

## SA10: Housing - Index by ID Number

ID	Respondent	Organisation	BehalfOf	Respondent Category	Participate
615		South of Folders Lane Action Group (SOFLAG)		Organisation	<input checked="" type="checkbox"/>
617	Ms E Bennett	Ansty and Staplefield 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"/>
625	Mrs J Nagy	Worth Parish Council		Town & Parish Council	<input checked="" type="checkbox"/>
652	Mr T Rodway	Rodway Planning consultancy	Benfell Limited	Developer	<input checked="" type="checkbox"/>
657	Mr J Buckwell	DHAplanning	Option Two Development LTD	Promoter	<input type="checkbox"/>
657	Mr J Buckwell	DHAplanning	Option Two Development LTD	Promoter	<input type="checkbox"/>
664	Mr G Giles	Whaleback	Landowner	Organisation	<input type="checkbox"/>
684	Mr C Noel	Strutt and Parker	Paddockhurst Estate Turners Hill	Promoter	<input type="checkbox"/>
684	Mr C Noel	Strutt and Parker	Paddockhurst Estate Turners Hill	Promoter	<input type="checkbox"/>
697	Mr D Barnes	Star Planning	Welbeck - Handcross	Developer	<input checked="" type="checkbox"/>
697	Mr D Barnes	Star Planning	Welbeck - Handcross	Developer	<input checked="" type="checkbox"/>
697	Mr D Barnes	Star Planning	Welbeck - Handcross	Developer	<input checked="" type="checkbox"/>
697	Mr D Barnes	Star Planning	Welbeck - Handcross	Developer	<input checked="" type="checkbox"/>
700	Mr C Reynolds	Hallam Land Management	Hyde Estate Handcross	Promoter	<input type="checkbox"/>
705	Mr O Bell	Nexus Planning	Miller Homes - Lewes Road HH	Developer	<input checked="" 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"/>
726	Ms S Heynes	Cuckfield Parish Council		Town & Parish Council	<input checked="" type="checkbox"/>
726	Ms S Heynes	Cuckfield Parish Council		Town & Parish Council	<input checked="" type="checkbox"/>
730	Mr J Farrelly	Genesis	Wates - Park Road Handcross	Developer	<input checked="" type="checkbox"/>
743	Mr T Rodway	Rodway Planning	Fairfax - various	Developer	<input checked="" type="checkbox"/>
753	Mr J Pearson	Lewis and Co Planning	Globe Homes	Promoter	<input checked="" type="checkbox"/>
757	Mr C Noel	Strutt and Parker	Croudace Henfield Road Albourne	Developer	<input checked="" type="checkbox"/>
757	Mr C Noel	Strutt and Parker	Croudace Henfield Road Albourne	Developer	<input checked="" type="checkbox"/>
765	Dr I Gibson			District Councillor	<input checked="" type="checkbox"/>
781	Mr M Bassett	Freeths LLP	Country Court Care Homes LTD	Developer	<input checked="" type="checkbox"/>

ID	Respondent	Organisation	BehalfOf	Respondent Category	Participate
784	Mrs D Thomas	Bolney Parish Council		Town & Parish Council	<input type="checkbox"/>
786	Mr S Crickett	Strutt and Parker	Somerston Developments Projects	Promoter	<input checked="" type="checkbox"/>
789	Mr T North	Tim North Associates	Dukesfield Properties	Developer	<input checked="" type="checkbox"/>
789	Mr T North	Tim North Associates	Dukesfield Properties	Developer	<input checked="" type="checkbox"/>
791	Ms J Ashton	Judith Ashton Associates	Wates - West Crawley Down	Developer	<input checked="" type="checkbox"/>
791	Ms J Ashton	Judith Ashton Associates	Wates - West Crawley Down	Developer	<input checked="" type="checkbox"/>
1373	Mr J Munday	Stop Haywards Heath Golf Course Development Community Group		Organisation	<input type="checkbox"/>
1389	Mrs L Holmes			Resident	<input checked="" type="checkbox"/>
1443	Mr J Pearson	Lewis & Co Planning	Mr Chris Gargan	Promoter	<input checked="" type="checkbox"/>
1454	Mr S Brown	Woolf Bond Planning	Fairfax Acquisition Ltd - Land east of Borde Hill Lane, HH	Developer	<input checked="" type="checkbox"/>
1722	Mr D Parsons	Lindfield Parish Council		Town & Parish Council	<input type="checkbox"/>
1791	Ms H Vickers	Planning Potential	Welbeck Strategic Land II LLP	Promoter	<input checked="" type="checkbox"/>
1791	Ms H Vickers	Planning Potential	Welbeck Strategic Land II LLP	Promoter	<input checked="" type="checkbox"/>
1821	Mr G Dixon	Savills	Charterhouse Land - SA25	Promoter	<input checked="" type="checkbox"/>
1842	Mr H Bennett	Lichfields	Whitehall Homes	Organisation	<input checked="" type="checkbox"/>
1847	Mr G Dixon	Savills	Fairfax Acquisitions Ltd	Developer	<input checked="" type="checkbox"/>
1987	Ms S Mizen	JLL	Wates - Foxhole Farm	Promoter	<input type="checkbox"/>
2001	Mr H Lindley-Clapp	Nexus Planning	Frontier Estates _Hassocks	Promoter	<input type="checkbox"/>
2005	Mr M Flemington	Savills	The Brian Williams Discretionary	Organisation	<input checked="" type="checkbox"/>
2031	Ms S Mizen	JLL	Wates - Snowdrop Lane	Promoter	<input type="checkbox"/>
2059	Mr M Jackson	Miller Homes		Developer	<input checked="" type="checkbox"/>
2059	Mr M Jackson	Miller Homes		Developer	<input checked="" type="checkbox"/>
2065	Mr A Black	Andrew Black consulting	Denton - Horsham Road	Promoter	<input type="checkbox"/>
2067	Mr A Black	Andrew Black consulting	Denton Homes - Butlers green	Promoter	<input type="checkbox"/>
2079	Mr A Black	Andrew Black consulting	Vanderbilt Homes - Hurstwood HH	Promoter	<input type="checkbox"/>



ID	Respondent	Organisation	BehalfOf	Respondent Category	Participate
2080	Mr A Black	Andrew Black consulting	Vanderbilt homes - CDR	<input type="text" value="Promoter"/>	<input type="checkbox"/>
2092	Mr T Burden	Turley	Rainier Developments Cophorne	<input type="text" value="Promoter"/>	<input checked="" type="checkbox"/>
2118	Mr J Plant	Gladman	Gladman Developments - Lindfield	<input type="text" value="Developer"/>	<input type="checkbox"/>
2140	Mr C Hough	Sigma Planning Services	Rydon Homes Ltd	<input type="text" value="Promoter"/>	<input checked="" type="checkbox"/>
2468	Mr P Allin	Boyer Planning	Fairfax - Cuckfield	<input type="text" value="Promoter"/>	<input type="checkbox"/>

## Site Allocations DPD: Regulation 19 Consultation Response

**Policy:** SA10

**ID:** 615

**Response Ref:** Reg19/615/6

**Respondent:**

**Organisation:** South of Folders Lane Action Group (SOFLAG)

**On Behalf Of:**

**Category:** Organisation

**Appear at Examination?** ✓

<b>Name</b>	SOFLAG SOFLAG
<b>Organisation</b>	SOFLAG - South of Folders Lane Action Group
<b>Address</b>	[REDACTED]
<b>Email</b>	[REDACTED]
<b>Name or Organisation</b>	SOFLAG
<b>Which document are you commenting on?</b>	Site Allocations DPD
<b>Sites DPD Policy Number (e.g. SA1 - SA38)</b>	SA12 & SA13
<b>Do you consider the Site Allocations DPD is in accordance with legal and procedural requirements; including the duty to cooperate</b>	No
<b>(1) Positively prepared</b>	Unsound
<b>(2) Justified</b>	Unsound
<b>(3) Effective</b>	Unsound
<b>(4) Consistent with national policy</b>	Unsound

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

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

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

In summary:

1. MSDC assessed Sites SA12 & SA13 as unsuitable in 2007, 2013 & 2016.

The reasons for their unsuitability have escalated since then, making the sites undeliverable in 2020. These include:

- a. Inadequate local transport infrastructure for which there is no potential feasible solution.
- b. Unsuitable & unsustainable location
- c. Unacceptable coalescence between Burgess Hill and the villages to the south
- d. Ecological damage to one of the most important and ecologically diverse sites in West Sussex

2. MSDC omitted adopted District Plan selection criteria (including policies DP12, DP13, DP37, DP38) from the site selection process, which, if applied correctly, make the sites unsuitable & undeliverable.

3. Verified ecological data clearly indicates that SA13 is the habitat for an exceptional variety of internationally and nationally protected species. This renders it unsuitable for development.

4. Opposition to the sites from local authorities and statutory bodies makes them undeliverable.

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

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

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

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

SOFLAG wish to be represented and speak at the hearing.

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

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

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

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

[https://forms.midsussex.gov.uk/upload\\_dld.php?fileid=5a7b600e95d3179ab2df03bc40cd1ecb](https://forms.midsussex.gov.uk/upload_dld.php?fileid=5a7b600e95d3179ab2df03bc40cd1ecb)

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

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

**Categories:** 

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

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

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

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

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

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

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

Kind regards,

Keith Sullens  
Acting Chair

**SOFLAG**

# SOFLAG

## SOUTH OF FOLDERS LANE ACTION GROUP

### Submission

### Draft Site Allocations DPD (Regulation 19) Consultation



### **OBJECTION**

**to the inclusion of Sites SA12 & SA13**



September 2020

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

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## **Terms of Reference**

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

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

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

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

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## **Summary**

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

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

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

1. MSDC assessed the sites as unsuitable in 2004, 2007, 2013 & 2016.  
The reasons for their unsuitability have escalated since then, making the sites undeliverable in 2020.  
These include:
  - Inadequate local transport infrastructure for which there is no viable solution
  - Unsuitable & unsustainable location
  - Known consequence of coalescence
  - Ecological damage to one of the most important and ecologically diverse sites in West Sussex
2. Omission or disregarding by MSDC of key adopted District Plan selection criteria (including policies DP6, DP7, DP12, DP13, DP15, DP18, DP37, DP38) from the site selection process, and the disregarding



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

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

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

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

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## SECTION 1

### SITES SA12 / SA13 ARE UNSUITABLE, UNSUSTAINABLE AND UNDELIVERABLE

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

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

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

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

#### **2004 Local Plan**

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

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

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

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

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

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

#### **2013 Assessment**

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

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<sup>1</sup> Mid Sussex Local Plan Inspector's Report, Omission Site 1 Land South of Folders Lane, [http://www.midsussex.gov.uk/media/ch5\\_-\\_housing.pdf](http://www.midsussex.gov.uk/media/ch5_-_housing.pdf) Page 69 - 70

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

<sup>3</sup> Ibid para 1.214

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

## 2016 Assessment

- 1.6 In the Burgess Hill Assessed Sites document, site 557 (part of SA13) was assessed again as unsuitable. Reasons given included:
- Most of the site has low landscape suitability for development
  - The fields also have a time depth value as characteristic assarts<sup>5</sup> with mature oaks.
  - There are potential significant transport impacts on the road network as a result of developing this site (in particular the east-west link issues in Burgess Hill).
  - Overall the site is considered unsuitable for development due to the unknown impact on the highway network.<sup>6</sup>

## Conflict with Mid Sussex District Plan

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

(see also section 1.3)

## Conflict with NPPF

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

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

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

<sup>7</sup> Mid Sussex District Plan, page 34

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

- 1.11 **Para 109** of the NPPF refers to 'protecting and enhancing valued landscapes' and MSDC Case Officer Stuart Malcolm made a relevant point in 2018 when refusing an application in the area:  
*“case law has suggested that land does not have to lie within a designated area to be 'valued' and that landscape value accrues separate to designated status and that such value is derived from some physical attributes”*<sup>8</sup>  
The value of this site cannot be questioned – to develop it would be harmful and in contravention of the NPPF.

- 1.12 The importance of the NPPF's core principles and its valuing of the countryside was confirmed by then Housing Minister Brandon Lewis in his public letter to the Planning Inspectorate of 17 March 2015 in which he stated:  
*“I have become aware of several recent appeal cases in which harm to landscape character has been an important consideration in the appeal being dismissed.  
These cases are a reminder of one of the twelve core principles at paragraph 17 of the National Planning Policy Framework – that plans and decisions should take into account the different roles and character of different areas, and recognise the intrinsic character and beauty of the countryside – to ensure that development is suitable for the local context.”*<sup>9</sup>

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

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

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

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

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

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

#### **2005 Atkins Study**

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

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<sup>10</sup> Mid Sussex Local Plan, May 2004, para 11.14, page 176

<sup>11</sup> Feasibility study for development options at Burgess Hill, Atkins, Sept 2005 p49

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

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

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

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

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

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

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

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

### **Traffic Today**



- 1.25 The position today, before the completion and full occupation of the Kingsway, Keymer Tiles and Folders Grove developments, is that the Folders Lane / Keymer Road junction is gridlocked every morning and evening peak. This causes dangerous pollution levels on pavements used by children walking to Birchwood Grove Primary School and Burgess Hill Girls. The traffic results in delays to local residents and costs businesses money. It was surprising that the SYSTRA study as published in November 2019 did not consider this junction worth modelling – though SYSTRA did acknowledge severe congestion at Hoadleys Corner, which is fed by traffic from Folders Lane / Keymer Road.
- 1.26 The Site Allocations DPD Sustainability Appraisal cites issues caused by the high level of car ownership in Mid Sussex  
*"High vehicle ownership and the potential for highway congestion arising from development present a significant issue".<sup>12</sup>*  
 86.4% of households having one or more cars or vans, compared to 74.2% nationally. 44.2% of all households have two or more cars compared to 32.1% nationally<sup>13</sup> which inevitably leads to traffic congestion issues, as currently experienced in the Folders Lane / Keymer Road area.
- 1.27 Appendix 1B contains photographs and Google Traffic evidence from October 2019, proving that these roads cannot cope now. No amount of mitigation from traffic lights will prevent the situation from worsening when the houses currently under construction are occupied, let alone if another 343 are permitted on Sites SA12 and SA13.

### **MSDC Transport Studies**

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

### **2012/2013 – Mid Sussex Transport Study (Amey)**

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

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<sup>12</sup> Site Allocations DPD Sustainability Appraisal (Regulation) 19 July 2020 para 3.46 page 19

<sup>13</sup> Ibid. para 3.39 page 17



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

### **2017 MSDC Constraints & Capacity Summary Paper**

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

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<sup>14</sup> Mid Sussex Transport Study, MSTS Stage 1 Final Report, p65

<sup>15</sup> Mid Sussex Transport Study, MSTS Stage 1 Final Report, p56-57

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

## 2019 SYSTRA Study

- 1.37 There were many apparent flaws and inconsistencies in the SYSTRA study, obvious to the local residents who actually use the road network, though apparently not clear to the computer modelling which SYSTRA used.
- 1.38 Because of this, SOFLAG engaged an expert transport consultant, GTA Civils to examine the study. GTA Civils produced a comprehensive report which accompanies this submission, with the summary attached at Appendix 1 C  
MSDC's reliance on SYSTRA's flawed study, is discussed further in Section 4.
- 1.39 The mitigation proposed by SYSTRA will not only fail to help the severe congestion, it may also cause significant harm to the local area and its residents.
- 1.40 The proposed mitigation for the severely congested Hoadleys Corner is to change a roundabout to traffic signals. This contradicts the evidence of many academic studies across the world, demonstrating that roundabouts consistently outperform traffic signals at multi-arm junctions in terms of both pollution control and travel times.
- 1.41 Examples include:
- "at a roundabout replacing a signalised junction, CO emissions decreased by 29%, NO<sub>x</sub> emissions by 21% and fuel consumption by 28%."<sup>17</sup>
- "... replacing the traffic signal with the roundabout has produced a significant improvement in terms of traffic operational performance (20% reduction of total travel time)... The main finding of the study is that the roundabout generally outperformed the fixed-time traffic signal in terms of vehicle emissions"<sup>18</sup>
- 1.42 As these examples show, much of the research has been done on the benefits of replacing signal-controlled junctions with roundabouts, so it is concerning to see MSDC apparently moving in the opposite direction, thereby risking significant increases in delays and harmful pollution.

