg/m³ was derived from TG-16-February-18 v1, Box 7.9 (see Addendum) using a process known as annualisation. As a consequence of an increase in the monitored concentration of NO_x the numerical plot on the Y axis, relative to the same value of modelled NO_x on the X axis, increases the gradient (slope) of the trend line and increases the numerical value of the multiplier used to draw monitored and modelled concentrations towards closer alignment.

TEMPRO

TEMPRO (The Trip End Model Presentation Program) is used in conjunction with Regional Traffic Growth and Speed Forecasts (RTFs), both of which were updated in 2018, produces a logarithm [RTF factor x (Local TEMPRO factor / Regional TEMPRO factor x (future year factor))]. The product, from within the square brackets y'say, can then be used to multiply the baseline AADT in order to obtain future a year AADT. TEMPRO also takes into account cumulative development.

The regional area is South East of England and comprises 18 local authorities of differing geographical sizes, including West Sussex with a total of 4.586 billion vehicle miles in 2018 ranking fifth behind Hampshire (9.773), Kent (9.565), Surrey (8.714) and Oxfordshire (4.848) and between them they account for 31.7% of the region where just 6 of local authorities are above the average of 3.0505 billion (54.909/18) vehicle miles in 2018. The local TEMPRO factor is based on the Mid Sussex 011 region which includes Haywards Heath and rural area to the west. The RTF and futures year factors are derived from the Nation Trip Ends Model (NTEM) as part of the modelling programme.

The regional average would be more representative as a factor for 18 similar size regions rather than the one size fits all application which TEMPRO attempts to achieve. West Sussex traffic growth is therefore under estimated by the TEMPRO algorithm, which is based upon best guess assumptions, should be at least 1.5 times higher than the average factor (4.586/3.0505 = 1.504).

Using the road traffic forecasts explorer to obtain traffic growth for 'all roads' is predicted to grow nationally by between 3.2% (Scenario 6) and 10.4% (Scenario 2) for the period 2016 to 2022 (Table 4). Given that traffic growth in West Sussex has been stated to increase by nearly double the national rate then the raw traffic growth factor on the A272 (Lewes Road) in the table below will increase by more than a factor of 1.0696 closer to 1.132 from 2016 to 2022 as opposed to 1.077 in 2010 to 2016. Not all roads within the local highway network will indicate similar increases and in the case of South Road a decrease of 7.52% was recorded between 2010 and 2014 due mainly, if not entirely, to the opening of the HHRR. The B2028, a minor road, north of Lindfield indicated an increase in traffic growth between 2012 and 2018 of 1.0493.

Unfortunately there are no raw traffic counts for other 'B' roads (B2112 and B2272) within the grid square 533500/122500 (see Addendum) which are expected to exceed the growth rate of 1.0493 for the B2028, Lindfield High Street.

B2112	535000	123300	A272 Lewes Road		535250	123500
Count id	36887		36887		86008	
	04.06.2008		20.10.2010		05.07.2016	
hour	East	West	East	West	East	West
7	330	478	305	476	356	543
8	358	510	420	543	497	627
9	326	428	346	482	309	503
10	325	347	280	345	328	356
11	360	368	324	343	331	339
12	310	359	362	365	372	332

13	389	313	355	285	358	360
14	327	364	367	354	403	381
15	458	389	415	386	463	402
16	523	432	505	426	631	483
17	603	419	615	420	672	429
18	533	344	413	357	431	320
total	4842	4751	4707	4782	5151	5075
grand total		9593		9489		10226
West Sussex TEMPRO factor (y)			0.9892		1.0777	

Table 3

Traffic points 36887 and 86008 are 320 metres apart and are not influenced by other roads. Traffic counts are for 12 hour periods and have been used to illustrate the change between counts which is equivalent to the TEMPRO factor applicable to West Sussex.

Department of Transport document RTF18 forecasts linear increases in road traffic growth, road traffic congestion resulting in longer journey times for trips whilst road traffic emissions are forecast to fall by a minimum of 30.2% by 2050. The growth forecasts for 2022 were obtained by interpolation due to the linear nature of the projection, based on the 'all roads' and 'all vehicles' options for each scenario, shown in Table 4, to indicate the national TEMPRO factor.

Scenario	2016	2022	Change %
1	291.66	311.966	1.0696
2	291.66	321.948	1.1038
3	291.66	301.598	1.0341
4	291.66	313.842	1.0761
5	291.66	309.902	1.0625
6	291.66	301.066	1.0322
7	291.66	312.698	1.0721

Table 4

Scenario 1 - Reference: Central Fuel and GDP Assumptions, 25% Electric Vehicles by 2050, constant trip rates from 2016, Central Office for National Statistics (ONS) projections of population.

Scenario 2 - High GDP, Low Fuel: High GDP Growth (+0.5pp Growth on OBR) and Low Fuel Cost Projection (Fossil Fuel Price Assumptions 2017, BEIS).

Scenario 3 - Low GDP, High Fuel: Low GDP Growth (-0.5pp Growth on OBR) and High Fuel Cost Projection (Fossil Fuel Price Assumptions 2017, BEIS).

Scenario 4 - High Migration: High Migration population variant (ONS) and decoupling of Income to Car Ownership relationship in London.

Scenario 5 - Low Migration Scenario: Low Migration population variant (ONS).

Scenario 6 - Extrapolated Trip Rates: Extrapolation of recent trip rate trends until 2050 and extrapolation of recent decreases in young person licence holdings.

Scenario 7 - Shift to Zero Emission Vehicles: 97% of car and LGV mileage powered by zero emission technologies by 2050.

Clearly by under predicting the AADT using TEMPRO has had repercussions for the whole modelling process resulting in under predicted emissions at various receptors located away from the highway. An Air Quality Assessment relating to a local contentious planning application utilised a TEMPRO factor of 1.0548, by omitting cumulative developments at Rookery Farm (320), Gamblemead uplift of 52 totalling 372 dwellings, when attempting to calculate AADT for 2022 from a 2016 baseline. The Air Quality Assessment was stated to be flawed, which it clearly was, yet MSDC had the effrontery to state that it was not in the Case Officer's Report to the Planning Committee, page 41 which reads "The Council's EHO has considered the correspondence from the applicants and the objectors on these points. He considers that the objectors' concerns have been addressed and that there is no reason to believe that the air quality assessment is flawed." There are two separate issues, the objectors concerns and the credibility of the Air Quality Assessment which should have been addressed separately. The SEHO was of the opinion that the objector concerns had been addressed should have been sufficient, full stop. Stating that the Air Quality Assessment was not flawed was an entirely different issue, not involving the objectors, based solely upon his professional judgement. The fact that the objectors did not flag up any additional failings, which have been presented subsequently, and which should have been dealt by MSDC is immaterial. The SEHO needs to apologise for such an obvious error of judgement and for misleading the Planning Committee who voted in favour of the planning application by being influenced by his statement in the Case Officer's report.

Cumulative developments and the effects of traffic growth

The question of the influence of additional traffic growth generated from the Northern Arc was raised with MSDC who responded, via the SEHO, as follows:

"As you know, traffic data is not my area of expertise, but I would expect only traffic from *relevant* developments to be included.

The N Arc development is likely to be distant enough that development traffic would not have any significant impact upon the (NO₂) levels at Hurst Farm. In any event, I understand that this type of development is already accounted for by the use of TEMPRO growth rates for the traffic data so there may be no need to include it specifically. WSCC should be able to answer any queries you have on the use of TEMPRO in this regard.

Please be reassured that, as there are no known air quality issues in the Hurst Farm area, the relatively low volume of additional traffic from the new development (in relation to the existing volumes) is unlikely to significantly change air quality in the area. We would only be concerned if there were predictions of significant adverse effects as a result of any new development."

The Northern Arc will by 2031 be comprised of 3500 dwellings, three schools together with community buildings and other structures which collectively will influence air quality and traffic growth upon the surrounding area as follows.

The document titled, Appendix 11-1: Traffic and Transport Technical Appendix, in support of planning application DM/18/5114, contains Table 11-5 and Table 11-9 which illustrates that air quality in way of Valebridge Road and Rocky Lane between Theobalds Road and A272 has been predicted to increase as a result of the Northern Arc development generating an increase in traffic volume (AADT). During the period 2017 to 2025, based upon TEMPRO-2015, traffic growth is predicted to increase by 98 vehicles per day and during the 2025 to 2033 by 574 vehicles per day. BEV contribute 4.7% by market share as of June 2020, whilst vehicles fitted with combustion engines are the overwhelming majority (95.3%), entering or exiting the A272 and will generate a directly proportional increase of oxidised Nitrogen (NO_x) mainly in the form of Nitric

Oxide (NO) which after having reacted with Ozone (O₃) to form Nitrogen Dioxide (NO₂) concentrations from vehicles transiting in both directions along the A272 corridor. Increases in traffic growth of 77 and 166 vehicles per day during the same periods will also occur in Janes Lane which potentially will impact upon the B2112.

The B2272, Butler's Green Rd, between the junction with Isaac's Lane and Beech Hurst Care Home, will also incur increases in AADT of 384 and 846 vehicles per day during the same time frame. Data collated from the planning portal indicates that a minimum of 74% of traffic transiting the B2272 in way of Butler's Green Road will also transit South Road. Clearly the Authors of the Traffic and Transport Technical Appendix adjudged it prudent to consider the influence of traffic growth arising from the Northern Arc development and the impact upon three separates routes into and out of Haywards Heath by an additional 4% by 2025 and 12% by 2033 excluding increases attributable to the annual traffic growth, which in West Sussex is almost double the national average. The largest increase of 5% by 2033 will be felt at Butler's Green Road, possibly Oaklands also, especially at peak periods thus hopefully prompting MSDC to take a leaf out of the Department for Transport's book and reappraise their mindset regarding the effects of cumulative developments. A prudent next step would be to run the Northern Arc through TEMPRO again now that both the National Trip End Model (NTEM) and the RTF18 have been updated in order to determine to what extent traffic generated by the NA will impact upon roads into and out of Haywards Heath. Better to be proactive now instead of waiting for the chickens to come home to roost.

One reason for there being no known air quality issues in the Hurst Farm area is because the monitoring sites MSAQ2 and MSAQ28 are located where traffic volumes are lower than the section of A272 between the Highbank roundabout and Bolding Way, MSAQ2 records 71% of traffic transiting whilst MSAQ28 records 87%. MSAQ28 has not yet produced a full set of published readings for a 12 month period which implies that MSDC have no idea, other than at monitoring sites, regarding air quality within Mid Sussex. Site allocations for 1409 dwellings within Burgess Hill and Haywards Heath area during the next 5 years will also impact, together with the annual traffic growth, upon traffic movements in way of the A272 and B2112 and lead to further increases in Nitrogen Dioxide concentrations. All new development will also adversely impact upon the background concentrations as characterised in Clean Air Strategy 2019, thus "Air pollution comes from many sources. Pollutants can travel long distances and combine with each other to create different pollutants. Emissions from distant and local sources can build up into high local concentrations of pollution."

The significance of locating monitoring sites where the NO₂ concentrations are at the highest level is best illustrated in the following article.

"A picturesque village in Dorset has been named as England's most polluted hotspot, ahead of taxi rank in Sheffield.

Residents of Chiock say they are blighted by pollution caused by traffic from lorries and holidaymakers on the A35, which runs through the village.

But it was only when they moved their air quality monitoring site to the village's main hill, where drivers are forced to accelerate, that they captured the extent of the problem.

The village is now top of the list of English locations where Nitrogen Dioxide (NO₂) levels breach the annual air quality objective, according to analysis by Friends of the Earth."

The question of traffic growth was asked of the SEHO as follows:

"In Table 5.1 of the Air Quality Assessment update 2019 the 2023 baseline+committed NO₂ annual mean concentration at receptor R5 is stated to be 24.4µg/m³. From the provisional estimates, 2018-2019, which indicates that traffic increased on motorways and 'A' roads by 1.2%. The level of traffic in West Sussex on all major classes of road is almost double the national average which means that traffic growth increased by 2.24% (1.2 x 1.9) in 2019." The market share for alternative fuel vehicles is stated to be 7.3% at the end of 2019 (<https://www.statista.com/statistics/299052/alternative-fuel-types-used-in-newly-registered-cars-in-the-united-kingdom/>) where the annual growth rate was 1.33% since 2016 onwards.