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

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

### 1-3 COALESCENCE

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

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

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<sup>19</sup> Mid Sussex District Plan, DP13, page 58

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

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

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

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

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<sup>20</sup> National Planning Policy Framework, para 133

<sup>21</sup> Ibid. para 134

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

- 1.55 This representation could not be clearer. The SDNPA state unequivocally that development at Site SA12 would be harmful to the setting of the National Park and should be refused.
- 1.56 The SDNPA raised serious objections to Site SA12 & SA13 at the Regulation 18 Consultation. These included:
- this is a highly sensitive site likely to have high ecological value and whose character is shared with land in the SDNP
  - the proposed allocation would erode the rural buffer between Burgess Hill and the SDNP, which is likely to be harmful to the special qualities and landscape character of the setting of the SDNP
  - the potential for increased traffic in and through the village of Ditchling, and other parts of the SDNP, and its impact on tranquillity
  - in May 2016 the SDNP became an International Dark Sky Reserve (IDSR). Lighting as part of development of these sites has the potential for significant effects on the dark skies of the Reserve, particularly as a result of increases in light spill/ambient lighting<sup>23</sup>
- 1.57 The SDNPA continue to have serious concerns, raised in their Statement of Common Ground dated 7 August 2020. They reminded MSDC that at Regulation 18 Stage:
- "concern was raised that the proposed allocations would erode the rural buffer between Burgess Hill and the South Downs National Park, potentially harming the special qualities and landscape character of the setting of the South Downs National Park."*
- 1.58 They express particular concern about site SA13:
- "With regard to SA13 in particular, this site is part of a larger landscape whose character experienced today survives from the medieval period. This historic character is shared with parts of the South Downs National Park and this coherence in historic character suggests the site contributes positively to the setting of the South Downs National Park."*<sup>24</sup>
- 1.59 The Statement of Common Ground makes it clear that Site SA13 is unsuitable for the proposed development:
- "based on the evidence currently available, the South Downs National Park Authority, with regard to SA13, has some remaining concern about whether the figure proposed (300 dwellings) can be accommodated in a way which is sensitive to the role of this area as part of the rural transition from Burgess Hill to the South Downs National Park which includes many characteristic elements of the Wealden landscape."*<sup>25</sup>
- 1.60 The setting of the South Downs National Park is protected by the District Plan which states:
- "Development within land that contributes to the setting of the South Downs National Park will only be permitted where it does not detract from, or cause detriment to, the visual and special qualities (including dark skies), tranquillity and essential characteristics of the National Park, **and in particular should not adversely affect transitional open green spaces between the site and the boundary of the South Downs National Park, and the views, outlook and aspect, into and out of the National Park by***

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

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

<sup>25</sup> Ibid.

*virtue of its location, scale, form or design.*"<sup>26</sup>

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

## **1.5 A LACK OF INFRASTRUCTURE MAKES THE SITES UNSUITABLE**

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

### **Schools**

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

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<sup>26</sup> Mid Sussex Adopted District Plan 2014 – 2031, page 65

#### 1.65 **Doctors' Surgeries**

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

#### **Traffic**

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

## APPENDIX 1 A

### Summary of Site Unsuitability from MSDC Housing / Traffic Data

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

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

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

#### 2007

##### **Small Scale Housing Allocations Development Plan Document**

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

Site then known as ALT45 Land South of Folders Lane:

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

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

#### 2013

##### **Housing Land Supply Burgess Hill Assessed Sites 2013**

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

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

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

#### 2016

##### **Housing Land Supply Burgess Hill Assessed Sites 2016**

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

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

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



## Vehicle trip data taken from MSDC transport survey September 2019

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

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

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

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

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

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

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

**MSDC uses Total trip rate per dwelling per day = 1.22**

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

## Appendix 1 B

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

Photographs of traffic



6/11/2019  
Keymer Road  
looking south



01/10/2019  
Folders Lane  
looking east



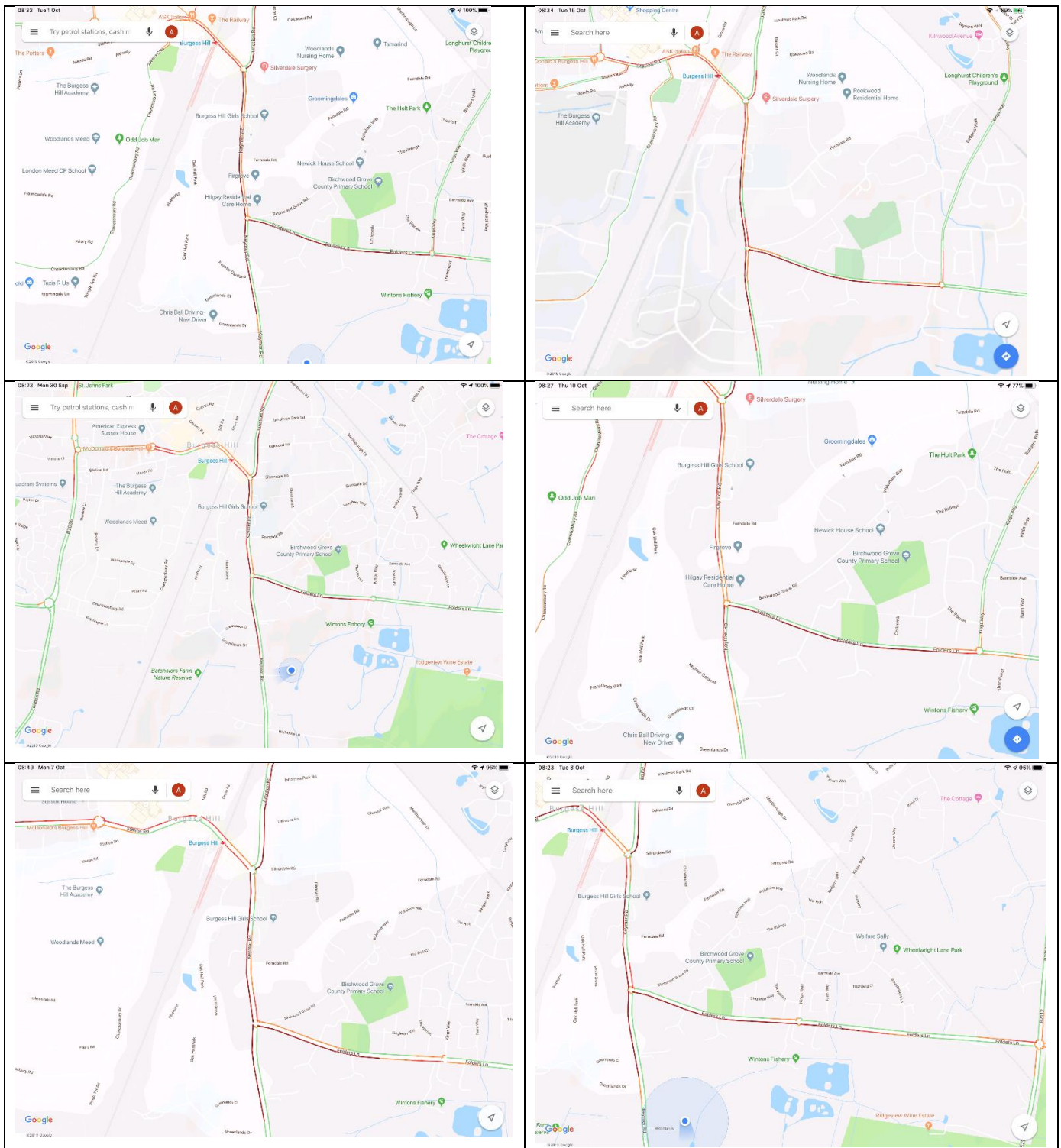


01/10/2019  
Keymer Road  
looking north



01/10/2019  
Keymer Road  
looking south

## Daily morning congestion reported by Google, October 2019





## Appendix 1 C

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

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

## Appendix 1 D

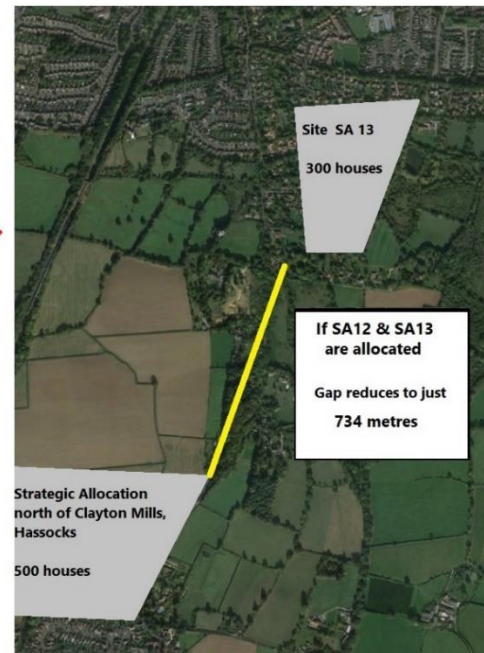
### COALESCENCE

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

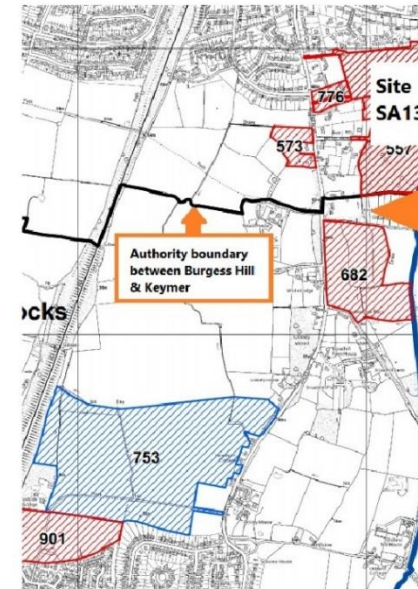
2020



2022...



2023...



Gap between Burgess Hill  
and Keymer is gone.

Allocation of SA12 / SA13  
causes coalescence

Map from MSDC 2020 SHELAA

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

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

## APPENDIX 1 E

### **Neighbouring Authority Consultation**

SDNP/19/03508/ADJAUT Roy Little  
07872 410433

5th August 2019

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

*Yours faithfully*

**TIM SLANEY**

*Director of Planning  
South Downs National Park Authority*



## SECTION 2

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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<sup>27</sup> Submission Draft Site Allocations DPD page 8

<sup>28</sup> Mid Sussex Adopted District Plan page 30

<sup>29</sup> Ibid.

<sup>30</sup> Ibid. page 38

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

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

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

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

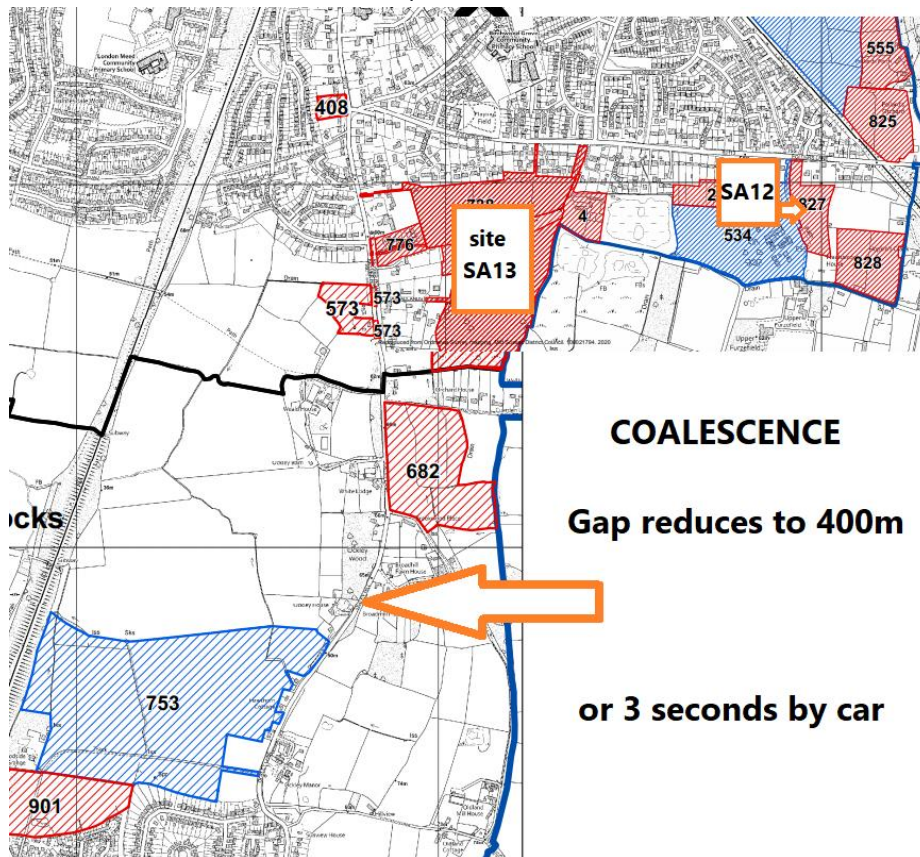
- 2.8 As already outlined in Section 1.3, the allocation of these sites will lead to coalescence contravening District Plan policy DP13. The trajectory of coalescence is shown at Appendix 1 D. District Plan policy DP13 is a strategic objective to prevent the towns and villages in Mid Sussex from merging,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

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

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

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



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

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

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

- 2.16 Planning policy making in England is governed by the NPPF, providing the framework within which local plans such as the Mid Sussex District Plan and this Site Allocations DPD must be produced: *“Planning law requires that applications for planning permission must be determined in accordance with the development plan <sup>2</sup>, unless material considerations indicate otherwise <sup>3</sup>. **The National Planning Policy Framework must be taken into account in preparing the development plan, and is a material consideration in planning decisions.**”<sup>33</sup>*
- 2.17 Therefore, MSDC should have taken both NPPF and their own development plan (adopted District Plan) policies into account when selecting housing sites. However, MSDC did not do this, particularly with reference to Sites SA12 & SA13, rendering the DPD unsound.
- 2.18 On many occasions during the Site Allocations DPD process, councillors and officers have stressed that any future planning applications will be considered against District Plan policies. By failing to adequately apply District Plan policies when assessing sites, MSDC have in Sites SA12 and SA13, knowingly allocated sites that would fail at planning when assessed against District Plan policies.
- 2.19 For example, in answer to a written question from Councillor Janice Henwood to The Scrutiny Committee for Planning, Housing and Economic Growth on 11 March 2020, about disregarded District Plan policies, Committee Chair Councillor Neville Walker responded: *“The Council has not disregarded the policies listed by Cllr Henwood. These policies are however, used to determine planning applications and are not to determine the allocation of a site, this is a separate process.. When considering allocating sites the Council must have regard to Government national policy. The Council does not have a choice in this matter.”* See Appendix 2 C for full question / answer.
- 2.20 This answer contradicts what is legally required of the DPD. “Government national policy” in the form of the NPPF explains in detail in paras 15-37 how local development plans **and their policies** govern the locations selected for development. By not taking District Plan policies properly into account, the Site Selection DPD as presented is unsound.
- 2.21 **The allocation of Sites SA12 and SA13 conflicts with the following District Plan and NPPF policies:**  
**Policy DP6** “Some settlements (Burgess Hill, Hassocks, Hurstpierpoint, Ashurst Wood, Handcross, Pease Pottage, Scaynes Hill, Ansty, Staplefield, Slaugham and Warninglid) have already identified sufficient commitments / completions to meet their minimum housing requirement for the full plan period and will not be expected to identify further sites within their Neighbourhood Plans.”  
**Policy DP37** for strategic development at Burgess Hill, to “Identify and respond to environmental, landscape and ecological constraints and deliver opportunities to enhance local biodiversity ”  
**Policy DP12** concerns protection and enhancement of the countryside and states: “The primary objective of the District Plan with respect to the countryside is to secure its protection by minimising

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<sup>33</sup> National Planning Policy Framework, 2019, para 2

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

**Policy DP13** preventing coalescence (see Section 2.2)

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

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

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

**Policy DP38** increasing and preserving biodiversity

- 2.22 **Para 17 of the NPPF** states that planning decisions must *“take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside.”* To select Sites SA12 and SA13 for development would conflict with this.
- 2.23 **Para 109** of the NPPF refers to 'protecting and enhancing valued landscapes' and MSDC Case Officer Stuart Malcolm made a relevant point in 2018 when refusing an application in the area:  
*“case law has suggested that land does not have to lie within a designated area to be 'valued' and that landscape value accrues separate to designated status and that such value is derived from some physical attributes”*<sup>34</sup>
- 2.24 MSDC’s failure to consider District Plan and NPPF policies when assessing sites for allocation renders the DPD unsound.

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

## Appendix 2 A

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

**To:** Amanda Green

Fri, Aug 28 at 3:55 PM

Dear Ms Green,

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

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

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

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

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

yours sincerely,

FOI/DPA Team

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

Working together for a better Mid Sussex

OFFICIAL

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

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

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

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

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

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

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

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

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

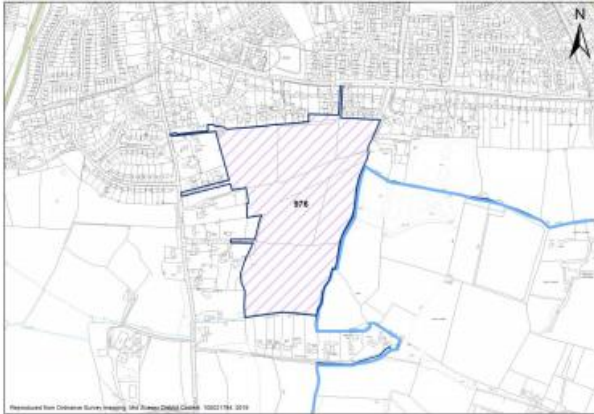
Thank you.

Kind regards,

Amanda Green



## Appendix 2 B

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

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

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

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

#### **Question 4 from Councillor Henwood:**

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

#### **MSDC**

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

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

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

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

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

hedgerows ....will not normally be permitted"

Policy DP 38 "protects existing biodiversity .."

What justification can MSDC give to disregard the above policies?

#### **Response of Councillor Neville Walker**

#### **Chairman of Scrutiny for Housing, Planning and Economic Growth**

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

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

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

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

## SECTION 3

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

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

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

#### 3-1 INTRODUCTION

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

*Protects existing biodiversity, so that there is no net loss of biodiversity...*<sup>35</sup>

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

- 3.5 This section provides comprehensive expert evidence that any benefits from the addition to the housing supply in Mid Sussex are far outweighed by the environmental and ecological damage caused by development. This site is unsuitable for development from an ecological and environmental perspective.
- 3.6 To allow development on sites SA12 & SA13 would contravene planning legislation (including the NPPF), and environmental protection laws, and would cause a devastating and irreversible loss of habitat to a host of protected species. Their inclusion in the Site Allocations DPD makes the plan unsound.

## 3-2 **OVERVIEW OF SITE**

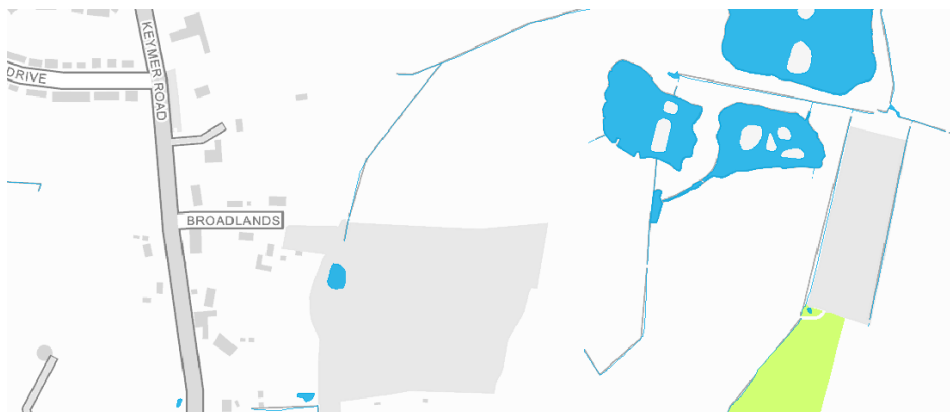
- 3.7 Site SA13 contains an ancient established field pattern with hedgerows that contain many large mature trees. The site is directly adjacent to and clearly visible from the nearby South Downs National Park. A stream, which is one of the sources of the River Adur, runs through the site, firstly from south to north near the western boundary and then across the centre of the site from west to east through a low-lying meadow which floods frequently.
- 3.8 The fields that make up Site SA13 form a small area of rare Sussex pasture that has not been ploughed or subjected to selective herbicides for a very long time. It harbours rare plant species including wild orchids and it forms the habitat for a large variety of wild animals, reptiles and birds.
- 3.9 The site is protected by law as is it within Mid Sussex's own Countryside Area of Development Restraint. It contains vegetation with legal protection, as evidenced by the Enforcement action taken by MSDC against Thakeham Homes for illegal damage to hedgerows in 2015, and Thakeham Homes subsequent loss of their Appeal case<sup>36</sup>.
- 3.10 In addition, the rich and varied wildlife it contains is also protected, both by UK and International Law. While it is accepted that when protected species of animals and plants are found within a site that is wanted for development, it may sometimes be possible to deal with this either by an approved method of relocation or by adapting the plans to ensure the protected species can live in harmony with the new development. In other cases, however, this is not possible and this is especially the case where the site is effectively surrounded by existing development and there is no natural escape route for wildlife. This applies to Site SA13 – the only way to comply with the law and protect the wildlife is designate this site unsuitable for development.

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<sup>35</sup> Mid Sussex District Plan, DP38, page 93

<sup>36</sup> MSDC case reference AP/15/0012 & EF/15/0019

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



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

### 3-3 STATUTORY REQUIREMENT ON BIODIVERSITY

- 3.15 The sites selection process is a requirement for updating the Mid Sussex District Plan. It should be remembered that the primary document that governs the planning and development process is the National Planning Policy Framework (NPPF). In its introduction it states that:
- “The framework must be taken into account in preparing the development plan [which in this case is the Mid Sussex District Plan] and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements..”*
- And earlier in the same paragraph states:
- “Planning decisions should be determined in accordance with the development plan unless material considerations determine otherwise...”<sup>37</sup>*

<sup>37</sup> National Planning Policy Framework, Feb 2019, para 2, page 4

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

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

**To protect valued landscapes for their visual, historical and biodiversity qualities and To create and maintain easily accessible green infrastructure, green corridors<sup>38</sup>**

Most importantly, it is stated that:

***Biodiversity will be protected and enhanced by ensuring development:***

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

### **3-4 PROTECTED WILDLIFE IN SITE SA13**

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

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<sup>38</sup> Mid Sussex District Plan, DP38, page 93

<sup>39</sup> Ibid.

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

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

3.21	Species	Legal Protection
	<b>Bats</b>	
	<ul style="list-style-type: none"> <li>• <b>Chiroptera</b></li> </ul>	<b>Hab Dir A2 NP, Hab Dir A4</b> , Hab Reg Sch2, WCA Sch5 s9.4b, s9.4c/s9.5a, NERC S41
	<ul style="list-style-type: none"> <li>• <b>Serotine</b></li> </ul>	<b>Hab Dir A4</b> , Hab Reg Sch2, WCA Sch5 s9.4b, s9.4c/s9.5a
	<ul style="list-style-type: none"> <li>• <b>Myotis</b></li> </ul>	<b>Hab Dir A2 NP</b> , Hab Dir A4, Hab Reg Sch2, WCA Sch5 s9.4b/s9.4c/s9.5a, NERC S41
	<ul style="list-style-type: none"> <li>• <b>Noctule</b></li> </ul>	<b>Hab Dir A4</b> , Hab Reg Sch2, WCA Sch5 s9.4b/s9.4c/s9.5a, NERC S41
	<ul style="list-style-type: none"> <li>• <b>Common Pipistrelle</b></li> </ul>	<b>Hab Dir A4</b> , Hab Reg Sch2, WCA Sch5 s9.4b, s9.4c/s9.5a, NERC S41
	<ul style="list-style-type: none"> <li>• <b>Soprano Pipistrelle</b></li> </ul>	<b>Hab Dir A4</b> , Hab Reg Sch2, WCA Sch5, s9.4b, s9.4c/s9.5a, NERC S41
	<ul style="list-style-type: none"> <li>• <b>Brown Long Eared</b></li> </ul>	<b>Hab Dir A4</b> , Hab Reg Sch2, WCA Sch5 s9.4b, s9.4c/s9.5a, NERC S41
	<b>Amphibians</b>	
	<ul style="list-style-type: none"> <li>• Common Toads</li> </ul>	WCA Sch5 s9.5a, NERC S41, UK BAP Priority
	<ul style="list-style-type: none"> <li>• Palmate Newts</li> </ul>	WCA Sch5 s9.5a
	<ul style="list-style-type: none"> <li>• Smooth Newts</li> </ul>	WCA Sch5 s9.5a
	<ul style="list-style-type: none"> <li>• Common Frogs</li> </ul>	WCA Sch5 s9.5a
	<ul style="list-style-type: none"> <li>• <b>Great Crested Newts</b></li> </ul>	<b>Hab Dir A2 NP, Hab Dir A4</b> , Hab Reg Sch2, WCA Sch5 s9.4b/s9.4c/s9.5a, NERC S41, UK BAP Priority
	<b>Butterflies &amp; Moths</b>	
	<ul style="list-style-type: none"> <li>• Brown Hairstreaks</li> </ul>	WCA Sch5 s9.5a, NERC S41, UK BAP Priority, RedList GB post2001 VU
	<ul style="list-style-type: none"> <li>• Large Clothes</li> </ul>	Sussex Rare
	<b>Mammals</b>	
	<ul style="list-style-type: none"> <li>• West European Hedgehogs</li> </ul>	NERC S41, UK BAP Priority UK, RedList GB post2001 VU



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

**Hab Dir A4**, Hab Reg Sch2, WCA Sch5,

## Reptiles

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

## Birds

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



3.22

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

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

3.23

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

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

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

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

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

### 3-5 IRREPLACEABLE HISTORIC FIELD SYSTEM

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

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



**Aerial photograph taken in 1952**



**Recent Google Earth image**



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

### 3-6 TREES AND VEGETATION

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

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

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

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



### Ecological Data Search SxBRC/19/633 - Summary Report

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

The following datasets were consulted for this report:

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

### Summary of results

#### Sites and habitats

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

#### Protected and designated species

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

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

**This summary page may be published.**  
**The full report and maps may not be published or otherwise shared.**

**The data search report is valid until 05/11/2020 for the site named above.**

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### Survey of field about 200m south of Folders Lane

Date of Current Survey      3 August 2009

Location of field              Approx. 200m south of Folders Lane in the High Chimneys (previously Woodwards) area of Burgess Hill, West Sussex.  
Short, eastern boundary coterminous with Wintons.  
Field centre OS grid ref. TQ321178

Size of field                      Area ca. 0.15 hectare. Overall dimensions ca. 350m x 50m.

#### Background

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

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

#### Description of field

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

### Flora

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

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

**w** - a species associated with damp or wet conditions.

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

### Fauna

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

### Overall impression

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

### Recommendation

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

Author John Newton, BSc Zoology (Hons), FRES



**View looking east**  
(towards damp area)



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



## SECTION 4

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

4-1 Opposition from local authorities

4-2 Opposition from statutory bodies

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

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

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

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

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

- “There are a significant number of problems with this site which make it unsustainable<sup>40</sup>
- “The sites contravene District Plan policies DP7, DP12, DP13, DP18, DP20, DP21, DP26, DP37, DP38, and Neighbourhood Plan core objective 5, and policy H3”<sup>41</sup>
- “Of great concern to both the Council and residents is the amount of traffic congestion which will result from developing this area to the degree anticipated. The mini roundabout at the junction of Keymer Road and Junction road is already congested and previous developments of the area south of Folders Lane have identified roundabouts at Folders lane and Keymer road as at or near capacity. The traffic consultants have not considered this junction as part of their assessment on the impact of the proposals. The only mention of

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

<sup>41</sup> Ibid.

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

4.3 **Haywards Heath Town Council** objected due to the significant north-south traffic movements between Haywards Heath and Burgess Hill generated by the increase in housing numbers. Their comments are attached at Appendix 4 A

4.4 **Lewes and Eastbourne Borough Council** objected with concerns about the ability of the road network to cope with additional housing in this area, stating:

- “in relation to Policies SA12, SA13 and SA21, the District Council wishes to have the confidence that the transport impacts arising from the proposed housing growth can be satisfactorily accommodated by the highway network within Lewes District. In particular, the timing, funding and feasibility of any necessary mitigation measures need to be fully understood before we are convinced that Policies SA12, SA13 and SA21 are sound”<sup>43</sup>

4.5 **Ditchling Parish Council** objected, with reasons including:

- The development would cause further traffic implications into an already struggling road infrastructure system
- Development on these sites would cause irreparable harm to the setting of the South Downs National Park, including destroying habitats for many protected wildlife species such as adders, bats, cuckoos, barn owls 1 great crested newts and slow worms
- The sites contravene Policy CONS 7 of the Ditchling, Streat & Westmeston Neighbourhood Plan — Protect important gaps between settlements

The Ditchling Parish Council letter of objection is attached at Appendix 4 B.

4.6 **Hassocks Parish Council** objected citing the inadequacies of the SYSTRA transport study, which did not assess the inevitable negative impact on all the affected parts of local road network.

The Hassocks Parish Council objection is attached at Appendix 4 C

4.7 MSDC sought to play down, if not actually conceal the level of opposition from neighbouring authorities to Sites SA12 & SA13. This incident is dealt with further in Section 5. At MSDC Scrutiny Committee for Housing, Planning & Economic Growth on 22 January 2020, Officer Andrew Marsh stated

*"Objections were predominantly from residents to the proposed sites" [and there were] "indeed no objections from neighbouring authorities"*<sup>44</sup>

This was untrue, and misled the Councillors who were voting on whether to accept the proposed sites at that meeting, making the process unsound.

4.8 As well as these strong objections to sites SA12 / 13 made by the neighbouring authorities, the following also had various objection to other parts of the Site Allocations DPD:

- Wealden District Council objected to SA20 / SA26
- Horsham District Council & West Sussex County Council objected to SA9

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<sup>42</sup> Ibid. page 401

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

<sup>44</sup> Printed Minutes of Meeting, Section 7, page 3

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

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

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

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

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

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan).*
- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;"*<sup>46</sup>

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

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

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

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

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

<sup>46</sup> Ibid.

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

- Natural England
- CPRE

- 4.13 **South Downs National Park Authority** demonstrated their opposition to Site SA12 when objecting to the now withdrawn planning application for the site – discussed in Section 1 para 1.62. Their objections to the allocation of Sites SA12 & SA13 were raised at Regulation 18 Consultation:
- this is a highly sensitive site likely to have high ecological value and whose character is shared with land in the SDNP
  - the proposed allocation would erode the rural buffer between Burgess Hill and the SDNP, which is likely to be harmful to the special qualities and landscape character of the setting of the SDNP
  - the potential for increased traffic in and through the village of Ditchling, and other parts of the SDNP, and its impact on tranquillity
  - the proposed allocations would erode the rural buffer between Burgess Hill and the SDNP. This is likely to be harmful to the special qualities and landscape character of the setting of the SDNP
  - in May 2016 the SDNP became an International Dark Sky Reserve (IDSR). Lighting as part of development of these sites has the potential for significant effects on the dark skies of the Reserve, particularly as a result of increases in light spill/ambient lighting<sup>47</sup>

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

- 4.14 **Sussex Wildlife Trust** is the acknowledged expert for the Mid Sussex area, and their Sussex Biodiversity Records Centre has provided a comprehensive list of the many protected species of flora and fauna that would be lost (with no prospect of adequate mitigation) if Sites SA12 & SA13 remain allocated for housing. Their objection is at Appendix 4 D, but can be summarised in this quote:

*SWT objects to the allocation of this greenfield site. It is not justified by MSDC's own evidence base and does not represent sustainable development.*<sup>48</sup>

- 4.15 The **Woodland Flora & Fauna Group** also objected to the site allocation, raising the issue that any mitigation that may be proposed to compensate for the loss of this valuable greenfield site rarely works:

*"However, many compensatory measures like wildlife corridors etc. the development includes, our experience is that the close proximity of human habitation renders them mostly ineffective and offers very few long-term survival prospects for indigenous wildlife and flora due to human recreational activities."*<sup>49</sup>

The full objection is at Appendix 4 E.