TRA8901 indicates that the total motor vehicle traffic (vehicles miles) was 4.586 x 10⁹ for the year ending 2018. Similarly TRA8902 indicated that car traffic (vehicle miles) was 3.664 x 10⁹. Car traffic is therefore 80% of the total traffic on West Sussex roads which means that cars account for 5.8% (7.3 x 0.8) of the total traffic transiting R5 as of the end of 2019.

R5	Measured	Background	Emissions	Change ↓
2018	35.7	10.306933	25.393067	
2019	35.9	9.958167	25.961872	1.0224
2020	32.5	9.556437	22.950295	0.8840
2021	29.5	9.198918	20.288060	0.8840
2022	26.8	8.850430	17.934645	0.8840
2023	24.4	8.539590	15.854227	0.8840

Table 2

"From the above table (2) it is apparent that a decrease in emissions of 11.6%, is required annually from 2019 to 2023 in order to achieve an annual mean concentration of 24.4µg/m³ in 2023. The market share of petrol cars increased by 3.6% as opposed to alternative fuel vehicles which increased by 1.33% from 2018 to 2019. Is it likely that the market share of alternative fuel vehicles will increase dramatically in four years, or have Phlorum got it wrong again?"

The response was:

"In answer to your question, the Government has based its emission factors, which is the authoritative basis on which vehicle emissions in future years are calculated, assuming a gradual decline in the more polluting vehicles and an increase in EV and other alternative fuel vehicles. Using these factors is the standard methodology for air quality modelling."

That question remains unanswered and it is apparent that annual decreases in emissions of 11.6%, which has since increased due to the background concentration now being 8.116717µg/m³ instead of 8.539590µg/m³ due to revised mapping data, could not be achieved against a back drop of increasing petrol cars sales of 3.6% in contrast to alternative fuel vehicles sales of 1.33%.

The above demonstrates that consultants, through no fault of their own, have carried out modelling in accordance with industry best practice that has tended to under predict emission concentrations, representing the very best case scenario, used in air quality assessments in support of planning applications for some considerable time. Pointing the finger of blame at the Government, who have attempted to correct the anomalies

associated with emission factors, does not absolve MSDC from their responsibilities of ensuring that documents submitted in support of planning application are adequately scrutinised.

Emissions

Air Quality Consultants has updated a previous study that examined trends across the UK covering the period 2005 to 2016. The new report presents trends for 112 sites over the period 2005 to 2018 and for 183 sites over the more recent period 2010 to 2018. The findings were recently reported by Prof. Duncan Laxen to the Institute of Air Quality Management's Routes to Clean Air Conference in London.

Overall downward trends have been identified across all sites, of -3.1% per year for NO₂ and -3.0% per year for NO_x, for the period 2010 to 2018. The downward trends are steeper at rural sites, at -3.4% per year for NO₂ and -4.1% per year for NO_x, than at road and urban sites, at -3.1 and -3.0% per year for NO₂ and NO_x respectively. These downward trends are greater than those previously identified for the period 2005 to 2016.

"Air Quality Consultants previously found no significant trend over the period 2005 to 2016 for sites across central and northern England and north Wales, in contrast to the rest of the UK. This area of the UK has now caught up, with slightly steeper downward trends than the rest of the UK over the period 2010 to 2018.

The downward trends in NO_x concentrations (2005 to 2018) are smaller than those for estimated UK NO_x emissions (2005 to 2017), which suggests that emission reductions presented in the National Atmospheric Emission Inventory (NAEI) are overly optimistic. The report recommends that the validity of the NO_x emissions estimates used in the NAEI, especially those for road vehicles, is reviewed in light of these observations.

Defra publishes projections of roadside and background concentrations. Recent projections of NO₂ concentrations, from a base year of 2017, now match the overall trends in measured roadside and rural NO₂ concentrations for the years 2017 and 2018.

The pattern of trends over time, which for NO₂ is of little change between 2005 to 2010 and then a steeper downward trend from 2010 to 2018, is consistent with evidence of an increasing ratio of NO₂:NO_x in vehicle emissions in the period to 2010 and then a decline from 2010.

There is now evidence of the NO₂: NO_x ratio increasing for Euro 6 light duty vehicles, which is likely to limit the current decline in NO₂ concentrations to be less than that of NO_x.

While the observed reductions in NO_x and NO₂ concentrations are encouraging, additional measures and actions will be required in order for the reducing trend to continue into the future. The report concludes that it is important to regularly monitor trends in ambient concentrations."



Step 1	How far from the KERB was your measurement made (in metres)?	21.0
Step 2	How far from the KERB is your receptor (in metres)?	1
Step 3	What is the local annual mean background NO ₂ concentration (in µg/m ³)?	9.643307
Step 4	What is your measured annual mean NO ₂ concentration (in µg/m ³)?	20.5
Result	The predicted annual mean NO ₂ concentration (in µg/m ³) at your receptor	37.7

Receptor R1 in 2016.

The above image, which MSDC should be familiar with, relates to planning application DM/17/2739 Environmental Statement Vol.1, Chapter 9, Air Quality Assessment 2016. Table 9.10 which indicated that the annual mean NO₂ concentration at R1 was 20.5µg/m³, 2016 baseline.

Receptor R1 is located on Lunces Hill at a distance of 21 metres from the kerbside at grid reference 533756/121897. The concentration at one metre back from the kerbside equates to 37.7µg/m³ which did not exceed to the objective 2016.

At receptor R5 in 2016 the result equates to 63.4µg/m³. R5 measured at 19.0 metres from the kerbside and was predicted to be 31.5µg/m³ at the receptor. In 2018 the result equates to 55.8µg/m³, when R5 measured 9.0 metres from the kerbside and was predicted to be 35.7µg/m³ at the receptor. Background concentrations are derived from 2015 mapping for 2016 baseline and from 2017 mapping for 2018 baseline. Receptor distance of 1 metre from the kerb was selected purely on the basis that MSDC use the same distance in their ASR's but under predicts the true concentration that pedestrians are exposed to due them being nearer to the kerbside and for vehicle occupants who are a further metre from receptor R5 and at the source which in 2016 equated to at least 63.4µg/m³.

Step 1	How far from the KERB was your measurement made (in metres)?	19.0
Step 2	How far from the KERB is your receptor (in metres)?	1
Step 3	What is the local annual mean background NO ₂ concentration (in µg/m ³)?	9.643307
Step 4	What is your measured annual mean NO ₂ concentration (in µg/m ³)?	31.5

Receptor R5 in 2016.

The Bureau Veritas calculator results should be treated with caution when the receptor is more than 10 metres from the kerbside as was the case in 2016 for all 11 receptors. The 2019 reading for R5 of 56.6µg/m³ can therefore be regarded as being more reliable when using the BV calculator which is used in DMRB has been found to over predict NO₂ concentrations. A report prepared by Prof Duncan Laxen and Dr Ben Marner found that "Of the three models, ADMS-Roads appears to describe the rate at which NO₂ concentrations reduce with increasing distance from the road better than either the DMRB screening model or Caline-4. The DMRB, in particular, appears to significantly under-predict the rate at which measured concentrations reduce close to the road. The Caline-4 model comes slightly closer to predicting the measured rate of concentration reduction near to roads, although still underpredicting the decline with distance. However it seems to under-predict the rate at which concentrations reduce at distances greater than 20m. The predictions made using ADMS-Roads provide a better representation, although this model shows a smaller initial decline out to 5m then a larger decline from 5 to 20m than the trend derived from the measurements. The study suggests that within the range of these measurements, and at these specific types of sites (i.e. motorways or busy dual-carriageways in open settings), it might be possible to use measurements made at one distance from the road to predict the concentration at any other distance from the road. Equation 4 shows the empirically-derived function that might be used."

$$\text{Equation 4: } C_z = ((C_y - C_b) / (-0.5476 \times \ln(D_y) + 2.7171)) \times (-0.5476 \times \ln(D_z) + 2.7171) + C_b$$

Where: C_y is the total measured concentration (µg/m³) at distance D_y ;
 D_y is the distance from the kerb at which concentrations were measured;
 C_z is the total predicted concentration (µg/m³) at distance D_z
 D_z is the distance from the kerb (m) at which concentrations are to be predicted;
 C_b is the background concentration (µg/m³); and
 $\ln(D)$ is the natural log of the number D

Using the above equation resulted in R1 to be 35.9µg/m³ in 2016 and 27.0µg/m³ in 2018. R5 was found to be 45.0µg/m³ in 2016 and 48.1µg/m³ in 2018. R5 has exceeded to objective of 40.0µg/m³ at the kerbside since 2016. For 2020 other Local Authorities that have posted their ASR's have generally experienced a reduction in Nitrogen Dioxide concentrations at monitoring sites. Chichester has three sites that are unchanged while Horsham and Brighton & Hove each have increases at three of their sites.

A decrease in Nitrogen Dioxide levels is a welcome step forwards in the quest to achieve better air quality but unfortunately CO₂ levels, which can be harmful to humans in confined spaces, are heading in the opposite direction. The DfT RFT18 indicates that CO₂ will increase, for many years to come, due in part to the following.

While lab tests suggest that PHEVs emit on average 44g of Carbon Dioxide per kilometre new analysis by an NGO suggests that in the real world cars actually emit 117g per kilometre on average. That compares to 164g and 167g of CO₂ respectively for petrol and diesel cars. All the 10 top-selling plug-in hybrids in the UK automatically switch on the car's engine as soon as the external temperature drops to below 14°C in order to keep the car passengers warm. That can not be good for the environment especially during winter months when NO₂ concentrations will be higher due to atmospheric conditions.

Sustainability Queuing delays

Under, Site Selection Reasonable Alternatives for Assessment, Technical Summary, 11-Transport states: "There are no 'severe' highway impacts expected from any of the three options. Policy requirements could ensure access or highways mitigation is provided to ensure no severe impacts arise." The same document as in Cumulative developments and the effects of traffic growth submitted in support of the Northern Arc development predicts changes in driver delays of 500 seconds by 2025 at the A273/Sussex Way roundabout and 562 seconds at A272/London Road T junction (leading to A23/A272 NB Slip) thus exposing the occupants of crawling or stationary idling vehicles, to 8 minutes and twenty seconds and 9 minutes and twenty two seconds respectively, to excessive concentrations of pollution. How long do the delays have to be before being considered severe? What prospects to behold! MSDC have not yet resolved the problem at Stonepound Cross Roads and there is a real possibility of them sleep walking towards major problems with regard chronic traffic congestion due a lack of highway infrastructure improvements at various locations within Haywards Heath together with an exceedance of the air quality objective at various roundabouts due to complacency.

From the foregoing it is apparent that Defra recognise that modelling has under predicted NO₂ concentrations due a variety of different reasons. The DfT have also acknowledged that traffic growth forecasts have been under predicted, as detailed in Road Traffic Forecasts 2018, resulting in trying to predict traffic growth in future years challenging. The traffic count carried out in 2020 at the request of WSCC when compared with that of 2016 will provide a definitive indication of the annual traffic growth rate, for a four year period relevant to the local highway network, for AADT input data into the emission factor toolkit. Air Quality Assessments, carried out prior to the substantial updates of the RFT's, will therefore be flawed.

Without significant improvements to highway infrastructure the likelihood of gridlocked roads during peak periods together with the associated increase in pollution that results alludes to Haywards Heath not being a thriving settlement and will as a place to avoid. Local residents submitted photographic evidence of heavy traffic congestion on the A272 (HHRR) section which was ignored by the Case Officer. The District Plan seeks the opposite in paragraph 2.9 and notwithstanding that the Site Allocations DPD Sustainability Appraisal 11 – Transport, which reads "None of the site options on their own are likely to contribute to negative impacts on the highways network. In-combination modelling of the package of preferred option sites will be tested as part of the evidence supporting the Site Allocations DPD. Access arrangements for the Science and Technology Park, and further testing of highways capacity will be required and further work has been identified to test this prior to submission." there should a full appraisal of future trends in traffic growth, emissions of NO₂, CO₂, PM_{2.5} and PM₁₀ resulting from cumulative development currently under construction and from future allocations, in the form of a thorough risk assessment, which should be at the forefront of decision making when selecting and allocating sites for future development. The highway capacity should be tested based upon traffic counts where ever possible since previous modelling has been proved to be inadequate due mainly to input data under estimating when compared with reality as demonstrated earlier under TEMPRO. It is worth bearing in mind that traffic data presented by Phlorum suggests there was an average annual increase of 6.45% in AADT between May 2016 baseline and December 2018 baseline (say 2.5 years for best case scenario) for the local highways converging at the Fox Hill, Birch Hotel, and Sussex roundabouts (see Addendum).