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

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

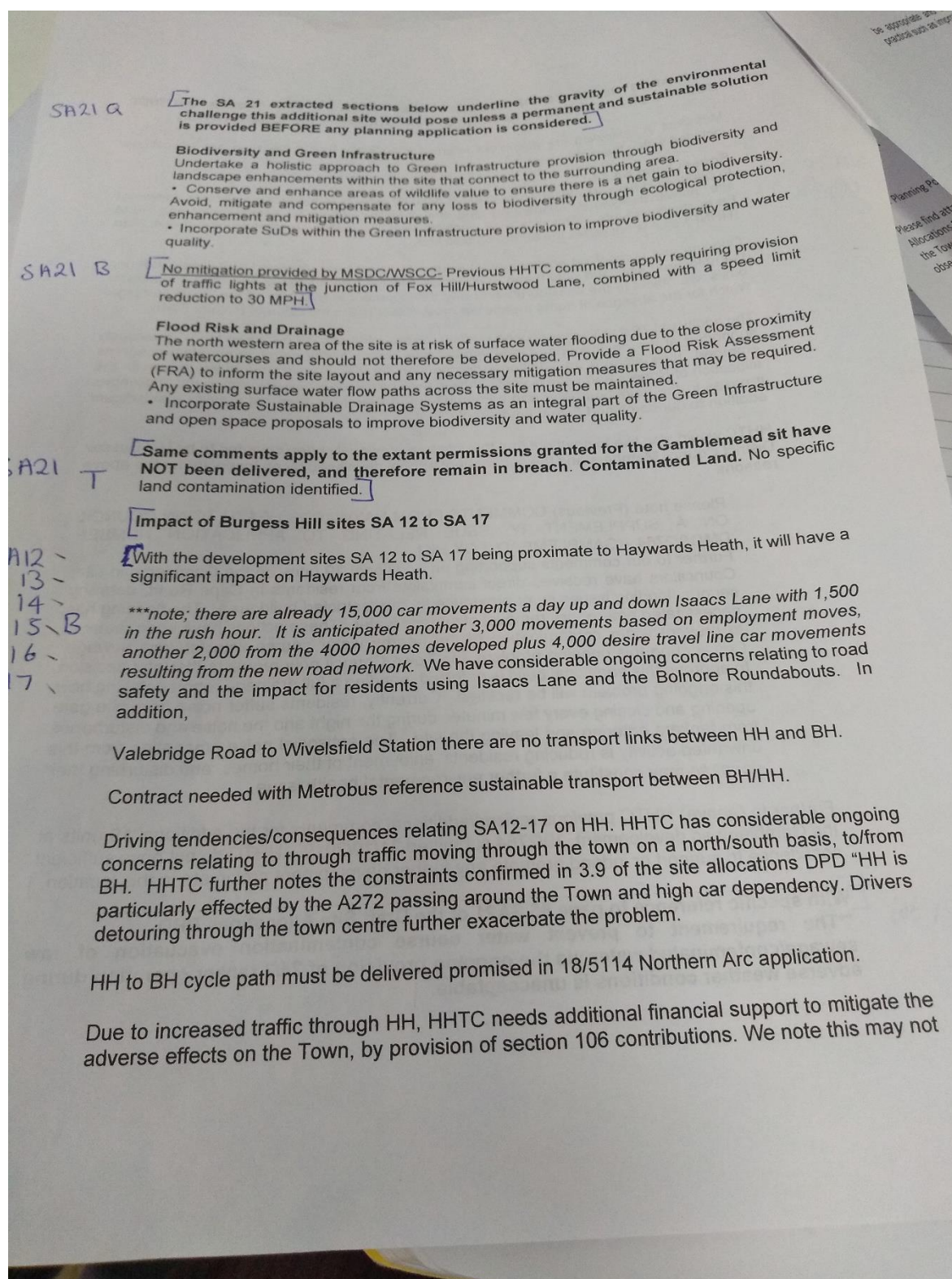
<sup>48</sup> Site Allocations DPD – Regulation 18 9th October – 20th November 2019 Consultation Report, page 397

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

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

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

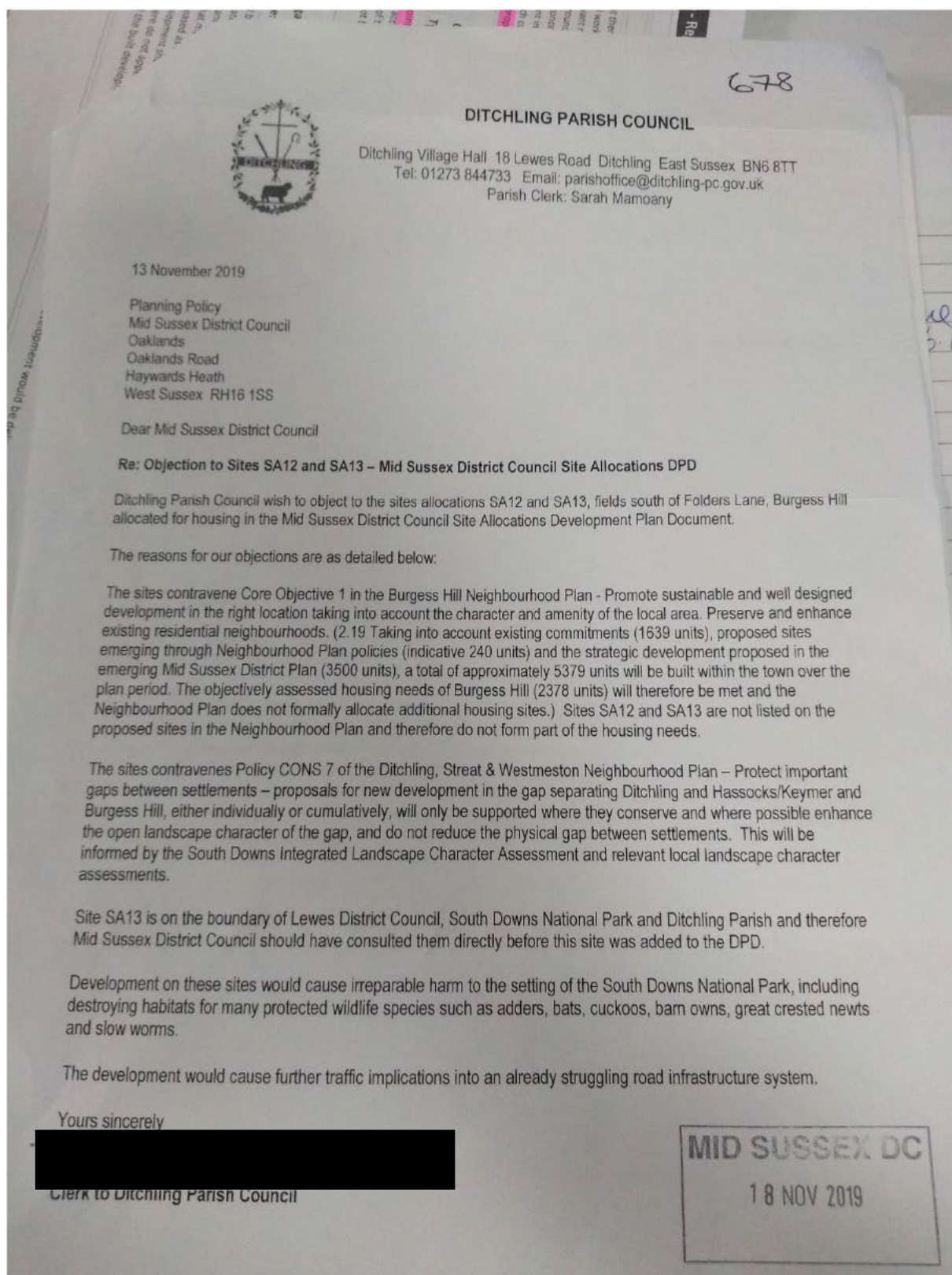
## Appendix 4 A



Objection by Haywards Heath Town Council



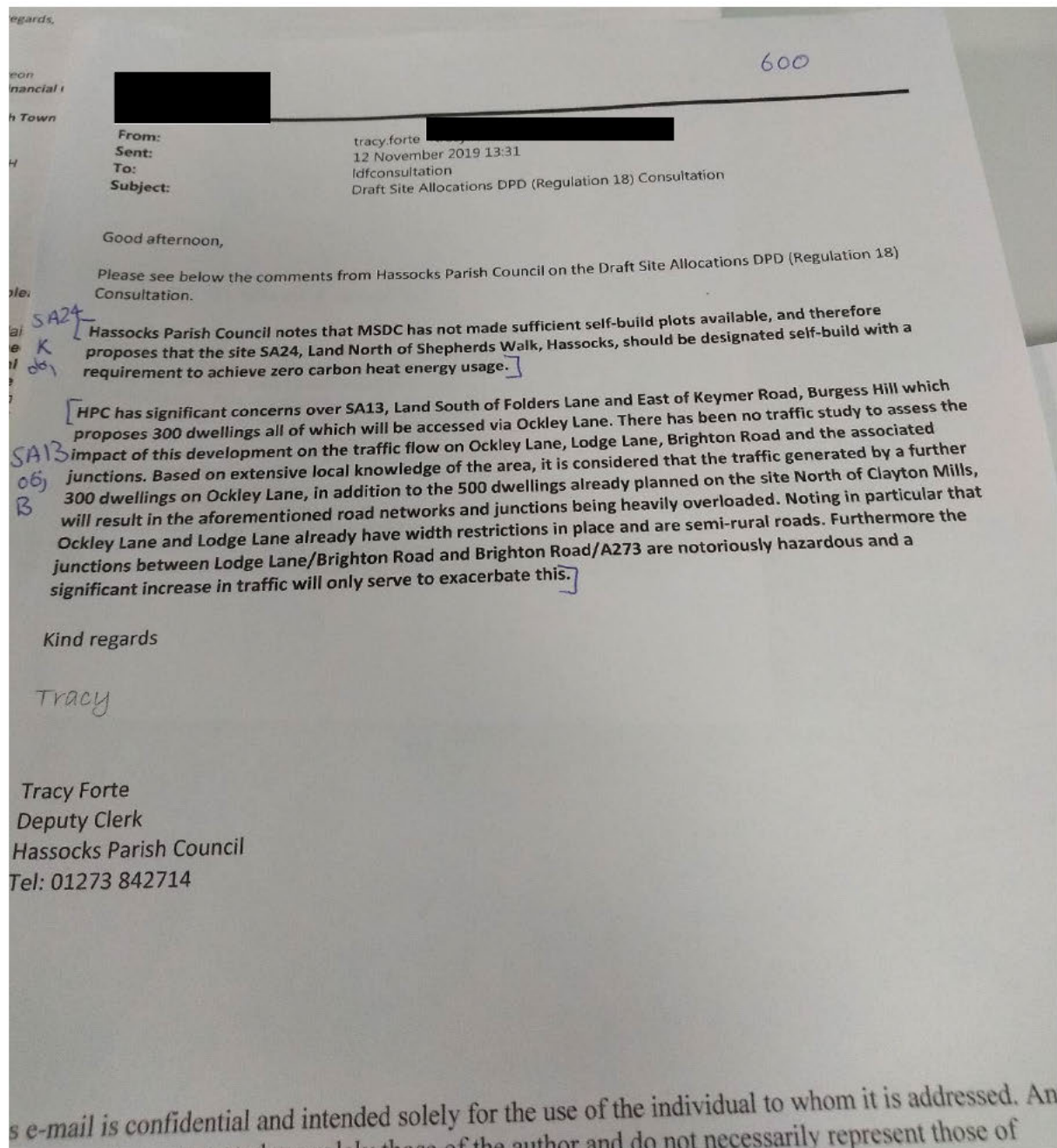
## Appendix 4 B



## Objection from Ditchling Parish Council

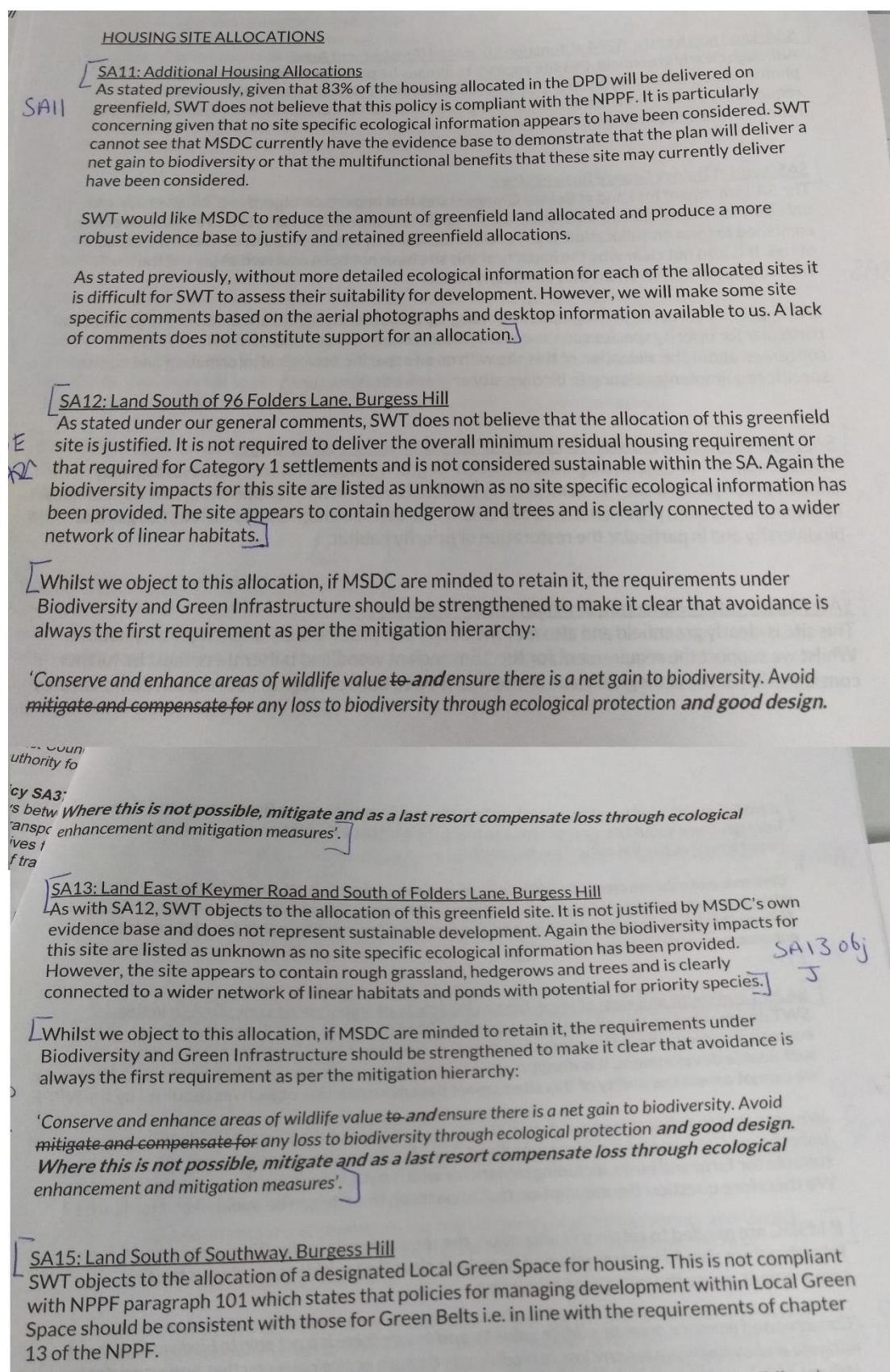


## Appendix 4 C



Objection from Hassocks Parish Council

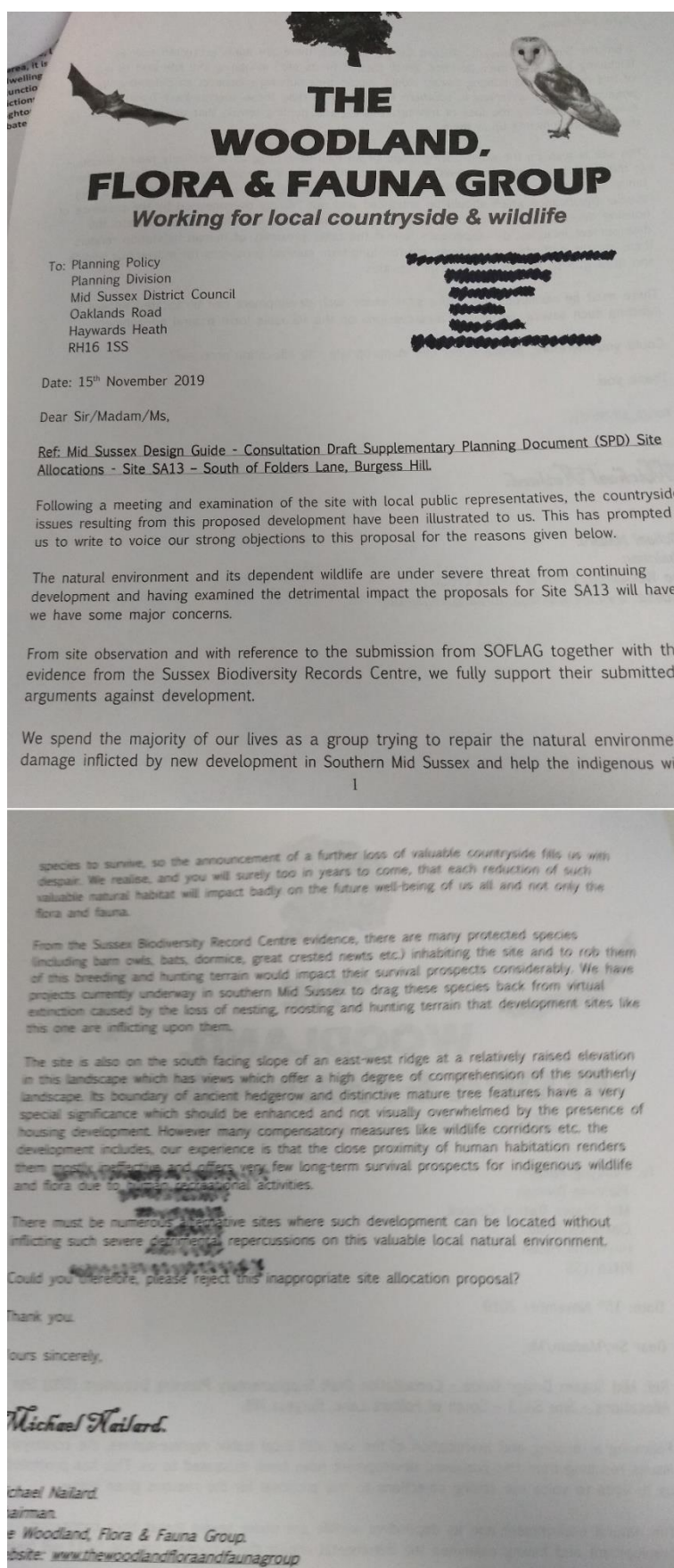
## Appendix 4 D



Extract from objection by Sussex Wildlife Trust



## Appendix 4 E



## SECTION 5

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

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

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

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

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

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

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

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

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

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

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

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

- 5.14 Site Selection Proformas published at Regulation 18 stage raise questions about how and why sites were chosen, particularly with reference to Sites SA12 & SA13. This can be illustrated by comparing the Proformas for Batchelors Farm (site reference 573) and what became part of Site SA13 (site reference 557).
- 5.15 While Site 557 was put forward, site 573 was not. This could be because, despite the proposed entrances to the sites being opposite each other on Keymer Road, and therefore equidistant from all facilities. In fact, most of site 557 being further away than the whole of 573, two out of three walking distances were assessed by MSDC rather differently<sup>51</sup>. Putting together the information from the two site proformas clearly illustrates this error:

**Composite illustration showing comparative site locations:**



**Composite illustration showing comparative walking distances:**

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



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

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

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

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

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

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

- 5.17 MSDC did not take into account the reasons for this refusal when deciding to leave Site SA13 in the DPD at Regulation 19 stage, therefore continuing to promote a site that they know is likely to fail at planning and is therefore undeliverable.

- 5.18 The inconsistency of site selection is further illustrated by comparing Sites SA12 & SA13 to a site that was not brought forward from the shortlist, Haywards Heath Golf Course (site reference 503). Using the Site Selection Proformas created by MSDC for the Regulation 18 stage and combining sites 557 and 738 together to create SA13, it is possible to make a direct comparison between the 3 sites. For clarity if the "score" in a category is the same the boxes are yellow, with "winners" green and "losers" red.

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

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

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

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

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

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

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

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

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

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

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

<sup>53</sup> Site Selection Paper 3: Housing – Appendix B: Housing Site Proformas

<sup>54</sup> Ibid.

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

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

<sup>56</sup> Ibid. page 3





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

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

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

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

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

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

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

<sup>58</sup> Site Allocations DPD Sustainability Appraisal (Regulation 19) July 2019, page 124

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

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

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

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

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

Table 19 - Housing Options

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

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<sup>59</sup> Site Allocations DPD Sustainability Appraisal (Regulation 19) July 2019, page 124

<sup>60</sup> Site Allocations DPD Sustainability Appraisal (Regulation 19) July 2019, page 59

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

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

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

- 5.33 MSDC published their Site Allocations Document in autumn 2019 and it went out for public consultation from 9 October – 20 November 2019. There were over 800 objections to Sites SA12 & SA13, including a comprehensive 36-page submission from SOFLAG. However, when the full consultation report was published on the MSDC website, the SOFLAG submission and that from the Broadlands Residents Association – also opposing sites SA12 & 13 – were missing.
- 5.34 This error was pointed out to MSDC on 24<sup>th</sup> January, and on 31<sup>st</sup> January the missing responses were inserted into the full online report – adding 57 pages to it.
- 5.35 However, the Scrutiny Committee for Housing and Economic Development met on 22<sup>nd</sup> January – prior to the correction being made – and voted to recommend approving the SSDPD for the next stage following the consultation. Members of this Committee had been emailed a reports pack with the summary of responses and a committee report. The full consultation report was available to them online – but the SOFLAG and Broadlands Residents Association submissions were missing until after the Committee met.
- 5.36 In their response to a complaint about the missing submissions (See Appendix 5 F) MSDC pointed out that the submissions were not omitted from the **one printed copy** available to members in the Members Room at the Council Offices. However, members had no way of knowing that the online consultation report had 57 pages missing so would not have known they had to visit the Members Room and wait in line to see the correct version.
- 5.37 The key Scrutiny Committee of 22<sup>nd</sup> January had been scrutinising an incomplete report, which was missing important evidence opposing the selection of Sites SA12 & SA13. MSDC assured us that this was merely an "oversight", but it renders this part of the process unsound.
- 5.38 SOFLAG raised this issue with the Scrutiny Committee Chair, Councillor Neville Walker, before the Committee Meeting of 11 March 2020 at which the Site Allocations DPD was to be discussed. Councillor Walker sent a response, copied to all committee members, 4 hours before the start of the meeting. This response contained factual errors, stating that *"Once officers were made aware of a technical error with the detailed online Consultation Report a revised version was uploaded the same day"* when in fact they were not uploaded until 28<sup>th</sup> January.

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

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

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

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

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

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

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

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

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

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

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



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

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

- 5.45 Para 73 of the NPPF sets out that Local Authorities must identify a supply of deliverable housing sites to provide a minimum of five years’ supply, and should include an additional buffer of:
- a) 5% to ensure choice and competition in the market for land or
  - b) 10% where the local planning authority wishes to demonstrate a five-year supply of deliverable sites through an annual position statement or recently adopted plan<sup>38</sup>, to account for any fluctuations in the market during that year or
  - c) 20% where there has been significant under delivery of housing over the previous three years, to improve the prospect of achieving the planned supply<sup>61</sup>
- The 20% figure is only required if a Housing Delivery Test indicates delivery below 85%. In the Annual Position Statement on the MSDC website, the result for Mid Sussex is 110%<sup>62</sup>
- 5.46 The Position Statement goes on to say “For the purposes of the Housing Delivery Test Mid Sussex is a 5% authority” but will be applied a 10% buffer in accordance with the NPPF.<sup>63</sup>
- 5.47 The buffer provided by the Site Allocations DPD, if it continues to follow Housing Option 2, which includes Sites SA12 & SA13 is 38%. Without them it is 11%.
- 5.48 The required figure for additional housing is 1280 units. MSDC’s Site Allocations DPD Housing Land Supply Statement reports that the DPD, as it stands, will supply 1764 units<sup>64</sup>, an oversupply of 484 = 38%
- 5.49 At full Council on 22<sup>nd</sup> July, Leader Jonathan Ashe Edwards, stated that such a large oversupply was required because the Inspector’s hearing “will be held in the depth of a major recession making the delivery of some developments potentially uncertain,” meaning that developers could fail to build, or even go bust. There is no way of predicting with certainty, whether or not a major recession will arrive by the unknown date of the hearing, and no way of predicting what developers would do, if there was. An alternative prediction would be that a recession will lead to less demand for the executive houses that form the major proportion of development in this area, so fewer sites would be needed not more.
- 5.50 If Councillor Ashe Edwards’ predictions are taken as fact, and a large buffer is needed because of the risk of recession, then arguably a larger buffer still, would be advisable. Yet MSDC are not going with the option that provides the biggest, and therefore most secure, buffer. That would be Option 3, which MSDC are not recommending.

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<sup>61</sup> National Planning Policy Framework, Feb 2019, para 73 page 21

<sup>62</sup> MSDC Housing Land Supply Position Statement, para 4.8 page 5

<sup>63</sup> Ibid. para 4,9 page 6

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

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

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

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

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

The original members of the working group were 8 councillors:

Cllr Rod Clarke – HAYWARDS HEATH (Con)	Cllr Gordon Marples - HASSOCKS (Con)
Cllr Ruth De Mierre – HAYWARDS HEATH (Con)	Cllr Pru Moore - BURGESS HILL (Con)
Cllr Lyn Stockwell – HIGH WEALD (Con)	Cllr Antony Watts Williams. – HURSTPIERPOINT (Con)
Cllr Rex Whittaker - EAST GRINSTEAD (Con)	Cllr Sue Hatton – HASSOCKS (Lib Dem)

- 5.53 Following election results in May 2019 the working group was depleted as 3 members lost their seats and it no longer complied with its terms of reference. The Council changed from 53 Conservative and 1 Lib-Dem to 34 Conservative, 13 Lib Dem, 4 Independent and 3 Green (63% Conservative and 37% other).
- 5.54 To comply the working group should then have contained 4 Conservative and 3 others. Instead, those councillors who lost their seats were simply not replaced, leaving the following 5 members:

Cllr Rod Clarke – HAYWARDS HEATH (Con)	Cllr Lyn Stockwell – HIGH WEALD (Con)
Cllr Ruth De Mierre – HAYWARDS HEATH (Con)	Cllr Rex Whittaker - EAST GRINSTEAD (Con)
Cllr Sue Hatton – HASSOCKS (Lib Dem)	

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

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

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

## Appendix 5 A

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

13<sup>th</sup> May 2020

Dear Ms Blomfield

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

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

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

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

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

Namely:

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

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

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

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

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

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

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

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

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

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

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

Kind regards

SOFLAG



## **Appendix 5 B**

### Response to SOFLAG Transport Study queries – July 2020

Dear SOFLAG,

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

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

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

#### **Question One**

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

**Namely:**

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

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

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#### **MSDC Response:**

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

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

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

### ***SOFLAG RESPONSE TO THIS ANSWER:***

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

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

### **Question Two**

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

### **MSDC Response:**

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

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

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

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

**SOFLAG RESPONSE TO THIS ANSWER:**

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

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

**Question Three**

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

**MSDC Response:**

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

**SOFLAG RESPONSE TO THIS ANSWER:**

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

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

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

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

#### **Question Four**

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

#### **MSDC Response:**

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

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

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

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

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

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

#### **SOFLAG RESPONSE TO THIS ANSWER:**

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

#### **Question Five**

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

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

**MSDC Response:**

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

***SOFLAG RESPONSE TO THIS ANSWER:***

*This doesn't answer the question raised*

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**Question Six**

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

**MSDC Response:**

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

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

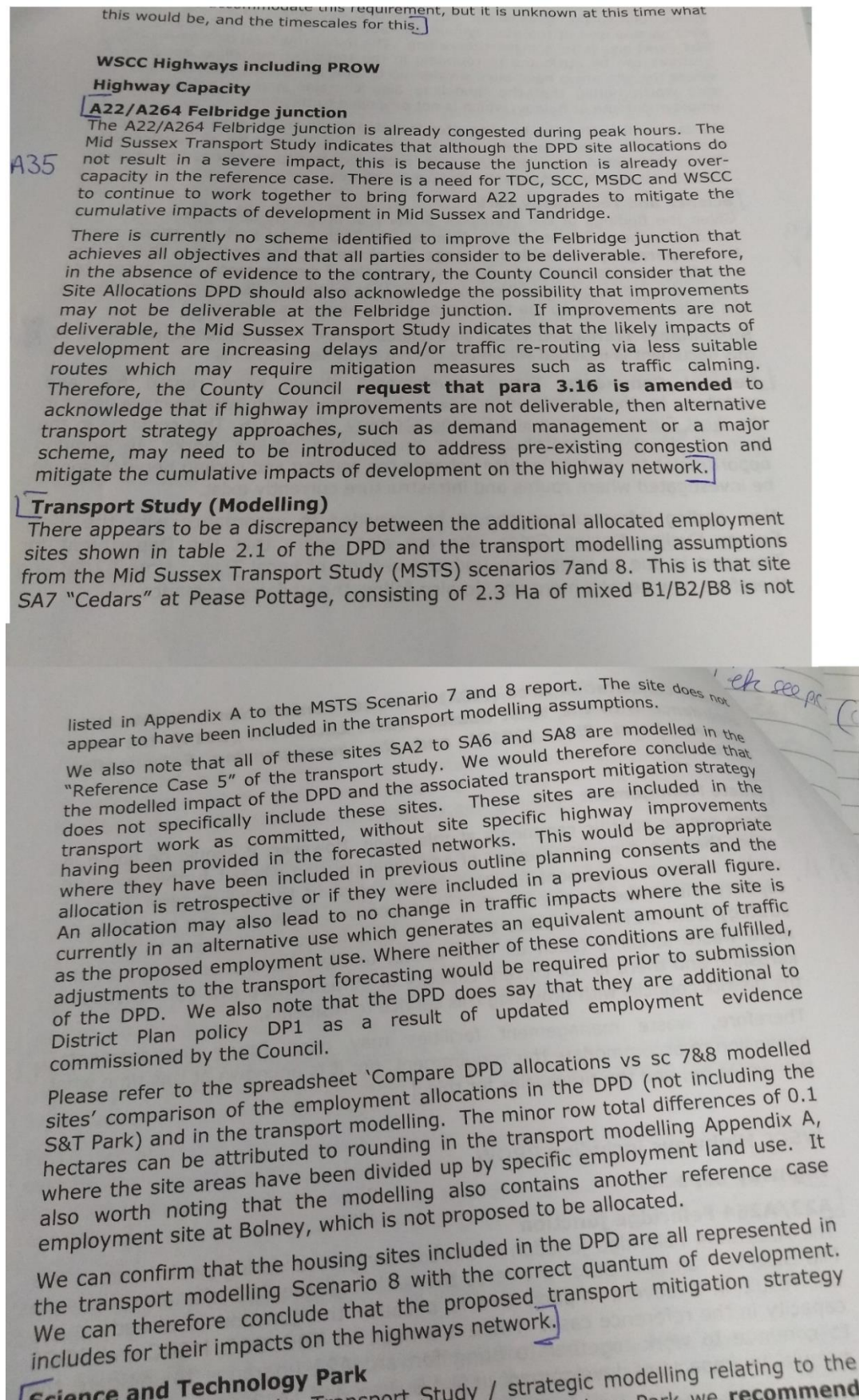
***SOFLAG RESPONSE TO THIS ANSWER:***

*This doesn't answer the question raised*

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## APPENDIX 5 C



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

## Appendix 5 D

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

[REDACTED]  
[REDACTED]

Dear [REDACTED]

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

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

Note that the minutes of Scrutiny Committee state:

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

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

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

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

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

yours sincerely,

FOI/DPA Team

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

Working together for a better Mid Sussex

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

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

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



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

Thank you.