A second issue regarding sustainability are future energy supplies which are forecast to be insufficient to meet demand when the wind is not blowing and the sun is not shining. One major energy supplier is seeking permission from Ofgem to be able turn off via smart meters appliances remotely in order to ration electricity such as heat pumps and electric vehicle chargers. If they fail to get that permission and demand exceeds supply then everyone, regardless of whether they have a smart meter or not, will be subjected at some point, to power disruption especially during winter. It would be highly irresponsible for any local authority to pursue a building programme without reassurance that power supplies will be adequate at least up until 2031.

Unless the issues relating to air quality and traffic growth forecasts are addressed and corrected MSDC are in danger of sabotaging their own District Plan strategies and policies, specifically with regard DP21 and DP29, due in part from their lackadaisical approach to ensuring that supporting documentation in connection with planning applications are both credible and fit for purpose. There is now a compelling argument for a full risk assessment to be undertaken, covering the next plan site allocation period, in view of the substantial updates to Road Traffic Forecasts 2018 and NTEM 2018, in order to ensure that the aged highway infrastructure can sustain the volume of traffic forecast for annual increases together with the additional increase generated from cumulative development including employment and science and technology parks. For developments based upon TEMPRO-2015 modelling traffic growth rates will now have increased due to the Trip End Model being updated in 2018. Local authorities are obliged to improve air quality and ensure that the objective will not be exceeded. Despite having been assured by the Chief Executive that MSDC take air quality very seriously I still remain sceptical due to the poor oversight and due diligence of a Planning Department which is perceived to be focused on the Council's policy of meeting housing targets. By all means plan for the future responsibly and transparently by ensuring that all other relevant District Plan policies are complied with and that the outcome is not detrimental to the existing community.

David Johnson

Addendum

Change in traffic growth between 2016 and 2018

Location	2018	2016	Change %	Annual %
Fox Hill (S)	14047	12131	15.79	6.32
Hurstwood Lane (S)	2727	2471	10.36	4.14
Fox Hill (N)	11842	10111	17.12	6.85
Fox Hill (N-j)	12415	10649	16.58	6.63
Rocky Lane	16716	13696	22.05	8.82
Wivesfield Road	16648	13789	20.73	8.29
A272	10086	8512	18.49	7.40
Hurstwood Lane N	2761	2502	10.35	4.14
B2272	16559	14310	15.72	6.29
Lewes Road	13472	11808	14.09	5.64
Average %			16.13	6.45

Annualisation for MSAQ28

Site	Am	Pm	Ratio Am/Pm
MSAQ5	32.575	30.911	1.053828560
MSAQ9	9.817	9.089	1.080075697
MSAQ26	25.725	24.200	1.063016529
MSAQ27	24.782	24.322	1.018896317
Average Ra			1.053954276

Annualisation procedure, example

Background Site	Annual mean 2015 (Am)	Period Mean 2015 (Pm)	Ratio (Am/Pm)
A	28.6	29.7	0.963
B	22.0	22.8	0.965
C	26.9	28.9	0.931
D	23.7	25.9	0.915
Average (Ra)			0.944

It has only been possible to carry out a monitoring survey at site for six months between July and December 2015. The measured mean concentration M for this period is $30.2 \mu\text{g}/\text{m}^3$. How can this be used to estimate the annual mean for this location? Identify two to four nearby, long-term, continuous monitoring sites, ideally those forming part of the national network. The data capture for each of these sites should ideally be at least 85%. These sites should be background (Urban Background, Suburban or Rural) sites to avoid any very local effects that may occur at Urban Centre, Roadside or Kerbside sites, and should, wherever possible lie within a radius of about 50 miles. If no background sites are available, and the site to be annualised is itself a Urban Centre, Roadside or Kerbside site, then it is permissible to annualise using roadside or kerbside sites rather than background sites, though this should be clearly stated in the annual report. Obtain the annual means, Am, for the calendar year for these sites. Work out the period means, Pm, for the period of interest, in this case July to December 2015. Calculate the ratio, R, of the annual mean to the period mean (Am/Pm) for each of the sites. Calculate the average of these ratios, Ra. This is then the annualisation factor. Multiply the measured period mean concentration M by this annualisation factor Ra to give the estimate of the annual mean for 2015. For this example the best estimate of the annual mean for site S in 2015 will be $M \times Ra = 30.2 \times 0.944 = 28.5 \mu\text{g}/\text{m}^3$

1036

Site Allocations DPD: Regulation 19 Consultation Response

Code: 1j

ID: 1036

Response Ref: Reg19/1036/4

Respondent: Mr D Johnson

Organisation:

On Behalf Of:

Category: Resident

Appear at Examination? x

1243

Site Allocations DPD: Regulation 19 Consultation Response

Code: 1j

ID: 1243

Response Ref: Reg19/1243/4

Respondent: Mrs K Griffiths

Organisation:

On Behalf Of:

Category: Resident

Appear at Examination? x

Name	Karen Griffiths
Address	[REDACTED]
Email	[REDACTED]
Which document are you commenting on?	Sustainability Appraisal
Sites DPD Policy Number (e.g. SA1 - SA38)	SA 28/29/ 68/69/971
Do you consider the Site Allocations DPD is in accordance with legal and procedural requirements; including the duty to cooperate	No
(1) Positively prepared	Unsound
(2) Justified	Unsound
(3) Effective	Unsound
(4) Consistent with national policy	Unsound
Please outline why you either support or object (on legal or soundness grounds) to the Site Allocations DPD	<p>Site allocations DPD Sustainability appraisal.</p> <p>Pg 49 SHELAA site assessment 184 (SA29) Omits that site is in AONB.</p> <p>Pg 49 SHELAA site 184 in an AONB performs well for 25 dwellings but poorly on Pg 52 for 10 dwellings without any rationale. Why would a larger development in an AONB be better than a small one, particularly as all traffic from this site would travel through the main village thoroughfare?</p> <p>Pg 57. 6.46. quote\ ' It is not anticipated that an increase in supply should come from the 17 sites that performed poorly. There are clear and justifiable reasons to rule these sites out and there are more suitable and sustainable sites to choose from.....\ ' Incorrect.</p> <p>MSDC has repeatedly failed to address factual errors made about SHELAA sites 68,69 and 971 Jeffrey's Farm, Horsted Keynes in Sustainability assessments. These have been brought to the attention of MSDC several times, by residents and professionals through representations and formal communication but the errors have not been rectified in a timely way and have been used by MSDC and subsequently HKPC, to disregard the sites from further consideration for development.</p> <p>Had these facts been corrected at the point MSDC were made aware of them, these sites would have been assessed as reasonable alternatives to SA 28 and SA 29 that MSDC are actively promoting. To date, MSDC have not provided 'clear and justifiable reasons' to rule out the above sites using accurate, factual and evidenced information freely available.</p> <p>No development is ideal in an AONB but when incorrect or omitted facts are presented by MSDC to make sites appear more or less appropriate than another and when mitigation measures proposed by one site are ignored and not provided or sought from other sites, it is difficult to see how MSDC can demonstrate they are open, transparent, non-discriminatory and inclusive.</p>
Please set out what change(s) you consider necessary to make the Site Allocations DPD legally compliant or sound, having regard to the reason you have identified at question 5 above where this relates to soundness.	<p>Pg 49 SHELAA site assessment 184 (SA29) This site should have ' The site is within the AONB and the potential for major negative effects on countryside is therefore identified' in line with SHELAA site 807 below it.</p> <p>Reassess sites 68,69 and 971 with correct information.</p>

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

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

Yes, I wish to participate at the oral examination

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

To ensure factual information is not ignored.

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

yes

Date

28/09/2020

1370

Site Allocations DPD: Regulation 19 Consultation Response

Code: 1j

ID: 1370

Response Ref: Reg19/1370/2

Respondent: Mr T Higham

Organisation: Hamsland Action Group

On Behalf Of:

Category: Organisation

Appear at Examination? ✓

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

SITE ALLOCATIONS DEVELOPMENT PLAN DOCUMENT

REGULATION 19 CONSULTATION FORM

Part A – Your details

1. Personal details

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

Part B – Your Comments

Name of Organisation	Hamsland Action Group
-----------------------------	-----------------------

3a. Does your comment relate to:

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

3b. To which part does this representation relate?

Paragraph	n/a	Policy SA	SA29	Draft Policies Map	n/a
-----------	-----	-----------	------	--------------------	-----

4. Do you consider the Site DPD is:

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

4b. Sound No

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

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

[Note: 'X' equals a tick]

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

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

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

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

A. Failures of community engagement by MSDC

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

C. Impact on local community

D. Infrastructure problems

E. Alternative edge-of-village sites

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

G. Concluding remarks

A. Failures of community engagement by MSDC

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

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

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

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

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

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

1.1 High Weald Low Impact Assessment based on insufficient data.

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

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

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

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

- Ensure that the site layout, capacity and landscape mitigation requirements are informed by the recommendations of a Landscape and Visual Impact Assessment (LVIA) in order to conserve and enhance the landscape of the High Weald AONB, and minimise impacts on its special qualities as set out in the High Weald AONB Management Plan.*
- Identify and protect important views into and out of the site with proposals laid out so that views are retained and, where possible enhanced to both improve legibility and the setting of development.*
- Retain and enhance important landscape features, mature trees and hedgerows and incorporate these into the landscape structure and Green Infrastructure proposals for the development to limit impacts on the wider countryside. Open space is to be provided as an integral part of this landscape structure and should be prominent and accessible within the scheme.*

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



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

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

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

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

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

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

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

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

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

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

The booklet also suppressed these facts:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

C. Impact on local community

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

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

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

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

1.3 Under Highways and Access, the DSADPD states that:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

D. Infrastructure Problems

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

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

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

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

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

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

E. Alternative edge-of-village sites

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

Site 68 (Farm Buildings, Jeffrey's Farm)

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

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

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

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

Site 69 (Jeffrey's Farm Northern Fields)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

G. Concluding remarks

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

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

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

7. Please set out what change (s) you consider necessary to make the Site Allocation DPD legally compliant or sound, having regard to the reason you have identified at question 5 above where this relates to soundness. You will need to say why this change will make the Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

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

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

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

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

No , I do not want to participate at the oral examination		Yes , I wish to participate at the oral examination	X
--	--	--	---

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

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

10. Please notify me when:

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

On behalf of the Hamsland Action Group

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

Signature:

Terry Higham

Date:

27th September 2020

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

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

The purpose of neighbourhood planning

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

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

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

PC's response to the petition

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

...

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

1392

Site Allocations DPD: Regulation 19 Consultation Response

Code: 1j

ID: 1392

Response Ref: Reg19/1392/1

Respondent: Mr F Berry

Organisation:

On Behalf Of:

Category: Resident

Appear at Examination? x

[REDACTED]

From: Frank Berry [REDACTED]
Sent: 28 September 2020 23:38
To: ldfconsultation
Subject: MSDC Site Allocations DPD (Regulation 19) Consultation

I wish to object to the above DPD (Regulation 19) for several reasons, which I have detailed below:

I. Legally Compliant

I do not consider MSDC have been compliant with its **Statement of Community Involvement, as required under the National Planning Policy Framework (NPPF).**

I was alerted to the existence of the consultation for the Site Allocations DPD (Regulation 18) by a MSDC Councillor, and therefore made comments at that time. However, when I made a search of the MSDC website a few weeks ago, I had trouble locating any progress on this until I eventually found the Site Allocations DPD (Regulation 18) 9th October – 20th November 2019 Consultation Report. This contained the feedback that I sought i.e. comments made by statutory bodies, organisations and members of the public, including actions made by Officers to address objections. I noted the low response for sites relating to East Grinstead i.e. SA18 East Grinstead Police Station (31), SA19 Crawley Down Road (38), and SA20 Imberhorne Lane (69). Given that many people will have made comments to more than one site, this means that possibly less than 100 comments were received in total relating to the above sites out of a population in excess of 30,000. I have personally accessed the current (Regulation 19) documents, but I am concerned that when I searched for 'open consultations/existing consultations' on the website last week, the answer came back that there were no current consultations! This could lead once again to a very low response rate, and you will not receive the feedback about your proposals from a larger number of members of the public that are needed.

I note that the **MSDC Community Involvement Plan (CIP)**, issued in July 2020 states that it should "Be inclusive" and "Accessible to all who wish to take part", and the communication vehicles proposed were a press release, an email alert and "utilise social media". There are a limited number of residents who buy/read a 'local' newspaper these days, so the press release with the information would not have reached many people. The email alert is only effective for those who have signed up to receive the information, so again I suggest this would have reached a very low number, given the low responses given above. Utilising social media would reach a much wider audience in East Grinstead, but regular users of social media have advised me that they do not recall seeing anything from MSDC on various local social media websites alerting users to this consultation.

I understand that WSCC libraries were closed at the outset of the Coronavirus Lockdown, but did you/did you consider posting a notice on the library door in East Grinstead to alert a wider audience? Although the library was shut for a considerable length of time, it has re - opened in phases, so more visits have been made in recent months

2. Soundness

There is a requirement within the NPPF for the Plan to be 'Sound', but there are various aspects which I consider to be unsound, mainly relating to the statements regarding providing infrastructure and highways improvements.

2.1 Justified

a) There are too many dwellings proposed at SA19 Crawley Down Road (200) and SA20 Imberhorne Lane (550) to be justified. The Plan allocates Sites across Mid Sussex District to meet the needs of Mid Sussex and also that of Crawley, but these developments are far too large to be justified. Even without the current downturn in the Economy and effect on jobs at Gatwick and Crawley which makes these plans questionable, these developments are too large and will create problems for the new and existing residents of Felbridge and East Grinstead. The existing infrastructure cannot cope with an additional estimated 2,500 – 3,000 people, who will need to access to GP Surgeries, Dentists etc., and the Highways network will also need a major configuration to prevent gridlock in parts of East Grinstead and Felbridge. In support of this, I refer to the **MSDC Site Allocations DPD – Sustainability Appraisal – February 2020** i.e.

NPPD 2.4 Sustainable Development

This states that “It is about ensuring better quality of life for everyone, now and for generations to come”. I do not consider sitting in traffic hold – ups, having to travel to places outside of East Grinstead to access GP’s and Dentists, searching for parking spaces etc. to be “better quality of life”.

NPPD 2.6 an economic objective

This states “and by identifying and coordinating the provision of infrastructure”. However, most of the references contained within DPD (Regulation 19) regarding the East Grinstead Sites are vague. (see examples in my specific comments to SA18, SA19 and SA20 below).

NPPD 2.6 a social objective

This states “with accessible services and open spaces that reflect current and future needs and support health, social and cultural well – being”. The DPD (Regulation 19) Plan falls short on the detail as to how this will be achieved. Existing services will be inadequate to support the needs of an additional 10% of the existing population of East Grinstead and Felbridge. (see examples in my specific comments to SA18, SA19 and SA20 below).

NPPD 2.15 Consultation and Implementation

This states “Consultation withand members of the Community”. I do not think this has been adequate (see 1. Legally Compliant above).

Human Characteristics

The MSDC Site Allocations DPD, as in the District Plan, states that Mid Sussex has an aging population, which will need healthcare and social services provision. The Plan has identified that the District has a shortage of smaller 1 and 2 bedroom dwellings, which could suit older persons, but what will be the type of dwellings to be built on these sites? There should be an additional requirement to enforce a larger number of ‘affordable’ dwellings on these sites, rather than the usual maximum of 10% that currently exists. Developers will want to build larger 3 and 4 bedroom homes as these are more profitable, but any developments should reflect the needs of the District.

Households

“The increasing population locally and nationally is a key factor in the growing number of households and may present challenges where infrastructure cannot be improved or additional capacity created to meet increased demand from new households”. This is my point: it WILL present PROBLEMS in and around East Grinstead if these developments proceed as planned. There are no specific proposals to improve the infrastructure.

Housing Stock

There is a very low number of ‘affordable housing’ in Mid Sussex, so an increase in numbers is needed. However, the National Government’s definition of affordable housing bears little resemblance to reality; ‘affordable’ housing on new developments means very little to those seeking new/first homes if the average price within the development is £500,000.

Roads and Transport

“A number of interventions such as improved signalling, junction improvements and priority bus corridors may be necessary to support proposed growth”. In East Grinstead and Felbridge this WILL be required, but again there is a lack of detail in the DPD (Regulation 19) Plan.

Air Quality

The current air quality has already been identified as being poor in East Grinstead, which can only get worse with the additional volumes of traffic resulting from these developments. There are already traffic hold – ups, so unless major improvements are made to the road network, there will be additional harmful emissions due to queuing traffic.

In – Combination Effects: Conclusions

1 - Housing

“.....This supports the sustainability objective to ensure that everyone has the opportunity to live in a home suitable to their needs and which they can afford”. See my comments above.

2 – Health

This states that all sites will be required to support the provision of healthcare infrastructure in Mid Sussex. “This might be through direct provision a facility, provision of land, or through a financial contribution”. I know that S106 contributions are made currently and planned for these Sites, but that does not mean that a new GP surgery/health centre will be built, or an existing practice extended, due to constraints. Two GP surgeries were due to merge some years ago in East Grinstead, but this did not happen. However, people have continued to come to live in East Grinstead, and cannot access these services as they cannot take anymore additional patients. A 200 dwelling development is planned at Hill Place Farm, and there are no infrastructure plans to cater for the increased population and its needs.

Transport

This states that “None of the site options on their own are likely to contribute to negative impacts on the highways network”. I disagree: 550 additional homes at Imberhorne Lane will create lots of highway problems: it is proposed that the entrance to the new development will be on Imberhorne Lane, where traffic already tails back at peak times. Traffic trying to emerge from the estate (with a likely vehicle ownership in excess of 800) will only exacerbate these problems. 200 homes at Crawley Down Road will also cause highways problems, due to the site’s proximity to the road junction with the A264. Although mention is made about the possibility of improving this junction, it is likely to have a knock – on effect to the Felbridge traffic lights and even the Imberhorne Lane area. Several Reports (Atkins and Jubb) have highlighted the problems of traffic saturation at Imberhorne Lane/Felbridge junction, so an additional 750 dwellings with associated vehicle movements will result in traffic delays on a daily basis.

2.2 Effective

The infrastructure and highways improvement plans are too vague for this Plan to be effective.

2.3 Consistent with National Policy

The Plan should enable the delivery of sustainable development, but due to the insufficient evidence of infrastructure improvements in the **MSDC Infrastructure Delivery Plan** and lack of plans as to how traffic congestion relief will be achieved in East Grinstead and Felbridge, the above statement cannot be justified.

Community Infrastructure Levy

I am aware of the various S106 monies that have been specified for individual Sites, but does MSDC have plans to implement a CIL policy as a means to raise money for infrastructure that will be required in East Grinstead?

Site Specific Comments

SA18 East Grinstead Police Station

I note the comment “taking account of potential development opportunities that exist immediately beyond the site boundaries to ensure future redevelopment are not hindered”. What are these? Compulsory Purchase of the Old Court House which currently is in the ownership of East Grinstead Town Council? You need to be specific.

As the driveway at East Court is in the ownership of East Grinstead Town Council, there should be a contract with the developer to reinstate the drive to EGTC’s satisfaction should damage be caused during the building of the proposed apartments.

Adequate parking needs to be provided on – site to prevent infringements on the car parking area of East Court.

Improvements will need to be made at the Entrance to East Court from Escots Drive as there will be additional vehicle movements, to improve sight lines.

SA19 Crawley Down Road

There is a likelihood of coalescence occurring with this development and that of SA20 Imberhorne Lane in the future; this should not be allowed.

I note it says that “Provide a Sustainable Transport Strategy which identifies sustainable transport infrastructure improvements”. Mention is made of routes for walking, cycling and public transport, but where is the evidence that independent bus companies will extend their routes onto the new development?

It says MSDC will contribute towards providing any necessary and safety improvements to junctions impacted along the A22/A264 corridor, but they are not specific; if a development of this scale is planned, the associated highways improvements that will be necessary should be planned and made known at the same time. The contribution to the A22/A264 corridor junction improvements shows no estimated cost or contribution for S106 monies from the developer. These should be identified and published, as the improvements will be necessary as a direct consequence of the development. The timescale shown is 1 – 5 years, so plans for highways improvements need to be made now.

SA20 Imberhorne Lane

There is a likelihood of coalescence occurring with this development and that of SA19 Crawley Down Road in the future; this should not be allowed. The MSDC Design Guide for developers encourages them to ‘end’ developments with an ‘open’ road layout and not cull – de – sacs, to permit future development, but it should be made clear that there will be no extension to this or the SA19 Crawley Down Road development to prevent coalescence from occurring.

A Neighbourhood Centre is proposed, but what will be there? On earlier Plans the developer stated that a GP surgery was planned, but now it says “address increase demand for GP Services either on – site or by financial contribution to support expansion of existing local GP practices. See my comments under Health: there are expansion constraints on the 3 existing GP surgeries, and if one is not built on – site the future patients will not have a GP practice they can attend.

If this development is built, there will be numerous vehicle movements in and around East Grinstead in addition to Imberhorne Lane, due to the new occupiers accessing shops, the railway station, doctors, dentists (if they are accepted), hospital, leisure facilities etc. This will put pressure on the existing highways network.

A major change to the highways network will be required at Imberhorne Lane and Felbridge if this Plan is approved, but the detail of how this will be done to alleviate traffic and pollution problems is sadly lacking in detail in this Plan.

Frank Berry

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

1423

Site Allocations DPD: Regulation 19 Consultation Response

Code: 1j

ID: 1423

Response Ref: Reg19/1423/1

Respondent: Ms S Dowdall

Organisation:

On Behalf Of:

Category: Resident

Appear at Examination? x

Name	Sarah Dowdall
Address	[REDACTED]
Email	[REDACTED]
Which document are you commenting on?	Site Allocations DPD
Do you consider the Site Allocations DPD is in accordance with legal and procedural requirements; including the duty to cooperate	No
(1) Positively prepared	Unsound
(2) Justified	Unsound
(3) Effective	Unsound
(4) Consistent with national policy	Unsound
Please outline why you either support or object (on legal or soundness grounds) to the Site Allocations DPD	<p>South East water are unable to support the level of water demanded by the local area. This has become a recurring issue in recent months with the new Hoadlands Estate. Households in the area of Handcross have repeatedly and frequently been without water for hours and even days at a time.</p> <p>It is irresponsible to consider building further housing in a village that is unable to currently provide a basic necessity consistently to its existing residents.</p> <p>Before even considering this additional housing as an option, it must be ensured that water can be supplied at all times.</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.	South East water must first be capable of supplying consistent water to all housing in the village. No household should be without water for any period.
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	14/08/2020

1430

Site Allocations DPD: Regulation 19 Consultation Response

Code: 1j

ID: 1430

Response Ref: Reg19/1430/1

Respondent: Ms P Cox

Organisation:

On Behalf Of:

Category: Resident

Appear at Examination? x

Name	Philippa Cox
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	Unsound
(3) Effective	Unsound
(4) Consistent with national policy	Sound
Please outline why you either support or object (on legal or soundness grounds) to the Site Allocations DPD	<p>There is missing information on the estimated cost of: \Contribute to the improvements to the bus and rail interchange at Burgess Hill station\ and other infrastructure including the Police.</p>
Please set out what change(s) you consider necessary to make the Site Allocations DPD legally compliant or sound, having regard to the reason you have identified at question 5 above where this relates to soundness.	<p>Further information on the missing estimated cost of Police, Bus structure and other infrastructure should be given before the plans are pushed further, allowing for clarity for the public and assurance that some budget will be provided for these services.</p>
If you wish to provide further documentation to support your response, you can upload it here	
If your representation is seeking a change, do you consider it necessary to attend and give evidence at the hearing part of the examination	No, I do not wish to participate at the oral examination
Please notify me when-The Plan has been submitted for Examination	yes
Please notify me when-The publication of the recommendations from the Examination	yes
Date	19/08/2020

1722

Site Allocations DPD: Regulation 19 Consultation Response

Code: 1j

ID: 1722

Response Ref: Reg19/1722/1

Respondent: Mr D Parsons

Organisation: Lindfield Parish Council

On Behalf Of:

Category: Town & Parish Council

Appear at Examination? x

From: David Parsons <d.parsons@lindfieldparishcouncil.gov.uk>
Sent: 24 September 2020 11:53
To: ldfconsultation
Subject: MSDC Draft Site Allocations DPD Consultation

Follow Up Flag: Follow up
Flag Status: Completed

Categories: SiteDPD

Lindfield Parish Council (LPC) has no specific comments on the draft site allocations themselves however, LPC is concerned that the existing infrastructure (e.g. highways, parking, schools, hospital, doctors and railway services) are in normal times already fully utilised and in many cases overburdened. Consequently, LPC considers it to be essential that site development is properly co-ordinated with the necessary improvements to these services, rather than leaving such improvements to lag demand to the detriment of both existing and new residents, as has so often been the case in the past.