Kind regards



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



## Appendix 5 E

### Flooding at Site SA13





## Appendix 5 F

[REDACTED]  
To: planningpolicy

Wed, Jan 22 at 2:59 PM

Dear Andrew

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

However it seems the SOFLAG response (#615) does not currently appear in the main document [https://www.midsussex.gov.uk/media/4633/req18\\_summaryreport.pdf](https://www.midsussex.gov.uk/media/4633/req18_summaryreport.pdf)

Kind regards,

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

Dear [REDACTED]

Thank you for your email.

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

Kind regards,

[REDACTED]  
[REDACTED]  
Interim Business Unit Leader – Planning Policy

[REDACTED]  
[www.midsussex.gov.uk](http://www.midsussex.gov.uk)

Working together for a better Mid Sussex

From: [REDACTED]

Sent: 22 January 2020 13:26

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

Subject: Re: Consultation Responses

Dear [REDACTED]

Thank you for your email.

I have looked at the full responses document [https://www.midsussex.gov.uk/media/4633/reg18\\_summaryreport.pdf](https://www.midsussex.gov.uk/media/4633/reg18_summaryreport.pdf)

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

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

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

Thank you.

Kind regards,

Amanda



## Appendix 5 G

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

Dear Councillor Walker,

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

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

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

Kind regards

SOFLAG

Dear SOFLAG,

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

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

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

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

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

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

## **2. Refusal of requests for transparency around site selection:**

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

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

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

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

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

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

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

## **3. Opposition from other local authorities**

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

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

## **4. Sites SA12 & SA13 v Haywards Heath Golf Club**

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

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

Kind regards,

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

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**From:** [info@soflag.co.uk](mailto:info@soflag.co.uk) <[info@soflag.co.uk](mailto:info@soflag.co.uk)>

**Sent:** 06 March 2020 17:14

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

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

Dear Councillor

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

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

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

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

**1. Critical Responses Omitted from Consultation Report:**

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

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

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

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

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

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

## **2. Refusal of requests for transparency around site selection:**

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

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

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

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

## **3. Opposition from other local authorities**

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

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

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

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

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

In addition, the following also had various objections:

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

## **4. Sites SA12 & SA13 v Haywards Heath Golf Club**

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

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

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

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

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

If you have any questions, please get in touch.

Yours faithfully

SOFLAG

## Appendix 5 H

### APPENDIX 1

#### SITE ALLOCATIONS DOCUMENT MEMBERS WORKING GROUP

##### Terms of Reference

##### Membership

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

##### Objective of the Working Group

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

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

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

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

*FROM REPORT OF DIVISIONAL LEADER FOR PLANNING AND ECONOMY TO SCRUTINY COMMITTEE FOR HOUSING AND PLANNING, 14<sup>TH</sup> NOVEMBER 2017*



## Appendix 5 I

### Amendment tabled at MSDC Council Meeting, 25 September 2019

#### Agenda Item 7 TABLED - AGENDA ITEM 7: SITE ALLOCATIONS Council – 25 September 2019

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

###### Amendment to the item:

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

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

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

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

## Conclusion

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

In summary:

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

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

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

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

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

Folders Lane, Burgess Hill, West Sussex



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

## 1 Background

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

## 2 MSSHM Model Review

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



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

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

### 3 Traffic Modelling Supporting the Sites DPD

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

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

*decisions should take account of whether:*

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

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

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

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

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

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

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

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

SIGNIFICANT            An increase in RFC of 5% or more to 85% or more.

3.10 The concerns are twofold:

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

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

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

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

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

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

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



## 4 Folders Lane Allocations in the Sites DPD

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

Table 3.1

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

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

Table 3.2

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

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

not compromise the ability of Folders Lane itself, in link capacity terms, to safely and operationally accommodate the forecast levels of traffic on it, even accounting for the two DPD sites.

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

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

## 5 Summary and Conclusions

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

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

-End of Report -



## Civil Engineering - Transport Planning - Flood Risk

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

T: 01444 871444 E: [enquiries@gtacivils.co.uk](mailto:enquiries@gtacivils.co.uk) www: [gtacivils.co.uk](http://gtacivils.co.uk)

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







## Site Allocations DPD: Regulation 19 Consultation Response

**Policy:** SA10

**ID:** 617

**Response Ref:** Reg19/617/2

**Respondent:** Ms E Bennett

**Organisation:** Ansty and Staplefield Parish Council

**On Behalf Of:**

**Category:** Town & Parish Council

**Appear at Examination?** x

<b>Name</b>	Elizabeth Bennett
<b>Job title</b>	Clerk
<b>Organisation</b>	Ansty and Staplefield Parish Council
<b>Address</b>	[REDACTED]
<b>Phone</b>	[REDACTED]
<b>Email</b>	clerk@anstystaplefield-pc.gov.uk
<b>Name or Organisation</b>	Ansty and Staplefield Parish Council
<b>Which document are you commenting on?</b>	Site Allocations DPD
<b>Sites DPD Policy Number (e.g. SA1 - SA38)</b>	SA 33
<b>Do you consider the Site Allocations DPD is in accordance with legal and procedural requirements; including the duty to cooperate</b>	Yes
<b>(1) Positively prepared</b>	Sound
<b>(2) Justified</b>	Unsound
<b>(3) Effective</b>	Unsound
<b>(4) Consistent with national policy</b>	Sound
<b>Please outline why you either support or object (on legal or soundness grounds) to the Site Allocations DPD</b>	<p>The Parish Council strongly object to the proposed site allocation at Ansty Cross Garage, which was not allocated in the Neighbourhood Plan. During the creation of the Ansty and Staplefield Parish Council Neighbourhood Plan, residents accepted that a small number of appropriate houses could benefit the village. However, with developments at Deaks Lane, Ansty Cross pub, Crouch Fields, Bolney Road as well as 3500 houses just to the south of Ansty, the Parish Council feel that is more than enough. The little roundabout in the centre of Ansty is already overloaded. The petrol station has access close to the roundabout and so does Crouch Fields. A new development at the garage would cause more congestion and increase the risk of an accident. The roundabout will inevitably see a surge in traffic when the Northern Arc is built, despite the mitigation measures.</p> <p>Ansty has no pub and very limited public transport. It does not need any more houses.</p> <p>The agent for the new affordable homes at Upton Drive, Bolney Road, Ansty has had difficulty in securing tenants and shared owners. None were forthcoming from residents in the parish. Ansty has taken more than its share of new homes.</p> <p>Ansty and Staplefield Parish Council would also like to lend its support to the objections raised by Cuckfield Parish Council in their paper submitted to you. In particular, they are concerned at the possible underestimate of the number of windfall homes that are likely to come forward which leads to an overestimate of the number of houses and sites that need to be allocated in the site allocations DPD.</p>
<b>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.</b>	The Ansty Cross Garage site should be removed from the plan, for the reasons stated above.

<b>If you wish to provide further documentation to support your response, you can upload it here</b>	
<b>If your representation is seeking a change, do you consider it necessary to attend and give evidence at the hearing part of the examination</b>	No, I do not wish to participate at the oral examination
<b>Please notify me when-The Plan has been submitted for Examination</b>	yes
<b>Please notify me when-The publication of the recommendations from the Examination</b>	yes
<b>Please notify me when-The Site Allocations DPD is adopted</b>	yes
<b>Date</b>	21/09/2020

## Site Allocations DPD: Regulation 19 Consultation Response

**Policy:** SA10

**ID:** 625

**Response Ref:** Reg19/625/9

**Respondent:** Mrs J Nagy

**Organisation:** Worth Parish Council

**On Behalf Of:**

**Category:** Town & Parish Council

**Appear at Examination?** ✓

**From:** Worth Parish Council Clerk <clerk@worth-pc.gov.uk>  
**Sent:** 24 September 2020 12:02  
**To:** ldfconsultation  
**Subject:** Response to Site Allocations DPD Reg 19 Consultation  
**Attachments:** 240920 Site Allocation DPD Reg 19.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**Categories:** SiteDPD

Please find attached Worth Parish Council's response to the Reg 19 consultation

I would be grateful if you could confirm receipt

Many thanks

Regards,

Jennifer Nagy  
Clerk to the Council

Worth Parish Council  
1st Floor The Parish Hub  
Borers Arms Road  
Copthorne  
West Sussex  
RH10 3ZQ  
Tel: 01342 713407

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- Get home or into work
- Blow your nose, sneeze or cough
- Eat or handle food





**KEEP YOUR DISTANCE – NO CLOSER THAN 2 metres**

**Protect yourself & others**

For more information go to [nhs.uk/coronavirus](https://www.nhs.uk/coronavirus)



# 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
<b>Total</b>	<b>16390</b>	<b>1280</b>	<b>1764</b>	<b>+484</b>

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 be the norm, leading to increase in overall demand.

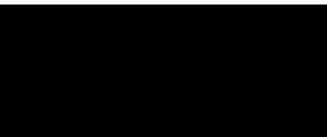
Provision of an adequate water supply must be an inherent part of any Local Plan.

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,

A black rectangular box used to redact the signature of Jennifer Nagy.

**Jennifer Nagy**  
**Clerk to the Council**



## Site Allocations DPD: Regulation 19 Consultation Response

**Policy:** SA10

**ID:** 652

**Response Ref:** Reg19/652/3

**Respondent:** Mr T Rodway

**Organisation:** Rodway Planning consultancy

**On Behalf Of:** Benfell Limited

**Category:** Developer

**Appear at Examination?** ✓

**From:** Tim Rodway | Rodway Planning <tim@rodwayplanning.co.uk>  
**Sent:** 25 September 2020 13:20  
**To:** ldfconsultation  
**Subject:** Reg 19 Representations - Site Allocations DPD Consultation  
**Attachments:** Reg 19 reps - Benfell Limited 250920.pdf; Reg 18 reps - Benfell Limited 191119.pdf  
**Categories:** SiteDPD

Dear Sir/Madam

On behalf of Benfell Limited, please find attached our representations in respect of the above.

I would be grateful if these could be acknowledged.

Yours faithfully,

**TIM RODWAY**  
DIRECTOR / M +44 (0)7818 061220



**RODWAY PLANNING CONSULTANCY / T +44 (0)1273 780 463 / [RODWAYPLANNING.CO.UK](http://RODWAYPLANNING.CO.UK)**

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Planning Policy  
Mid Sussex District Council  
Oaklands  
Oaklands Road  
Haywards Heath  
West Sussex  
RH16 1SS  
**VIA EMAIL ONLY**

25<sup>th</sup> September 2020

Dear Sir/Madam

**Site Allocations DPD - Regulation 19 Consultation  
Land at Benfell Limited, Albourne Road, Hurstpierpoint**

Rodway Planning Consultancy are instructed by our clients, Benfell Limited, to continue to promote the above site for residential development purposes. Accordingly, we wish to make the following comments in respect of the submission version of the Site Allocations DPD:

We have had the opportunity to fully review the updated version of the DPD and the revised Sustainability Appraisal report.

In summary, and on behalf of our clients, we continue to object to the DPD, and its omission of our client's site as an allocation for future residential development. We also object to the DPD on the basis that it identifies our client's site at Appendix A (page 108) as an 'Existing Employment Site' as referred to in draft Policy SA34 (page 93). The detailed justification for our objection in respect of both these matters is set out in our previous submissions, dated November 2019, in relation to the Regulation 18 public consultation. These are attached again for the Inspector and the Authority's ease of reference.

Essentially, we consider that our client's site is subject to positive assessment that confirms its suitability for residential redevelopment. Conversely, circumstances are such that the site is no longer suitable for continued employment use, and we contend therefore that the site should not be identified (and therefore restricted in terms of its future use) by the requirements of Policy SA34 and related Appendix A of the DPD.

As currently proposed, we therefore do not consider that the DPD is sound. We submit that the DPD should be revised so as to aide the delivery of significantly increased housing numbers, so as to meet the objectively assessed housing needs of the District, when taking into account market signals, improve affordability, and help meet the unmet affordable housing needs of the District.

We note that the DPD seeks to meet the residual housing needs following adoption of the District Plan in 2018. The District Council advise that the residual figure is currently 1,280 units. The housing proposed to be allocated by the submission draft Site Allocations DPD is 1,764 dwellings, which represents an over-supply of 484 dwellings when compared with the residual requirement. Although any over-supply is welcomed, in order to provide resilience and flexibility, we strongly contend that the DPD does not go far enough in this respect. This therefore represents a missed opportunity to boost the supply of housing in the District over the coming years, thereby strengthening the District's currently marginal 5-year housing land supply position.

In this respect it is essential that the housing need context is considered. We note that the current District Plan requirement is 876 units per annum, rising to 1,090 units per annum after 2023/24 (Policy DP4 refers). However, the current standard method for calculating housing need is that a total of 1,114 dwellings should be provided in Mid Sussex each year, and if the Government's proposed new standard method is applied, this increases further to 1,305 units per year. Importantly, it is understood that the District's average delivery over the past 3 years has been just 760 dwellings per year.

Without taking the now presented opportunity to allocate a significant level of housing now (in the DPD), there is a considerable, and tangible risk, that Mid Sussex will find itself with a significant housing shortfall in the coming years, which will bring with it social and economic implications, as well as the Development Plan becoming out-of-date by virtue of Paragraph 11 of the NPPF. We urge the Inspector to reject the DPD as currently proposed, and ask the District Council to better use this opportunity by providing a revised allocations document that allocates additional housing sites (including our clients), in order to boost the housing that will be delivered in the District in the short-medium term.

We would be grateful if we could continue to be informed of the DPDs progression, and be given the opportunity to make further written representations if or when possible. We would also like to confirm that we would like the opportunity to be present at any Examination Hearings, with a view to making verbal representations to the Planning Inspector if required.

Yours faithfully,



Tim Rodway  
Director

c.c. Benfell Limited



**RODWAY PLANNING**  
CONSULTANCY LIMITED

Planning Policy  
Mid Sussex District Council  
Oaklands  
Oaklands Road  
Haywards Heath  
West Sussex  
RH16 1SS  
**VIA EMAIL ONLY**

25<sup>th</sup> September 2020

Dear Sir/Madam

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**Land at Benfell Limited, Albourne Road, Hurstpierpoint**

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**RODWAY PLANNING**  
CONSULTANCY LIMITED

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Without taking the now presented opportunity to allocate a significant level of housing now (in the DPD), there is a considerable, and tangible risk, that Mid Sussex will find itself with a significant housing shortfall in the coming years, which will bring with it social and economic implications, as well as the Development Plan becoming out-of-date by virtue of Paragraph 11 of the NPPF. We urge the Inspector to reject the DPD as currently proposed, and ask the District Council to better use this opportunity by providing a revised allocations document that allocates additional housing sites (including our clients), in order to boost the housing that will be delivered in the District in the short-medium term.