On a procedural note, LPC is aware of the concerns raised by Cuckfield Parish Council in respect of underestimating the calculation of contribution from windfall sites, and considers it to be critical that such calculations are appropriately undertaken to avoid further over developing Mid Sussex and its remaining open space.

Regards

David

David Parsons
Deputy Parish Clerk
[Lindfield Parish Council](#)

Clock Tower House, Lindfield Enterprise Park, Lewes Road, Lindfield, West Sussex RH16 2LH
Office Telephone 01444 484115

Please note that my usual working days are Tuesday, Thursday and Friday and that my email address is not monitored in my absence. The clerks@lindfieldparishcouncil.gov.uk address is monitored more frequently.

Link to WSCC Covid 19 page (latest case data [here](#)):
<https://www.westsussex.gov.uk/fire-emergencies-and-crime/coronavirus-covid-19-advice-and-information/>



This email and any attachments to it may be privileged and confidential and are intended solely for the use of the individual to whom it is addressed. If you are not the intended recipient of this email, you must neither take any action based upon its contents, nor copy or show it to anyone. Please contact the sender if you believe you have received this email in error or respond with "WRONG RECIPIENT" in the subject line.

Although Lindfield Parish Council has taken reasonable precautions to ensure no viruses are present in this email, the Council cannot accept responsibility for any loss or damage arising from the use of this email or attachments.

2209

Site Allocations DPD: Regulation 19 Consultation Response

Code: 1j

ID: 2209

Response Ref: Reg19/2209/1

Respondent: Mr S Simper

Organisation:

On Behalf Of:

Category: Resident

Appear at Examination? ✓

Name	Steven Simper
Address	[REDACTED]
Email	[REDACTED]
Which document are you commenting on?	Site Allocations DPD
Do you consider the Site Allocations DPD is in accordance with legal and procedural requirements; including the duty to cooperate	No
(1) Positively prepared	Unsound
(2) Justified	Unsound
(3) Effective	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	Essential services are woefully inadequate, traffic is already uncontrollable and dangerous with nothing implemented in any of the previous builds.
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.	Improve road ways and infrastructure before agreeing new site development. Address genuine concerns of local residents before dismissing their concerns.
If you wish to provide further documentation to support your response, you can upload it here	
If your representation is seeking a change, do you consider it necessary to attend and give evidence at the hearing part of the examination	Yes, I wish to participate at the oral examination
If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary	I believe it is essential that genuine concerns of local residents are heard.
Please notify me when-The Plan has been submitted for Examination	yes
Please notify me when-The publication of the recommendations from the Examination	yes
Please notify me when-The Site Allocations DPD is adopted	yes
Date	27/09/2020

2383

Site Allocations DPD: Regulation 19 Consultation Response

Code: 1j

ID: 2383

Response Ref: Reg19/2383/2

Respondent: Mr P Tucker

Organisation: Infrastructure First

On Behalf Of: Infrastructure First

Category: Organisation

Appear at Examination? ✓



RESPONSE TO SITES ALLOCATIONS DPD REGULATION 19 REPRESENTATION FORM

Part A – Our Details

Name	<input type="text" value="Paul Tucker"/>
On behalf of	<input type="text" value="Infrastructure First"/>
Address	<div><div></div><div></div><div></div><div></div><div></div></div>
Email Address	<input type="text" value=""/>

Part B – Our Comments

Organisation	<input type="text" value="Infrastructure First"/>
---------------------	---

Our comments relate to:

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

We consider the Site Allocations DPD is ...

In accordance with legal and procedural requirements, including the duty to cooperate?

Yes

☐

No

☒

Sound?

Yes

☐

No

☒**We consider the Site Allocations DPD to be unsound in the following areas ...**

	Sound	Unsound
Positively prepared	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Justified	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Effective	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Consistent with national policy	<input type="checkbox"/>	<input checked="" type="checkbox"/>

☐

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

☒

Yes, I wish to participate at the oral examination

We are seeking a change to the Site Allocations DPD and would like to attend and give evidence at the oral part of the examination.

The Infrastructure First Group takes a responsible attitude to development. It is advised by Wedderburn Transport Planning on highways issues, and, by Mr. Juan Lopez on legal issues.

Given its remit and level of community support, the Infrastructure First Group considers it appropriate that it should be kept informed of the council's response to the consultation and should be invited to participate in the public examination.

Continued over ...

The objection to the site Allocations DPD, Sustainability Appraisal and associated documents consists of the formal response form and the professional advice of Wedderburn Transport Planning which is contained in this report and which forms an integral part of the response.

However, given that significant areas of uncertainty exist – particularly though not exclusively in relation to traffic data and their interpretation – as a result of the lack of provision of key information either in full or in part during and before the consultation, the Infrastructure First Group reserves the right to submit additional responses as and when additional information becomes available.

About Infrastructure First

Infrastructure First is a residents group concerned with ensuring that development in East Grinstead and the surrounding villages is sustainable and enhances the various settlements. We do not oppose sustainable development and support the East Grinstead Neighbourhood Plan.

Infrastructure First has built on the experience and legacy of earlier local groups involved in planning notably the East Grinstead Post Referendum Campaign (PRC) which made representations on planning matters following the 2003 referendum against the District Council's scheme to build 2,500 homes proposed on a mixed-use development on Imberhorne Farm. This was advanced by MSDC through an Area Action Plan and the PRC was able to assist the Council by exposing the unresolvable flaws in the proposal that led to the Council abandoning it in 2010. Many of the issues evaluated during that process remain valid when considering the latest proposal to develop land at East Grinstead and Felbridge.

In the absence of an effective programme being run by MSDC to inform the local residents of the current consultation Infrastructure First has set up a website and distributed leaflets to households to enable them to make their views known.

<https://www.infrastructurefirst.co.uk>

Firstly this response sets out why **we consider that the Council has not met the Duty-to-Cooperate or its own Statement of Community Involvement. As such the DPD and associated documents are not considered legally compliant and should be withdrawn.**

This response focuses on objections to the site allocations proposed at East Grinstead and Felbridge that will add a further 722 homes to those already committed via the local development plan and through windfall developments.

We consider that these proposed additional allocations at East Grinstead and Felbridge are not sustainable and should be replaced by other sites that are, located nearer to Crawley but which the Council has chosen not to evaluate.

These sites nearer to Crawley are deliverable in the mid-term and would offer flexibility to the District Plan which is due to be reviewed in 2021, when it is likely to be required to accommodate more overspill housing from Crawley following the emerging reviews of the Horsham and Crawley Local Plans.

We consider that the submitted draft DPD is not sound and should be withdrawn for further work to be completed.

MSDC has attempted to develop the broad location between East Grinstead and Felbridge before and their failure to deliver resulted in the Council's failure to deliver the District Plan which was originally due to be adopted in 2010.

We also contend that the Council has not followed due process and so the draft DPD is not legal.

We do not consider that the Council has followed due process in producing this DPD. We consider that it has failed to adequately engage with the public and that it has not adhered to the principle of front-loading consultation.

There is no unmet need to make up in Mid Sussex in general and specifically none at East Grinstead. The allocations proposed at East Grinstead are to meet Crawley's unmet need. Therefore, proposed allocations need to be shown to be i) sustainable in themselves and ii) the best solution to meet the unmet need at Crawley, some 13 km distance from East Grinstead, along the congested A264 corridor.

We argue that neither criteria is met by the proposals in the draft Site Allocations DPD. The sites at East Grinstead are not sustainable and should be removed from the DPD and the Council needs to revisit sites abutting Crawley, that are sustainable, that could be delivered and would better meet the requirement to provide homes to meet Crawley's unmet need.

We also consider the Sustainability Appraisal is superficial, inaccurate in places and fails to consider all reasonable potential sites. We set out our arguments for this in Appendix C.

1. Background

The Site Allocations DPD is necessary because the District Plan, adopted in 2018, was built up from the various Neighbourhood Plans produced across the District, and so did not identify sufficient sites to deliver the share of unmet housing need for Crawley post 2023/24, identified, for Mid Sussex to accommodate, by the Inspector at the District Plan Examination.¹ This DPD is an interim measure being produced ahead of the review of the District Plan in 2021.²

It is clear from the reviews being undertaken by Horsham and Crawley into their Local plans that it is likely that Mid Sussex, like Horsham, will need to accommodate more housing to meet Crawley's expansion. The DPD does not address this point since none of the site allocations proposed offer any possibility of further expansion. There is no built-in flexibility.

Since the main objective of this DPD is to meet unmet need at Crawley, it is perplexing that MSDC has chosen to either ignore completely, or dismiss without evaluation, sites that are closer to Crawley which could offer a substantial quantum of development and that would neither require increased car journeys nor overload the existing infrastructure as would sites at East Grinstead and Felbridge, or pose a risk to Ashdown Forest, that needs mitigation.

1.1 High risk strategy

On the evidence available, the quantum of development proposed in the draft Site Allocation DPD between East Grinstead and Felbridge cannot be delivered sustainably and the strategy being put forward is high risk.

Furthermore, these locations are, at best, sub-optimal in addressing the requirement that Mid Sussex must deliver 1,500 additional houses to meet the expected unmet need of Crawley Borough from 2023/24.

Mid Sussex have introduced an unnecessary and unwelcome lack of flexibility to the Mid Sussex spatial plan, that runs contrary to national planning policy by discarding potential sites closer to Crawley without evaluation.

¹ The submitted draft District Plan had underestimated the OAN for Mid Sussex and also failed to recognise or accommodate that unmet need for Crawley. During the Examination the housing requirement was significantly increased.

² Local Development Scheme June 2019, "The Mid Sussex District Plan 2014 – 2031 also includes a commitment (Development Policy 5: Planning to Meet Future Housing Need) to undertake a review of the District Plan commencing in 2021"

Under the current draft Site Allocations DPD the ability to meet the Mid Sussex housing requirement would rely on delivering sites at East Grinstead and Felbridge in the same (or very similar) locations to those that the Council previously failed to deliver under the East Grinstead Area Action Plan DPD [EGAAP] scheme.

The failure to find a way of developing that mixed-use strategic location at "Imberhorne" through the EGAAP process, despite the expenditure of considerable resources and the inclusion of an expensive multi-modal transport study [MMTS], led directly to the recently adopted local plan (District Plan) arriving ten years late and the failure of the Council to operate a plan-led planning system from 2008 to 2018 (as is required by national planning policy).

MSDC had argued that to deliver the 2,500 mixed-use strategic development under the East Grinstead AAP, £120m at 2006 prices (£175m today) was needed to fund the necessary infrastructure. For the SA19 and SA20 the Infrastructure Delivery Plan lists infrastructure spending of less than £21m. £21m seems unlikely to be sufficient.

1.2 Relevant History and implications of MSDC proposals for major development between Felbridge and East Grinstead

Until the adoption in 2018 of the Mid Sussex District Plan (20 year period 2011-2031) the local development plan consisted of the old Local Plan modified in 2004 (that was produced before the P&CPA [2004] came into effect) and the Small Scale Housing Allocations DPD. An additional DPD was scheduled to be adopted in 2006 to deliver a mixed use Strategic Development identified to the west/southwest at East Grinstead (between East Grinstead and Crawley) to be fully completed by 2016 but with no site specifically allocated under the revised county Structure Plan.

The replacement of the 2004 modified Mid Sussex Local Plan was delayed from its first scheduled due date of 2010, to 2018. The current need for a Site Allocations DPD resulted from the failure of the Council to allocate sufficient development sites under the submitted draft District Plan (2014-31).

The reason for the decade long delay in adopting an up-to-date spatial plan was due to the Council failing to follow a strategy that was sufficiently flexible, and that relied on major development at East Grinstead that it found impossible to deliver. We now find that the Council is making its delivery of the District Plan housing numbers post 2023/24 dependent on another scheme for mass housing at East Grinstead/Felbridge. It is therefore appropriate to review the reasons for the fate of the earlier plan that was advanced as the EGAAP.

The modified West Sussex Structure Plan (2004) set out a housing quota for Mid Sussex in 2004 and identified a mixed use strategic development site to the west/southwest of East Grinstead. MSDC started the process of developing a new Local Plan to accommodate the increased numbers which it proposed to do through a Small Scale Housing Allocations DPD (providing small sites up until 2010) and an East Grinstead Area Action Plan to deliver a mixed use strategic allocation at East Grinstead to be fully completed by 2016.

Unusually, MSDC chose in their local development scheme to bring forward the spatial strategy *after* the adoption of the SSHA and EGAAP DPDs, and against government advice.

The approach proved to be flawed because it meant that the spatial strategy was entirely reliant on delivering the EGAAP site to meet the housing quota. This ran against the 2004 Planning & Compulsory Purchase Act requirement that the spatial plan should provide sufficient flexibility.

The Council argued that the well-established planning constraints at East Grinstead could be overcome and this ambition was set into the revised West Sussex Structure Plan (WSSP) policy LOC1, with the infrastructure requirements upon which it was made contingent set out in the accompanying appendix B. The Council started to develop the EGAAP in 2004 but was obliged to abandon it in 2010, after it became clear that the scheme could not deliver sustainable development, and could not meet the development conditions the Council agreed to at the WSSP EiP.

It is relevant to note the Council's proposed EGAAP mixed use development was at Imberhorne Farm and included 2,500 homes plus associated employment provision. This scheme included the site currently being advanced as SA20 for 550 homes as well as the site already developed for 100 homes adjacent to Imberhorne Lane.

The information published to support this new strategic development between East Grinstead and Felbridge fails to address the issues that the earlier, much more detailed, work exposed and which at that time the Council and the East Grinstead Developer Consortium concluded could not be overcome to deliver a sustainable and lawful development. Based on the evidence provided it would be reasonable to expect that this new scheme will fail just like the earlier one and will leave the Council unable to meet its obligations with respect to the unmet need at Crawley.

This makes the allocations SA19 and SA20 **unsound** and so undermines the soundness of the Site Allocations DPD itself.

1.3 Relevant reasons for earlier failures to deliver mass development at East Grinstead and how the draft Allocations DPD addresses them

The chief constraints on development at East Grinstead were recognised in the modified Mid Sussex Local Plan (2004) as being down to inadequate traffic infrastructure and environmental factors.

They were thought a sufficiently serious risk to delivery that when a mixed used strategy location was identified south/southwest under Policy LOC1 of the county Structure Plan (2004) the development was made contingent on the Council meeting specific infrastructure conditions set out in the associated Appendix B, in order for the development to meet sustainability criteria and national planning policy. The Council was unable to meet these and so the Council was forced to drop the strategic development.

Since that time the constraints have worsened and so it remains for the Council to demonstrate that, notwithstanding, the new proposal can overcome these constraints and be delivered. It hasn't.

It is concerning that now, in this draft DPD, the Council is failing to consider the possibility of a repeat failure when advancing a proposal on sites similar to that of the EGAAP and nonetheless with much less provision for infrastructure, and one that runs counter to national planning policy, and in particular the Planning & Compulsory Purchase Act (2004) and the most recent National Planning Policy Framework.

Below we will set out why these risks remain and that the Council has failed to offer any deliverable resolution to the underlying transport constraint.

2. The Council has failed to consult properly with the wider public

The NPPF requires LPAs to carry out public consultation on plans that is transparent and front-loaded (ie. at the earliest opportunity). Para 16 says that "Plans should be shaped by early, proportionate and effective engagement between plan makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees..."

MSDC say that their consultation process adheres to their Statement of Community Involvement. This requires that "the community should be involved as early as possible in the decision making process when there is more potential to make a difference" and that "community involvement should be accessible to all those who wish to take part".

We note that the latest Local Development Scheme, which MSDC say is the way for residents and other interested parties to keep abreast of the timetable for consultation reading planning policy matters, is dated June 2019 and is out-of-date. Anyone relying on this would be unaware of the current consultation.

MSDC claim to have met their obligation to consult residents by:

1. Issuing a press release
2. Email alerts
3. Ad-hoc comments on the Council's social media channels
4. Posts on the Council's website
5. Exhibition boards in the public library

The evidence shows that these communication channels have been wholly inadequate in reaching ordinary residents or "hard-to-reach groups", and in places the procedure was not followed at all.

2.1 Ineffective Press Release Campaign

MSDC advise that the press release was distributed to the following:

- **TV outlets** – ITV Meridian News & BBC South East Today
- **Radio Stations** – BBC Radio Sussex; BBC Radio Surrey; Burgess Hill Community Radio; Heart Radio; Meridian FM & More Radio
- **Newspapers** – East Grinstead Courier; Mid Sussex Times; The Argus & West Sussex County Times
- **New Agencies** – Dehaviland; Dods Monitoring & Press Association
- **Magazines** – Cuckfield Life; East Grinstead Living; Hurst Life; Lindfield Life; RH Uncovered & Sussex Living
- **Websites** – BBC News Online; Burgess Hill Uncovered & Crawley News 24

However, MSDC say that they do not actively monitor the coverage given to their press releases and Officers are only "... aware that the Mid Sussex Times ran a story on 30th July regarding the consultation." The single press release for the Consultation resulted in only one entry in a weekly paper servicing the towns of Burgess Hill and Haywards Heath but that is not distributed in East Grinstead or Felbridge.

There has been NO publicity in the local East Grinstead paper despite the DPD proposing over half of the homes to be allocated in East Grinstead and Felbridge.

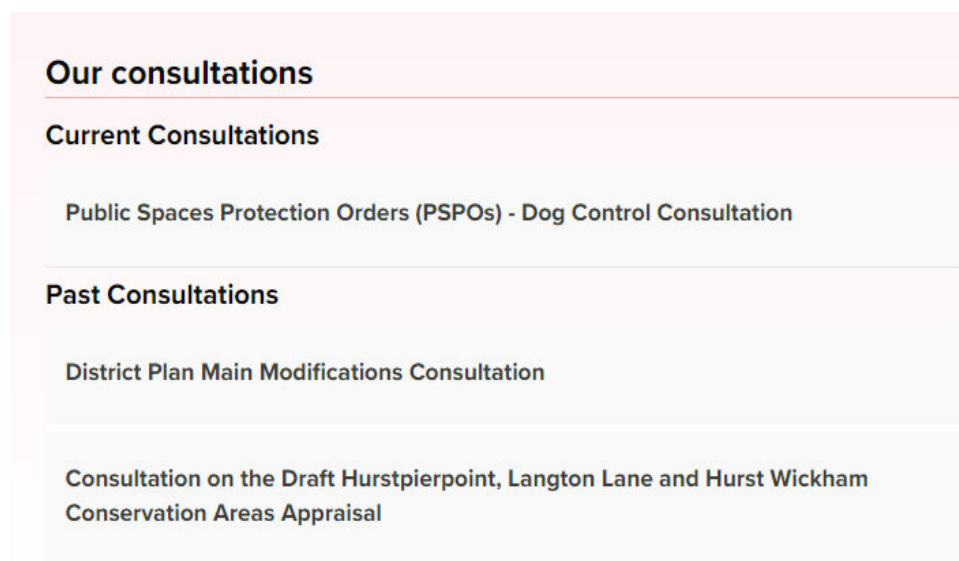
2.2 E-mail alerts

No active actions have been taken to solicit residents to signing up for e-mail alerts (e.g. in Mid Sussex Matters or via the annual Council Tax Bill mailings) so the Council is relying on residents and third parties having been already engaged in the consultation process. E-mail alerts in this instance are limited to the few people with prior knowledge of the consultation and so had registered their email address. No obvious attempts have been made to reach "hard to reach groups".

2.3 No alerts on the Council's website ...

Neither the main landing page nor the main "Planning and Building" page make ANY reference to the consultation. The Council's dedicated "Consultations" page advertises only a "Public Spaces Protection Order – Dog Control Consultation", and says NOTHING about the Site Allocations consultation.

There is no reference to the Sites Allocations consultation on the MSDC website. The dedicated consultations website page fails to notify the public that there is an ongoing Regulation 19 consultation (see screen shot of 20/9/20 below).



2.4 No alerts in Mid Sussex Matters ...

MSDC's own magazine, Mid Sussex Matters, is distributed to all 73,000 households in Mid Sussex, three times a year. MSDC say that "Wherever possible, details of forthcoming consultations are included within the magazine, this is our preference as it reaches every household in the district. However publication dates and consultation dates do not always coincide."

The Spring 2020 edition failed to mention the Site Allocations consultation but did alert readers to the review of the local plan not due to start until 2021.

2.5 Exhibition boards in the public library

It is understood that exhibition boards were set up for a few days during the Regulation 18 consultation period but nothing at all was provided to East Grinstead library for the Regulation 19 consultation.

2.6 Failure to engage with other authorities affected by the Site Allocations

MSDC says that Town and Parish Councils were contacted during the formative stages of the DPD. However, we understand that Felbridge Parish Council was not contacted at any point during the development of the DPD, despite site SA19 being variously described in the DPD and supporting documents as “sympathetic extension to Felbridge’, ‘sympathetic to the landscape setting and character of Felbridge ’and ‘maximises connectivity with the existing settlement of Felbridge’.

Further we understand that Tandridge District Council have confirmed to Felbridge Parish Council that they were not informed of the Regulation 19 Consultation and have sought an extension to enable them to prepare a response. This is despite there being a Statement of Common Ground between MSDC and TDC.

It is clear that residents of Felbridge and East Grinstead have not been properly consulted as part of this process and nor have their representative bodies.

It also seems clear that the Duty to Co-operate has not been met since that the Tandridge was not consulted. This raises questions as to the nature of co-operation been undertaken with other authorities adjacent to Mid Sussex. For example, has MSDC engaged with Horsham over the potential allocation of the Mayfield garden village at Sayers Common?

The DPD should be withdrawn as it is not legally compliant and the resultant documents are unsound since the consultation was not carried out in line with national policy (eg. NPPF Para 16) or the MSDC Statement of Community Involvement.

3. Unsound site selection process

National planning policy requires LPAs to follow a pro-active approach when undertaking a comprehensive review of potential development sites to underpin local planning policies, and considering them against consistent criteria in their SHEELA.

In doing this LPAs are required to 'look for solutions' to overcome any identified constraints. In producing its SHEELA MSDC has failed to do this and so **the DPD site allocations are not sound.**

At least two significant sites that could offer to meet future need at Crawley, as well as the current quantum, have in the case of Mayfield (around Sayers Common) been omitted from the SHEELA and in the case of Crabbett Park (abutting Crawley to the north of the Pease Pottage strategic site) dismissed without due regard to the District Plan Settlement Hierarchy.

In allocating sites at East Grinstead and Felbridge the Council has not "sought solutions" to constraints but rather to ignore those constraints entirely.

3.1 Better Alternatives Not Considered By MSDC

Sites exist closer to Crawley that appear to offer sustainable options for delivering part of Crawley's unmet need within Mid Sussex, but MSDC have dismissed them out-of-hand without evaluating these against their sustainability criteria.

These sites would reduce the need to travel by car to jobs at Crawley/Gatwick so avoiding additional congestion on the A264/A22 corridor and avoiding any risk to the Ashdown Forest that would need to be mitigated closer to Ashdown Forest (i.e. at East Grinstead/Felbridge).

3.2 Mayfields

It is common knowledge that Mayfields have been trying to talk to MSDC since the work started to draw up the District Plan to discuss the possibility of a new garden village straddling the Mid Sussex/Horsham border near to Sayers Common.

Whilst Horsham DC has engaged positively with Mayfields and evaluated that part of the site that lies within Horsham in their SHEELA process, the area in Mid Sussex does not even appear in the MSDC SHEELA. The Horsham Local Plan is currently being reviewed and it is understood that HDC are actively considering the Mayfield proposal, on its planning merits, with the possibility of allocation in their revised LP.

It is our understanding that in preparing a plan positively a LPA is expected to pro-actively search out all potential development sites and evaluate them through the SHEELA process. It is clear that for reasons other than planning considerations MSDC has chosen to try and suppress the Mayfields option. This clearly is not following national planning policy and calls into question the legality and soundness of the submitted draft SADPD.

3.3 Crabbett Park

A substantial site at Crabbett Park has been dismissed without a credible reason. This site clearly has the ability to sustainably service Crawley Borough's needs for additional housing, the very unmet needs that the Site Allocations DPD is designed to address. It is considered that a site such as Crabbett Park, adjacent to Crawley but in Mid Sussex, could deliver the Crawley unmet need sustainably and without necessitating the compromises and without the need break to national planning policy that siting the additional homes at East Grinstead would require.