We would be grateful if we could continue to be informed of the DPDs progression, and be given the opportunity to make further written representations if or when possible. We would also like to confirm that we would like the opportunity to be present at any Examination Hearings, with a view to making verbal representations to the Planning Inspector if required.

Yours faithfully,

Tim Rodway  
Director

c.c. Benfell Limited





**Mid Sussex District Council:  
Draft Site Allocations  
Development Plan Document  
Regulation 18 Consultation**

**Land at Benfell Limited,  
Albourne Road, Hurstpierpoint**

**Representations made on behalf of  
Benfell Limited**

**November 2019**

## 1.0 INTRODUCTION

- 1.1 We are instructed by our clients, Benfell Limited, to make representations to Mid Sussex District Council, in respect of the 6 week public consultation (Regulation 18 stage), which seeks to invite responses to the Council's draft Site Allocations Development Plan Document (*'the DPD'*)
- 1.2 The DPD will form part of the Mid Sussex District Plan 2014-2031, which was adopted in March 2018. Preparation of the DPD is in response to the requirement by the Planning Inspector to meet the residual housing and employment needs of the District up to 2031.
- 1.3 The DPD proposes a number of new housing and employment sites for allocation in order to meet this need. It also includes an allocation for a Science and Technology Park to the west of Burgess Hill, and a number of other strategic planning policies considered necessary for delivering sustainable development.
- 1.4 This representation document focusses on the Council's assessment of our clients site, at Benfell Limited, Albourne Road, Hurstpierpoint.

## 2.0 THE DEVELOPMENT PLAN DOCUMENT

- 2.1 It is understood that the Sites 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 identify and set out Strategic Policies necessary to complement or replace those set out in the District Plan to deliver sustainable development.
- 2.2 The Site DPD comprises two overarching policies; SA1: Sustainable Economy, and SA10: Housing. Accompanying these policies is a number of related employment and housing policies that proposed the allocation of specific parcels of land and sites for development.
- 2.3 The DPD seeks to allocate sufficient housing sites to address the residual quantum of housing in order to meet the housing requirement up to 2031, as set out in the adopted District Plan. In this respect, District Plan Policy DP4: Housing sets out the minimum housing requirement for the District for the plan period of 16,390 dwellings. After completions, commitments, strategic allocations and windfalls have been taken account of it is understood that the residual figure is **2,439 dwellings** as at March 2018.
- 2.4 It is understood that having had regard to additional housing completions, future commitments relating to the Northern Arc development, and an updating of windfall numbers (so as to accord with the updated windfall definition in the NPPF), that the Council are now working on a revised residual figure to meet the District Plan housing requirement is **1,507 dwellings**.
- 2.5 In the context of the NPPF's focus on boosting the supply of housing, a reduction in the residual housing requirement of 932 dwellings is significant.
- 2.6 It is understood that the Council's methodology for selecting sites for including in the DPD has included the following key states:

**Stage 1:** Preparation of the Council's Strategic Housing Economic Land Availability Assessment (SHELAA), which followed a 'call-for-sites' consultation that identified a pool of 241 potential sites. A small number of sites were excluded from further consideration in the SHELAA due to high-level constraints.

**Stage 2:** High level assessment of the sites identified in the SHELAA for conformity with the District Plan Spatial Strategy set out in District Plan policies DP4 and DP6. It is understood that promoted sites were discounted if they were more than approximately 150m from an existing settlement boundary or if the scale of the site was significant at an individual settlement level in relation to the Settlement Hierarchy.

**Stage 3:** A 'detailed assessment' followed, which considered the 142 remaining sites against site selection criteria, which was set out within Site Selection Paper 2.

**Stage 4:** The remaining 47 sites were presented to the Council's Site Allocations Working Group (SAWG) as 3 potential options all of which were considered suitable for inclusion in the sites DPD, subject to further technical work. A Sustainability Appraisal (SA) has been undertaken and this assesses the 3 reasonable alternatives options. We understand that this was informed by detailed engagement with a range of stakeholders and experts, by the Sustainability Appraisal, and by detailed evidence for Transport, Air Quality and the Habitats Regulations Assessment (HRA).

It is understood that the 'detailed evidence testing' was undertaken by the Council iteratively alongside preparation of the Council's SA. We are advised that this involved two main steps: (i) an assessment of all the shortlisted sites from Stage 3 (i.e. 47 sites) on a settlement by settlement basis; and (ii) the identification of the three reasonable alternatives.

2.7 A summary of the 3 reasonable alternative options that have been tested to inform the sites selected for allocation in the Regulation 18 draft DPD, is detailed below:

Option Number	Description
<b>1</b>	20 sites providing 1,619 dwellings  This options ensures the necessary residual is met with a small additional supply of 112 dwellings
<b>2</b>	22 sites (as option 1) plus 2 additional sites at Burgess Hill providing 1,962 dwellings  This option provides for a larger additional supply of 455 dwellings
<b>3</b>	21 sites (as option 1) plus 1 additional site at Haywards Heath providing 2,249 dwellings  This option provides for a higher additional supply of 742 dwellings

2.8 The final stage of testing included an assessment of each of the shortlisted sites, individually, on a settlement-by-settlement basis, and as the 3 options summarised above. As Option 1 is common to both Options 2 and 3, then the Council took the view that if either or both Options 2 and 3 are acceptable, then Option 1 would also be acceptable.

2.9 It is understood that the Council have discounted Option 1 due the reduced level of housing it would deliver, and its inability to provide sufficient flexibility and resilience to ensure the Council can demonstrate a 5-year housing land supply position. Conversely, Option 3 is not being pursued due to the higher quantum of housing it would provide, and because it would exceed the identified need for Haywards Heath, and would therefore conflict with the District's Spatial Strategy. The draft DPD is therefore prepared on the basis of Option 2, which broadly comprises the 20 'constant' allocations (Option 1 sites), plus the two additional sites at Folders Lane Burgess Hill

### 3.0 THE SITE - BENFELL LIMITED

- 3.1 On behalf of our clients we have been actively promoting the land at Benfell Limited for residential development purposes since 2017. Prior to this we obtained planning permission for 2 detached houses on land surrounding the existing commercial buildings on this site (planning permission ref: DM/15/3302, decision dated 23<sup>rd</sup> October 2015).
- 3.2 The site was considered in the Council's SHELAA (April 2018), when it was assessed as being suitable for development due to being "relatively unconstrained". It was also confirmed that development was available, and could be delivered within the Plan period.
- 3.3 A site location plan is provided below for clarification purposes:





#### 4.0 THE NEED FOR MORE HOUSING ALLOCATIONS

- 4.1 The adopted District Plan 2014-2031 identifies that the District's OAN is 14,892, and that there is an unmet need in the Northern West Sussex Housing Market Area of 1,498. Therefore the minimum District housing requirement over the plan period is 16,390.
- 4.2 As identified in the DPD, the District Plan 2014-2031 allocated four strategic locations which made provision for the delivery of 5,080 dwellings over the plan period. When taken alongside all other allocations or known completions, this left the housing delivery in MSDC short of its intended target. As part of the District Plan, a commitment to produce a Site Allocations DPD was made, with the intention to adopt it by 2020, in order to provide further housing allocations and meet the required need.
- 4.3 Accordingly the draft Site Allocations DPD has been produced, which provisionally allocates 1,962 dwellings, as detailed above.
- 4.4 The need for sites to come forward to meet an identified housing need has been clearly identified in the District Plan. Exacerbating this need is the chronic shortage of housing across the south east that has characterised the housing market for many decades and is steadily heightening.
- 4.5 Paragraph 73 of the National Planning Policy Framework sets out that each Local Authority should identify a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies. MSDC's Annual Position Statement on its Housing Land Supply Position (published July 2019) reports a Five Year Housing Land Supply of 5.64 years. This is through a position statement that has been submitted to the Planning Inspectorate for Approval, and includes a 10% buffer. With the buffer set at

5%, MSDC contend that they have a housing land supply of 5.91 years. However, it is understood that both of these positions are disputed, and the Planning Inspectorate is yet to issue its findings.

- 4.6 In relation to the Housing Delivery Test, the NPPF (2019) is clear that this is assessed on the basis of delivery over the previous three years. This test is a simple calculation of net homes delivered divided by net homes required over the period of the previous three years. If an authority falls below a 95% delivery rate it is required to produce an action plan to identify actions as to how this can be improved and the minimum 95% delivery met.
- 4.7 For MSDC, it can be seen from the Governments Housing Delivery Test figures published in 2018 (covering the period 2015/16 to 2017/18) that MSDC were required to deliver an average of 773 dwellings per annum. MSDC met this requirement, delivering 110% of the required housing delivery. However, the adoption of the new District Plan in March 2018 resulted in an increase in the volume of housing that needed to be delivered on a yearly basis from 773 dpa to 876dpa.
- 4.8 In order to meet this increase, delivery of housing will need to increase through the site allocations both within the District Plan and within the is Site Allocations DPD.
- 4.9 Given the need for further Site Allocations to meet the identified need for dwellings highlighted in the District Plan, and the need to ensure that a robust 5 year housing land supply is in place, it is acknowledged that MSDC have sought to consult on a DPD that seeks to exceed the minimum target set out (supplying 1,962 units against a purported need of 1,507) This is in order to ensure that the District Plan, Five Year Housing Land Supply, Housing Delivery Test, and the Site Allocations DPD all remain robust over time.

- 4.10 However, it is inevitable that there will be a level of attrition of sites through the consultation process, with sites dropping out prior to the Site Allocations DPD being adopted. Therefore in order to ensure that the provision of sites remains robust and flexible, additional sites should be included that will ensure that the volume of housing delivery required is achieved with a suitable buffer in order to ensure flexibility in delivery.
- 4.11 On behalf of Benfell Limited, we contend that the 22 sites proposed to be allocated in the DPD are considered insufficient to fulfil the District's housing requirement. The consultation draft of the DPD only seeks to provide a surplus of 455 units to the end of the plan-period or a 2.8% buffer. The DPD in combination with existing commitments cannot provide the sufficient flexibility to adapt to rapid change as required by Paragraph 11(a) of the NPPF (2019).
- 4.12 If delivery did not occur as anticipated from key large sites and the proposed allocations, then given the lack of flexibility, the Council is likely to be found not to have a 5YHLS. If this did occur, then unplanned for development would be more likely given Paragraph 11(d) of the NPPF (2019) will be engaged. Failing to plan for this now would be against the plan-led approach. On this basis, it is therefore considered that the current strategy is unlikely to be deliverable, is not effective, and is unlikely to be found sound.
- 4.13 In order to be genuinely plan-led and ensure that the Sites Allocation DPD is effective, the Council should seek additional allocations now through the plan-making process to provide an additional supply buffer to take account of the key need and supply issues identified. In particular, sites will need to come forward in the short term to take account of the Northern Arc site likely delivering later than anticipated as well as to overcome an existing backlog in supply. Additional feasibility evidence for the proposed allocation sites and additional allocations will need to be prepared to ensure the plan is justified. Additional allocations will also ensure the plan is

positively prepared to meet minimum housing identified housing needs including the unmet needs of the housing market area more generally.

- 4.14 We contend that the Benfell site should be allocated as part of the emerging Sites Allocations DPD. This site is acknowledged in the SHELAA as being deliverable and developable and could deliver a reasonable quantum of homes during the plan-period to help ensure that the Council can meet its overall housing requirement and ensure a rolling 5YHLS in years to come. Allocating this site would contribute ensuring that a plan-led and effective approach to planning with the sufficient flexibility required to ensure housing needs are met in Mid-Sussex District.
- 4.15 The consultation draft of the DPD sets out that MSDC have sought to distribute the proposed site allocations (totaling 22 sites) across the District, utilising the settlement hierarchy established in the District Plan. This is so as to ensure that growth is as evenly distributed across the various settlements of Mid Sussex as far as possible.
- 4.16 It is of key importance that development is distributed evenly across the District to ensure that settlements are not overloaded and are able to cope with growth without negatively impacting existing residents. It can be seen from the details set out in Policy SA11 of the Site Allocations DPD that this has been acknowledged, and that proportional growth has been attempted, with larger more sustainable settlements being given a larger proportion of growth given their greater level of infrastructure and services.
- 4.17 The minimum residual figure for each of the category settlements, as set out at Table 2.4 of draft Policy SA10 of the DPD, is detailed below with a comparison with the level of development to be provided for each settlement category as proposed by Policy 11 of the draft DPD:

Settlement Type	Updated Minimum Residual Housing Figure*	Percentage of Total	Number of dwellings proposed to be allocated by DPD **	Percentage of Total
<b>Category 1 – Town</b>	840 dwellings	55.8%	1,412 dwellings	72.0%
<b>Category 2 – Larger village</b>	222 dwellings	14.7%	235 dwellings	12.0%
<b>Category 3 – Medium Sized village</b>	439 dwellings	29.1%	303 dwellings	15.4%
<b>Category 4 – Smaller village</b>	6 dwellings	0.4%	12 dwellings	0.6%
<b>Category 5 – Small settlements</b>	0 dwellings	0%	0 dwellings	0%
<b>TOTAL</b>	1,507 dwellings	100%	1,962 dwellings	100%

\* - Taken from Table 2.4, draft DPD Policy SA10

\*\* - Taken from Table 2.5, draft DPD Policy SA11

4.18 Given MSDC's aim to distribute development evenly across all settlement categories, the lack of housing sites allocated to Category 2 and 3 settlements seems unbalanced and without adequate reason, given the need to ensure an even distribution of development across the District. This has not occurred, and consequently in order to ensure that settlements are not overloaded with more development than they can sensibly cater for, we contend that the allocation of sites

should be revisited. Further, the main Category 1 settlement of Haywards Heath is only allocated 1 site with a total of 25 units.

- 4.19 Further, the residual need figures being required in all category settlements are only correct when the residual minimum requirement for housing is considered. These figures do not include any buffer that will ensure that the DPD has sufficient flexibility in the event of any delays in bringing any of the sites forward.

## 5.0 ASSESSMENT OF BENFELL LIMITED

<b>SHELAA Site Reference: 794</b>	Land at Benfell Limited, Albourne Road, Hurstpierpoint
<b>Settlement Type</b>	Category 2
<b>SHELAA Estimated Yield</b>	8 dwellings
<b>MSDC Reason for Omission</b>	Detailed Site Assessment Stage: Extension to existing employment site, submitted for employment and housing. Given current use, would prefer to promote for extended employment rather than lose existing employment use.

- 5.1 The detailed assessment contained at Appendix B of the Site Selection Paper, confirms that the site scores well in terms of its assessment for development suitability. This brownfield site is acknowledged as being visually contained, and development of which would seem to have little wider landscape impact. The site is not located within a 'valued landscape' for the purposes of paragraph 170(a) of the NPPF. The site is located a sufficient distance from the Conservation Area and Listed buildings, to ensure that the setting of any heritage assets would not be affected by



any development proposals on this site. There are trees along the western boundary of the site, but these are not afforded protection, and in any case can be retained as part of any development proposal via an appropriately laid out scheme. Access is accepted as being satisfactory, and in sustainability terms we are pleased to see that the assessment has been upgraded to 'fair'.