Crabbett Park, at face value, has many things in its favour and shows the potential to site local homes for Crawley workers, sustainably, at Crawley but these have not been explored at all by MSDC because it was ruled out at the first stage of the site-selection process. This mixed-use site could include local employment space on site, whereas there are no proposals for additional employment space at East Grinstead and so new residents would have to commute, in large part to Crawley/Gatwick. Unlike East Grinstead a location such as Crabbett Park will not site new homes 13km from Crawley/Gatwick where new residents are expected to work. Houses at Crabbett Park could quite easily be linked directly to the Fastway network, thus substantially reducing the need to travel to work and further decreasing the likely use of private cars to make such journeys. Sustainable access routes to the mainline station could also be incorporated.

From a planning perspective it is very similar to the site allocated in the District Plan at Pease Pottage (DP10) and the mixed-use site currently under development between Copthorne and Junction 10 of the M25 (MSDC planning ref 13/04127/OUTES) which have established the principle of developing urban extensions of Crawley into Mid Sussex.

The reason given for dismissing Crabbett Park without assessment is that it is more than 150m from a major, or Tier 1, settlement. This is incorrect on two fronts. Firstly, it is located outside the Crawley urban boundary but abutting Crawley (i.e. abutting a settlement larger than any Tier 1 settlement in Mid Sussex) and secondly it is less than 150m distant from Crawley. And to

reiterate, MSDC found the Pease Pottage site entirely consistent with its Settlement Hierarchy policy when it allocated it in the District Plan.

The reason for dismissing the Crabbet Park site before evaluation is false. The site should have been properly evaluated and considered. **The DPD has not been properly prepared and is not justified on this basis and is thus unsound.**

3.4 Sites at East Grinstead & Felbridge

MSDC have chosen to put forward sites SA19 and SA20 that are remote from Crawley and the new jobs that the houses are due to serve and which are sites acknowledged to suffer from serious constraints on development that have been made worse in recent years by "planning by appeal" and a particularly large number of permitted development conversions in East Grinstead.

The primary reason for putting forward the sites allocations SA19/SA20 appears to boil down to the following rationale:

1. "We have to allocate these houses to meet Crawley's unmet housing need somewhere in Mid Sussex"
2. "We can't put any more at Burgess Hill"
3. "For internal party political reasons we cannot allocate a large site at Haywards Heath Golf Club"
4. "For unspecified reasons we choose not to consider, at all, sites in Mid Sussex that are adjacent to, or close to Crawley along the A23 corridor - sites that could reasonably be expected to meet Crawley's unmet need sustainably, meeting the District Plan spatial strategy, just as the Strategic Site at Pease Pottage allocated under District Plan Policy DP10 does."
5. "Therefore we must have another go at developing the gap between East Grinstead and Felbridge despite previous failures to deliver".

This counter intuitive choice, to promote sites at East Grinstead/Felbridge rather than sites close to Crawley, is all the more perplexing when the two principal sites SA19/SA20 are set in a broad location between East Grinstead and Felbridge that the District Council and developers have previously gone to great lengths to try to deliver, but have failed each time, due to the development constraints inherent to that broad location. Sites further away from Ashdown Forest closer to Crawley also eliminate the risk to the SPA/SAC that requires mitigation for sites at East Grinstead/Felbridge, as set out in policy DP17.

Why might MSDC now decide to put forward SA19/SA20 in preference to prima facie better performing sites close to Crawley? Has something changed to make

the Imberhorne/Felbridge location sustainable when previously wasn't? If so, what?

The DPD and Sustainability Appraisal make no attempt to explain what has changed. They simply assume that the sites at East Grinstead/Felbridge are going to be selected "come what may". Indeed, district councillors have told residents that these sites were actually "allocated" by the Inspector in his report into the District Plan examination. But this cannot be correct. If the sites were already allocated as suggested, then there would be no need for this DPD to allocate them again. The District Plan examination had no time to consider these sites in any detail and even if it had allocated specific time they would have been insufficient evidence to make such a decision as the necessary work, such as traffic studies, had not been completed by MSDC.³

There is a fundamental flaw to the procedure followed by MSDC to produce this draft DPD. The Council has failed to consider all possible options, it didn't approach the site selection process positively or with an open mind, the site selection is not justified by the evidence (including the absence of crucial pieces of evidence such as a localised traffic report), it does not offer an effective solution to meet Crawley's need, let alone the most effective. Finally it is not consistent with national policy.

4. More homes combined with an ongoing loss of employment space will lead to more out-commuting and undermine the sustainability of East Grinstead

The addition of further housing at East Grinstead and Felbridge with no allocated employment provision, combined with continued loss of existing employment space in recent years, largely due to conversion under permitted rights, will further reduce the opportunities for local residents to work locally. This is **against Policy DP1** which sets out "to provide opportunities for people to live and work in their communities, reducing the need for commuting".

The DPD proposes seven new employment sites elsewhere in the district but none in East Grinstead or Felbridge.

The Mid Sussex Economic Profile Study (2018), says that "There has been a significant loss of floor space to residential conversions particularly in East Grinstead." This study reports 19,440m² of commercial office space in East Grinstead at the time of publication.

³ An example of this is the failure of the AMEY Mid Sussex Transport Study that supported the District Plan to identify the capacity issues already at Felbridge. **This point is dealt with in the Wedderburn Transport Planning Report Sept 2020 attached as Appendix A**

Since then, East Grinstead's stock of office space has continued to decline, with 12,000m² **(62%) being lost** as a result of a single planning permission for the conversion of East Grinstead House **in June 2020**.

The East Grinstead Business Association objected to that conversion, saying that we have lost "7 existing, long standing, large and well known successful local businesses that have live leases and in combination employ around 1,000 people". The conversion will yield another 253 homes, with potentially double the number of new residents needing to commute out of East Grinstead for work.

MSDC confirm that they do not monitor the amount of office floorspace lost through residential conversions, so have no evidence to show that the 772 homes proposed for East Grinstead and Felbridge are sustainable. Potentially, there could be 1,500 new residents and no new employment space and nowhere for them to work in East Grinstead.

Increasing traffic congestion and loss of employment space act to significantly undermine any economic growth and inward investment, which is **contrary to Policy DP1** "to promote a place which is attractive to a full range of businesses, and where local enterprise thrives" **making the Site Allocations DPD unsound**.

5. Incomplete and Inadequate traffic modelling of local junctions and misapplication of the NPPF traffic sustainability test

The Atkins Stage 3 traffic study published in May 2012 assessed five key junctions on the main A22 corridor into East Grinstead. The study proposed a set of 'Do Minimum' network improvements at three junctions to allow the network to operate within capacity to enable up to a maximum of 765 homes, the then committed level of development.

Since then only one of the recommended junction improvements has been implemented. Despite this the MSDC Completions Monitoring shows that 1,098 homes have been delivered in East Grinstead since 2011. There is currently permission for further 968 homes (total 2,066, almost three times the capacity of the Atkins 3 improvements).

Jubb traffic surveys were conducted on the East Grinstead network between 2014 and 2016 and the WSP traffic survey conducted in 2018. Not surprisingly, both show that congestion has increased substantially since the original Atkins Study given the level of actual housebuilding.

The SYSTRA Mid Sussex Transport Study (MSTS) commissioned to support the Site Allocations DPD estimates a significantly less congested network (in its projected baseline 2017 derived from the 2008 West Sussex transport Model) than either Jubb or WSP (actual counts 2014/2016/2018) and even shows less than the Atkins study reported more than 10 years earlier.

Despite significantly understating the 2017 baseline scenario, the MSTS model shows that the junctions in and around East Grinstead will be operating “over capacity” by the end of the plan period in 2031 due to housing already allocated in the 2018 District Plan. It then concludes that the additional load due to the allocations proposed in the Site Allocations DPD is of no concern.

The Site Allocations DPD is required to address the housing shortfall identified at the District Plan examination. Therefore the purpose of the MSTS should be to demonstrate that the **cumulative impact** of District Plan and the Site Allocations DPD can be supported over the plan period.

The Wedderburn Transport Planning (WTP) Report 2020 (commissioned by Infrastructure First Group – See Appendix A) shows how MSDC has incorrectly regarded the allocations in the District Plan as an “existing condition” and therefore the MSTS misapplies the Residual Cumulative Impact test from NPPF para 109.

It should also be noted that the SYSTRA MSTS uses a higher quantum of housing in its reference case than the District Plan Amey transport assessment. Therefore the SYSTRA MSTS does not give a true and fair representation of the network impact in 2031 from the full quantum of planned development.

Due to inadequacies of the SYSTRA MSTS it does not highlight severe impacts on any of the local primary junctions, although it does report a significant increase in ‘rat running’. This re-routing impact has been dismissed as insignificant although there will be inevitable consequences for environmental, safety and amenity impacts on communities living nearby, whether on East Grinstead residential roads or country lanes through the villages between East Grinstead and Crawley. Increased congestion also depresses economic activity.

The 2018 WSP study was commissioned jointly by MSDC, TDC, WSCC and SCC to investigate capacity and pedestrian safety issues at the A264/A22 junction in Felbridge. The executive summary was published in October 2019 (See Appendix B) but the main report has still not been disclosed.

Requests to see the full WSP report have been refused.

MSDC officers will have read the full WSP report and will have known prior to the publication of the Site Allocations DPD for consultation that the WSP baseline traffic measurements are significantly worse than the SYSTRA MSTs estimates. It is against national and local planning policy to withhold material evidence from the consultation process in this way.

MSDC claim that the proposed site allocations should not be contingent upon any traffic interventions on the local network as they do not contribute to a severe residual cumulative impact. This is not correct as WTP set out.

Despite this conclusion that there are no capacity problems to resolve, MSDC have nonetheless jointly commissioned WSP to come up with options to resolve the capacity problems on the A264/A22 junction. The published executive summary shows that their preferred option (option 3) is an improvement on the 'Do Nothing' scenario but insufficient for the junction to be operating within capacity at the end of the plan period.

Option 3 which the authorities have chosen to study further does not resolve the pedestrian safety issues and requires 3rd party land in order to implement the proposals. WSP report that the preferable Option 4 incorporating pedestrian crossings is not deliverable within the plan period.

We understand that WSCC have raised concerns about the deliverability of either of these two options.

It remains unclear which authority would exercise its CPO powers to acquire the necessary third party land. Officers have in the past stated that MSDC is "not that sort of authority".

Even if the capacity issues at the A22/A264 junction could be resolved in a timely manner, this would only result in even worse congestion further along the A22 corridor towards East Grinstead. This will have the effect of 'choking' the town centre raising the barrier further to economic growth and investment

Unless and until there are firm and deliverable proposals to resolve the current and future traffic congestion in Felbridge and East Grinstead, the proposed site allocations in East Grinstead cannot be regarded as sustainable.

We consider that the five recommendations in the WTP report (attached to this submission as Appendix A) must be followed to establish whether there are any deliverable solutions to the Felbridge and Turners Hill hotspots.

Currently the proposed Site allocations SA19/SA20 are not sustainable and the DPD is unsound as a result.

6. Allocation of sites SA19 & SA20 would be contrary to the NPPF and the Local Development Plan

At a review of Neighbourhood Plan policies on 3rd May 2018, following the adoption of the District Plan, MSDC confirmed that all policies in the East Grinstead Neighbourhood Plan are in conformity with the District Plan and should be given full weight, with the exception of a policy EG5.

Policies EG2 and EG2a are designed to resist development outside the built-up boundary and "to ensure that development does not result in the gradual accretion of development at the urban fringe".

These policies conform to MSDC's own policies DP12 and DP13, which say ..."The primary objective of the District Plan with respect to the countryside is to secure its protection by minimising the amount of land taken for development and preventing development that does not need to be there."

The proposed site allocations SA19 and SA20 are outside the East Grinstead & Felbridge built-up boundaries and are **therefore against both Neighbourhood and District Plan policies [EG2, EG2a, DP12 & DP13]**.

The supporting text to policy EG2 (at paragraph 4.9) explicitly calls for development to be refused in the areas of countryside at Imberhorne Farm and south of the Crawley Down Road ... precisely the location of the proposed sites SA19 and SA20.

Policy EG11 was designed to ensure that East Grinstead would not have to take housing allocations without effective compensating improvements to the local highways network being delivered ..."Proposals, which cause a severe cumulative impact in terms of road safety and increased congestion, which cannot be ameliorated through appropriate mitigation will be refused".

Policy EG11 fully supports policy DP21 which requires that ... "development is accompanied by the necessary infrastructure in the right place at the right time that supports development and sustainable communities. This includes the provision of efficient and sustainable transport networks".

It is also worth noting that the section of land where the sites are located was until 2004 designated as Green Belt, which has very strong protection under national planning policy. When the Mid Sussex Local Plan was revised in 2004 its policy EG24 resulted in that designation being removed but assurances were given that this would not result in any loss of protection of the former section of Green Belt.

EG24 Areas of Metropolitan Green Belt at East Grinstead as indicated on the Proposals Map shall be removed from the Green Belt and shall instead be included in the Countryside Area of Development Restraint.

s12.96 Following changes to the boundary between West Sussex and Surrey in 1993 five small sections of Metropolitan Green Belt north of East Grinstead were transferred to Mid Sussex District. The Council has considered whether these Green Belt designations should be retained in the new Local Plan, and has concluded that it would be unnecessary and inappropriate to do so. These areas, plus others at Copthorne, would be the only areas of Green Belt in the whole of West Sussex.

The Structure Plan contains no policies relating to the Green Belt and the County Council is opposed to the retention of this designation.

The District Council considers that to retain this designation would be an anomaly in planning policy terms, and that, since other policies in this Local Plan provide equal protection for these areas, its retention would be unnecessary. The Council therefore proposes to seek the deletion of these Green Belt designations at East Grinstead from this draft Local Plan. They will be re-designated as falling within the Countryside Area of Development Restraint.

The proposed site allocations SA19/SA20 are contrary to the local development plan policies and the NPPF and so **the DPD is not sound.**

7. Allocation of SA19 would represent an unacceptable extension to Felbridge village and result in coalescence with East Grinstead

Felbridge is a rural village in Surrey with a small strip of land south of the Crawley Down Road falling within the administrative boundary Mid-Sussex.

TDC acknowledge in its Settlement Hierarchy Addendum 2018 that “although the proximity of East Grinstead plays a role in Felbridge’s sustainability, the settlement itself can only demonstrate a basic level of provision and as such is categorised as a Tier 3 (rural settlement)”

However, MSDC is treating the land south of the Crawley Down Road as an extension to East Grinstead without due regard for its village status or the gap between the two distinct communities.

With no more frontage sites available along the Crawley Down Road, MSDC are already allowing the extension of the village towards East Grinstead, with 120

homes recently approved as back land developments. With a current population of 532 homes, the existing commitments will increase the number of homes by nearly 25%. The village has no doctor's surgery, pharmacy, dentist, opticians and only a small convenience store. Infrastructure contributions and subsequent council taxes will go centrally to MSDC in Haywards Heath with no plans to improve meagre services in the village.

Allocating SA19 as an additional back land site for 200 homes south of the Crawley Down Road would result in an increase in the number of homes by a further 30%; without any plans or funding to improve infrastructure that would mitigate the harm to the function and character of the village.

This is **contrary to policy DP6** (Settlement Hierarchy) which allocates a much smaller proportion of housing requirement to Tier 3 medium sized villages. DP6 says..."To promote well located and designed development that reflects the District's distinctive towns and villages, retains their separate identity and character and prevents coalescence", and "To create and maintain town and village centres that are vibrant, attractive and successful and that meet the needs of the community".

SA19 is located outside the built-up boundaries of both Felbridge and East Grinstead. This is **contrary to policy DP12** (Protection and enhancement of countryside) which says that ..."The primary objective of the District Plan with respect to the countryside is to secure its protection by minimising the amount of land taken for development and preventing development that does not need to be there".

SA19 is also **contrary to the strategic aim of policy DP13** (Preventing Coalescence) ..."To promote well located and designed development that reflects the District's distinctive towns and villages, retains their separate identity and character and prevents coalescence."

The East Grinstead Neighbourhood Plan, which officers have confirmed are consistent with the District Plan, expressly lists the land to the south of Crawley Down Road as **contrary to policies EG2 and EG2A** to ensure development "does not result in the *merging or coalescence of settlements and the gradual accretion of development at the urban fringe*".

The proposed allocation of SA19 is contrary to the local development plan strategic policies and therefore not sound

8. Allocation of SA20 would result in loss of valued agricultural land and habitat, harm the setting of heritage assets and result in coalescence of East Grinstead with Felbridge

8.1 Loss of valuable Agricultural land

Site SA20 is surrounded by high yielding agricultural land that justifies an Agricultural Land Classification Grade of 3a (ie. the best and most versatile agricultural land).

District Plan **DP12** says that "Where identified, Grade 1, 2 and 3a agricultural land should be protected from development due to its economic importance and geological value. This is the land which is most flexible, productive and efficient and can best deliver future crops for food and non-food uses."

The Sustainability Appraisal report reveals that the Council currently lacks data to distinguish Grade 3 from 3a agricultural land and assumes a default classification of 3 without evidence. We contend that the default should be to assume that the land merits 3a status unless further work disproves this.

The planning assessment proforma rates the SA20 site location as having a 'positive impact' on the Landscape without any explanation or evidence to support what amounts to the officers' opinion. The officers' opinions are **not justified**.

8.2 Damage to heritage assets

SA20 is adjacent to the Grade II Listed Gullede Farmhouse and Imberhorne Farm Cottages. English Heritage advise that rural setting of these listed buildings is important to their value as heritage assets and development on the site would overwhelm the buildings and result in significant harm. Allocation is contrary to District Plan policy **DP34** says that "Special regard is given to protecting the setting of a listed building".

8.3 Risk to Ancient woodland

SA20 lies adjacent to a substantial area of ancient woodland which is already 'hemmed in' on two sides by residential and industrial development. Further development would serve to isolate the woodland from the surrounding countryside resulting in unnecessary habitat fragmentation.

Ancient woodland is classified by National Planning Policy as an 'unreplaceable habitat' and **NPPF para 175** says "development resulting in the loss or

deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons”.

Natural England states that “Ancient woodland and the wildlife it supports are particularly vulnerable to various impacts associated with nearby residential areas. These include recreational disturbance, fly tipping, light pollution, introduction of non-native plant species from garden waste, predation of wildlife by pet cats and pollution from dog faeces”.

These harmful impacts can only be mitigated to a limited degree by the imposition of a buffer zone.

8.4 Displacement of ‘Red List’ bird species

The farmlands at SA20 provide an important breeding habitat for ‘red list’ bird species such as the Skylark and Yellowhammer with loss of habitat being the main reason for the sharp population decline nationally.

The developer’s own Ecological Survey acknowledges that the Skylark “requires more specialised ground nesting provisions” and that the ability of the SANGS to compensate for the loss of farmland habitat will be limited due to it fulfilling its primary purpose to attract those causing ‘recreational disturbance’ away from Ashdown Forest.

NPPF para 175 says that “if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.”

There are alternative sites closer to Crawley that would allow this significant harm to be avoided.

The allocation of site SA20 is contrary to the local development plan and national planning policy and so the allocation is unsound.

9. Potential risk to the Ashdown Forest SPA/SAC

The sites SA19/SA20 are located close to Ashdown Forest which includes sites designated as SPA and SAC is protected under the Habitats Regulations and are within the 7km zone of influence.

Whilst the Habitats Regulations Assessment which recommends mitigation measures to prevent damage to the SPA/SAC sites is supported by Natural England, questions arise as to why these sites have been selected in preference to sites nearer to Crawley which require no such mitigation. The very need for mitigation confirms that there is a significant risk to the Ashdown Forest and as

the effectiveness of the mitigation measures has not been evaluated by MSDC their true effectiveness remains to be seen.

For example, the SANGS policy with its site at East Court in East Grinstead has been in place for almost a decade but MSDC have done no measuring or monitoring of it. The purpose is to divert visitors, especially those walking dogs, away from Ashdown Forest to reduce the 'disturbance' effects. Since no measuring or monitoring has taken place there can be no way of knowing whether the theoretical benefit of the mitigation has been delivered or whether the 'disturbance' on Ashdown Forest that it is designed to mitigate is in fact happening nonetheless.

Similarly, there has been no measurement and monitoring of the effectiveness of the joint SAMM strategy.

In response to comments made in the Regulation 18 consultation MSDC said that they would take the following actions :

- a. Prepare a SANGS topic paper to present evidence on visitor surveys
- b. Prepare a SAMM monitoring strategy

These actions do not appear to have been completed.

The fact that sites SA19 & SA20 require mitigation measures (the effectiveness of which has not been tested) must weigh against their allocation when other sites that do not risk adversely affecting the Ashdown Forest have been discarded without consideration.

It is noted that allocating the additional housing nearer to Crawley and further away from Ashdown Forest can be expected to reduce any likely risks of a negative impact on Ashdown Forest. For example, the Council argues that the impact from disturbance is directly related to the distance from the Ashdown Forest.

There has been no attempt by MSDC to justify the marginal risk to Ashdown Forest that allocations SA19 & SA20 raise when other sites that pose no such risk have been dismissed without evaluation. **This makes the allocations unsound.**

10. We consider the following changes necessary to make the Site Allocations DPD legally compliant and sound

We have set out above our reasons for concluding that the draft Site Allocations DPD is not legally compliant and not sound. We do not see evidence that it has been properly prepared, that the policies have been justified, that the proposals are effective or that they are consistent with national planning policy or the local development plan.

We therefore ask that the Council take the following actions:

1. The Site Allocations DPD was not prepared in accordance with national planning policy or the Council's own Statement of Community Involvement. It is not legally compliant and should be withdrawn.
2. The DPD and associated documents are not sound and should be withdrawn whilst essential further work is completed
3. That further work to include the necessary remedial work to the Mid Sussex Transport Study as set out in the Conclusions and Recommendations of the Wedderburn Transport Planning Report , as detailed in the attachment, but these being in outline:

Recommendation 1: MSDC should update the Strategic Transport Assessment to show the impact of the DPD housing allocations (scenarios 7/8) relative to the original District Plan reference case demand.

Recommendation 2: The commissioning authorities should publish the full WSP Felbridge junction study and the underlying traffic survey data to allow independent scrutiny.

Recommendation 3: The transport assessment framework for the Site Allocations DPD needs to acknowledge that significant re-routing will occur as traffic avoids the most congested junctions and should include a transparent assessment of the impacts on affected communities.

Recommendation 4: MSDC needs to provide evidence that any proposed Felbridge junction improvements are feasible, deliverable, affordable and consistent with District and County transport policies. If a solution with sub-optimal pedestrian facilities is proposed, MSDC and TDC should clarify how this aligns with the transport policy objectives of the relevant authorities and their statutory duties.

Recommendation 5: The current levels of committed development in East Grinstead should be considered as an absolute maximum for the foreseeable future. Ultimately, housing site allocations in MSDC need to be focussed on areas with greater choice of sustainable transport modes.

4. A proper evaluation be undertaken of the Crabbett Park and Sayers Common (Mayfield) sites and any other sites omitted or dismissed from the site selection process, with appropriate Sustainability Appraisal produced.
5. In the event that the DPD is not withdrawn then the proposed allocations SA19 and SA20 should be withdrawn as they cannot be delivered sustainably
6. In the event that the Inspector decides to progress to Examination then the sites at East Grinstead (SA20) & Felbridge (SA19) should be made wholly contingent on the traffic improvements set out in the Atkins 3 study and in Option 4 of the WSP study.

Please notify me when:

- | | |
|--|-------------------------------------|
| (i) The Plan has been submitted for Examination | <input checked="" type="checkbox"/> |
| (ii) The publication of the recommendations from the Examination | <input checked="" type="checkbox"/> |
| (iii) The Site Allocations DPD is adopted | <input checked="" type="checkbox"/> |

APPENDICES

- A. Impact of new development in East Grinstead Response to Site Allocations DPD - Wedderburn Transport Planning, Sept 2020
- B. "Felbridge Junction Options Appraisal" Executive Summary - WSP consultants October 2019
- C. Site SA19 – Analysis of Site Appraisal against Sustainability Objectives

END

2420

Site Allocations DPD: Regulation 19 Consultation Response

Code: 1j

ID: 2420

Response Ref: Reg19/2420/1

Respondent: Ms M Nightingale

Organisation:

On Behalf Of:

Category: Resident

Appear at Examination? x

Name	michelle nightingale
Address	[REDACTED]
Email	[REDACTED]
Which document are you commenting on?	Site Allocations DPD
Do you consider the Site Allocations DPD is in accordance with legal and procedural requirements; including the duty to cooperate	No
(1) Positively prepared	Unsound
(2) Justified	Unsound
(3) Effective	Unsound
(4) Consistent with national policy	Unsound
Please outline why you either support or object (on legal or soundness grounds) to the Site Allocations DPD	Lack of infrastructure for the area as already proved this summer with water shortages for existing households, let alone extra building to go ahead.
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