- 5.2 Therefore, and despite this positive assessment, we are surprised that the site was omitted from further consideration for allocation purposes at the detailed assessment stage. In all respects the site is accepted as being suitable for development. However, the Council have taken the view that the site is a viable employment site, and wish to retain it as such rather than allocate the site for a change of use to residential.
- 5.3 In this respect, we consider that the following comments, which have been supplied by the landowners, are crucial to the Council's consideration on this matter:

*The site was granted planning permission in April 1985 (application ref: HP/017/85). This permission sets out that the site lies in a rural area where general commercial and industrial uses would not normally be permitted (Condition no. 6 refers). Further, Condition no. 9 stipulates that this premises shall not be operated except between the hours of 8am and 6pm Monday to Saturday and at no time Sundays or public holidays. There was also a restriction on what time vehicles could leave the premises in the morning, but this was lifted following approval of a Lawful Development Certificate (HP/04/00745/LDC), which allows vehicles to leave at 04.30am.*

*Against this background, in the last 5 years Benfell Ltd has come against increased competition from a number of different suppliers operating in what is an already overcrowded market. Most, if not all suppliers, have night shifts and offer a next day delivery for all orders placed before 12pm, as well as weekend and bank holiday*

*working. To compete with these suppliers would require much earlier starts and later finish times and increased lorry movements, which is not permitted under the current restrictions of the planning consent, nor would it be acceptable to neighbours.*

*As a business Benfell Limited are faced with either winding the business up or moving to an industrial site that would allow the changes in working practice required to keep up with the competition and customer demands. Importantly, allowing the change of use to this site for residential use would create the finance to fund such a move.*

- 5.4 When Benfell started it was in a very rural location, but now there is a large housing estate to the east, and the site has houses on three sides with 6 new houses within 50 feet having been built in the last 2 years. Over the passage of time, the continued use of the site for employment purposes must be viewed as less desirable in amenity terms, and also in economic terms given the comments of the landowners as set out above.
- 5.5 Therefore, we object to the Council's non-allocation of this site for residential development purposes, and we also strongly disagree with the Council's identification of the site as an existing employment site that will be afforded protection via draft DPD Policy SA34 (Appendix D refers).
- 5.6 Conversely we consider that the site should be allocated for residential development. The site is accepted as being suitable, available and achievable in the SHELAA. The Council's detailed site assessment work also fails to highlight any reason why the site should not be considered favourably for allocation.
- 5.7 Further, it is evident that the DPD does not seek to allocate any housing in Hurstpierpoint. Given that this is a Category 2 settlement, second only to the main

towns of Haywards Heath, East Grinstead and Burgess Hill, then this approach to not allocate any housing in what is accepted as a sustainable location, is considered to be unsound. Category 3 and 4 settlements are identified for allocated sites (totalling 315 units), whilst Category 2 settlements currently will only contribute 235 units, which equates to just 12% of the total houses being allocated in the DPD. This does not suggest a proportionate distribution of housing across the differing settlement categories in the District, and this approach (including the omission of any sites in Hurstpierpoint), strongly indicates a conflict with the Council's own strategy, as set out in the District Plan (2018).

- 5.8 We therefore contend that the site should be reassessed in the context that its continued use for employment purposes is undesirable in amenity terms, and unviable in commercial terms. The site comprises previously developed land in what must be accepted as a sustainable location (given recent housing approvals nearby). The site is free from technical planning constraint, and the Council's own site assessment findings confirm the sites suitability for residential development purposes. On this basis, we encourage the Council to undertake further detailed site assessment.

## 6.0 CONCLUSIONS

- 6.1 MSDC need to ensure that a suitable range of sites, of varying sizes and scales, are allocated in the Site Allocations DPD to ensure the delivery of a sufficient number of new homes and ensure that the volume of housing delivery required is achieved, so as to ensure that they are in a robust position when measured against five year housing land supply or the Housing Delivery Test. MSDC need to ensure that the Site Allocations DPD is able to meet the demands on it both in terms of providing for the determined minimum need but also delivering at a sufficient rate.

- 6.2 Through distributing housing proportionally across the differing settlement categories, and across the settlements within those individual categories, MSDC can ensure that the Site Allocations DPD provides a sufficient number of homes in a manner that is manageable for local communities and will not result in local services and facilities being unable to cope.
- 6.3 The 22 sites proposed to be allocated in the draft DPD are considered insufficient to fulfil that requirement. The current proposal only seeks to provide a surplus of 455 units to the end of the plan-period or a 2.8% buffer. The draft Sites Allocations DPD (2019) in combination with existing commitments cannot provide the sufficient flexibility to adapt to rapid change as required by Paragraph 11(a) of the NPPF (2019).
- 6.4 To be genuinely plan-led and ensure that the Sites Allocation DPD is effective, the Council should seek additional allocations now through the plan-making process to provide an additional supply buffer to take account of the key need and supply issues identified. In particular, sites will need to come forward in the short term to take account of the Northern Arc site likely delivering later than anticipated as well as to overcome an existing backlog in supply. Additional feasibility evidence for the proposed allocation sites and additional allocations will need to be prepared to ensure the plan is justified. Additional allocations will also ensure the plan is positively prepared to meet minimum housing identified housing needs including the unmet needs of the housing market area more generally.
- 6.5 The assessment work undertaken by the Council confirms that the Benfell site is available, sustainable and deliverable and should be considered favourably for residential redevelopment. Despite these positive conclusions, the District Council have identified the site as one where the employment use should be protected.

- 6.6 Our submissions confirm that this approach is not viable, and indeed the Council's approach generally is unsound in respect of the lack of housing allocation at Benfell, but also in the wider Hurstpierpoint area.
- 6.7 We have demonstrated above that residential development at the Benfell site would accord with the requirements of national planning policy, being sustainably located and free from any landscape or technical constraints, which would prohibit or restrict development. As a consequence this site presents an ideal opportunity for sustainable development to take place. The District Council's emerging Site Allocations DPD provides the mechanism for acting on the positive recommendations, and we contend that the .
- 6.8 Inclusion of the site as residential Site Allocations would not result in the over expansion of the settlement of Hurstpierpoint. The provision of housing at this site would boost the supply of housing within Mid Sussex District, as required by the NPPF.
- 6.9 We submit that the emerging Allocations DPD should allocate the Benfell site for future residential development, which will assist in meeting the District Council's significant need for new housing, whilst providing MSDC with a plan that contains a higher proposed level of development. This will provide a greater degree of flexibility as differing types and locations of allocated housing sites are developed across the District at varying timescales. Ultimately this will ensure that the District Plan, Five Year Housing Land Supply, Housing Delivery Test, and the Site Allocations DPD all have the potential to remain robust over time.

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November 2019

## Site Allocations DPD: Regulation 19 Consultation Response

**Policy:** SA10

**ID:** 657

**Response Ref:** Reg19/657/4

**Respondent:** Mr J Buckwell

**Organisation:** DHApPlanning

**On Behalf Of:** Option Two Development LTD

**Category:** Promoter

**Appear at Examination?** x



**From:** Jonathan Buckwell <jonathan.buckwell@dhaplanning.co.uk>  
**Sent:** 28 September 2020 15:34  
**To:** Idfconsultation  
**Cc:** Josh Thomas  
**Subject:** Site Allocations DPD Response on behalf of Option Two - Copthorne  
**Attachments:** Reg 19 Response.pdf; Appendix 1.pdf; Appendix 2.pdf; Appendix 3.pdf; Appendix 4.pdf; Appendix 5.pdf; Appendix 6.pdf; Appendix 7.pdf; Appendix 8.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**Categories:** TBC

Dear Sir / Madam

Please see attached a Reg 19 consultation response on behalf of Option Two Developments Ltd. I would be grateful if you could confirm receipt.

Kind regards

Jonathan Buckwell  
Director (Planning)

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**Mid Sussex District Council – Site Allocations DPD Regulation 19  
Consultation Response**

**On behalf of Option Two Developments Ltd**

*In respect of Courthouse Farm, Copthorne Common Road, Copthorne*

September 2020 - DHA/13366



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# 1 Introduction

## 1.1 Purpose of this Statement

- 1.1.1 These representations are prepared on behalf of Option Two Developments Ltd (“Option Two”) in response to the Mid Sussex District Council (“MSDC”) Submission Draft Site Allocations DPD Consultation, which runs until 28<sup>th</sup> September 2020.
- 1.1.2 Option Two control Land south of Courthouse Farm, Copthorne Common Road, Copthorne (“the Site”) and have been promoting it for residential allocation in the Site Allocations DPD. Therefore, they wish to comment on the soundness of the plan and appear at the relevant hearing sessions as the Examination progresses.
- 1.1.3 This document provides our client’s views on legal compliance, adherence to the Duty to Cooperate and the four tests of soundness.

## 1.2 Background to the Local Plan

- 1.2.1 The Council adopted the Mid Sussex District Plan (“MSDP”) in March 2018, which established a housing target of 16,390 for the 2014-2031 plan period. It outlines a strategy for the distribution of development and allocated four strategic sites that cumulatively deliver 5,080 dwellings.
- 1.2.2 The MSDP sets out a commitment for the Council to prepare a Site Allocations Development Plan Document (herein ‘the Sites DPD’) with 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.
- 1.2.3 The focus of this representation is the Council’s strategy for meeting its residual housing need.
- 1.2.4 The Council is now satisfied that the Site Allocations DPD is sound and proposes to submit it to the Ministry of Housing Communities and Local Government for Independent Examination, following completion of this final round of consultation.
- 1.2.5 Once submitted, the Site Allocations DPD will be examined by an Inspector whose role is to assess whether the plan has been prepared in accordance with the Duty to Cooperate, legal and procedural requirements, and whether it is ‘sound’.

1.2.6 For clarity, to be “sound” the plan must be:

- **Positively prepared** – *“providing a strategy which, as a minimum, seeks to meet the areas objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development”;*
- **Justified** – *“an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence”;*
- **Effective** – *“deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground”;* and
- **Consistent with national policy** – *“enabling the delivery of sustainable development in accordance with the policies in this Framework”;*

### 1.3 Our client’s site

1.3.1 Whilst this representation is focused on the planning strategy and the tests of soundness, below we provide a summary of our client’s site for context and to clarify that land is available to help remedy the current plan’s shortcomings.

#### *The Site and Surroundings*

- 1.3.2 Courthouse Farm comprises 4.3 hectares of undeveloped grazing land on the south side of Copthorne Common Road, Copthorne. The site is located outside of the defined settlement confines of Copthorne, which extend north of Copthorne Common Road either side of the Golf Course up to the shared boundary with Tandridge District Council.
- 1.3.3 The site is in flood zone 1 and there are no heritage assets nearby that would be affected by development. The nearest is ‘Tye Cottage’, a Grade II listed dwelling on the opposite side of Copthorne Common Road, circa 90m from the site frontage at the north west corner. The site is adjacent to the Copthorne Common Local Wildlife Site (“LWS”), which covers Copthorne Golf Course. Immediately east of the site there is a cluster of seven residential properties and to the south east several farm buildings associated with Courthouse Farm.
- 1.3.4 Copthorne is ranked as one of seven ‘Larger Villages’ in the Council’s settlement hierarchy, which are a secondary focus for development outside of the three main towns (Burgess Hill, East Grinstead and Haywards Heath). There are two primary schools within the village and one pre-school. The village also has several shops, pubs/ restaurants and community centres, which are distributed sporadically throughout the settlement.
- 1.3.5 The surrounding area is residential, characterised by a mix of terraced, semi-detached and detached properties in a suburban layout. The majority of the settlement extends north of Copthorne Common Road; however, there is

development to the south of it too, including to the south and east of our client's land and next to the roundabout that links Copthorne with the M23 and Crawley.

- 1.3.6 In terms of connectivity, the closest bus stops are in Copthorne Common Road, circa 400m from the site ('Abergavenny Gardens' and 'New Town'). The stops are served by eight bus routes including: 272, 281, 291, 400, 624, 638, 642 and 648. The bus services provide links to Brighton, Crawley, East Grinstead and Tunbridge Wells as well as the Three Bridges and Horley railway stations.
- 1.3.7 The site it is also well connected to the strategic road network via the nearby M23.

### ***Site Proposals***

- 1.3.8 The site was put forward as part of the 'Call for Sites' process in April 2019, supported by a Preliminary Ecological Appraisal, Transport Overview and Feasibility Plan. The previously submitted feasibility plan is included as **Appendix 1** to illustrate how around 100 dwellings could be delivered on site, whilst retaining existing trees and hedges.
- 1.3.9 Since then, an alternative proposal has been put forward as a pre-application enquiry for the front part of the site. This proposal was for a two-storey residential care home and a single storey retail unit, together with associated access, parking, landscaping and infrastructure, as shown on the plan at **Appendix 2**.
- 1.3.10 The pre-application response received noted that Policy DP30 states that if a shortfall is identified for Class C2 care homes, the Council will consider identifying sites for such a use in the Site Allocations Document. It then went on to say that there is no currently identified need for such accommodation. The draft Site Allocations Document shows only one allocation for such a use (SA20), which does not even state how many extra care units would be delivered.
- 1.3.11 Since then, an appeal has been allowed for a Class C2 care home in Albourne, the decision for which is attached as **Appendix 3**. This decision concluded, among other things, that the Housing and Economic Development Need Assessment (HEDNA) Addendum relies on data which is now out-of-date, and that there is now a need for between 244 and 552 extra care units in Mid Sussex. The Inspector concluded that this indicates a significant level of current unmet need, which will significantly increase over the local plan period. She criticised the Council's failure to recognise an unmet need that is clearly evident.
- 1.3.12 That need is clearly not being met in the Site Allocations DPD and additional sites, such as Courthouse Farm, should be allocated for this use.

### ***Site Opportunities and Constraints***

- 1.3.13 Copthorne is a secondary focus for development outside of the three main towns and the site is adjacent to the built confines, which extend north of Copthorne Common Road. The scale of development proposed (100 dwellings) would also be proportionate to the size of Copthorne.



- 1.3.14 The wider settlement is constrained by Green Belt to the north of the village (within the adjoining Tandridge district) and there is already development being delivered to the west of the settlement at Heathy Wood. As such, our client's land represents one of the few remaining areas where sustainable and meaningful growth can be delivered without compromising the character of the settlement.

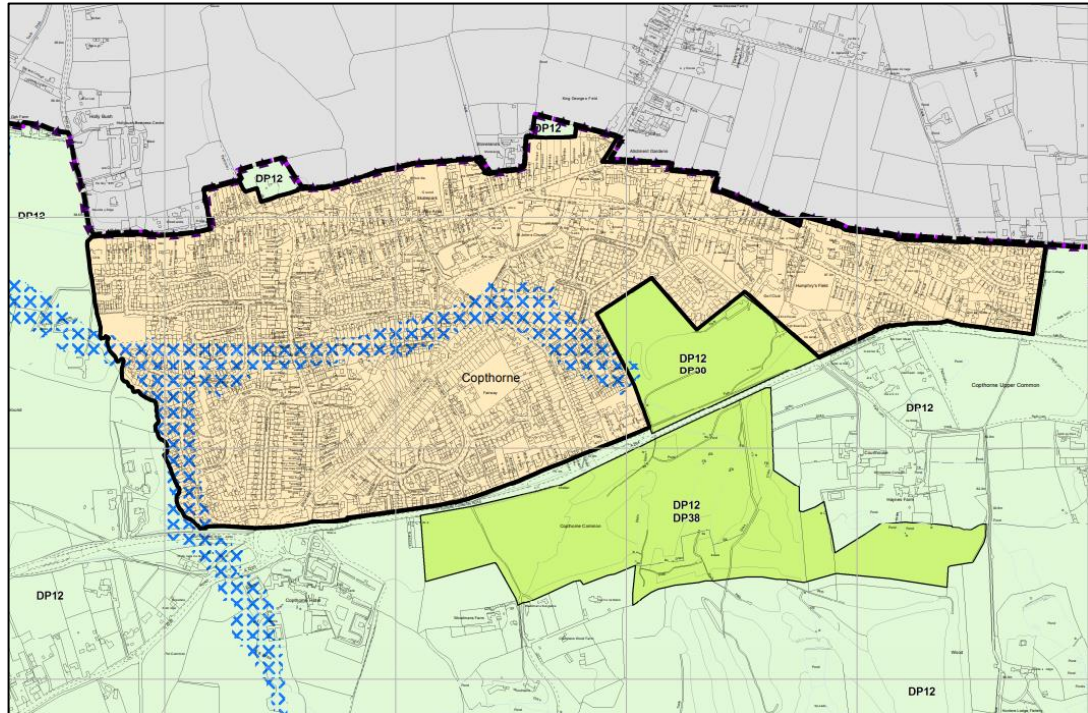


Figure 1.1: Extract of the Mid Sussex Proposals Map – Copthorne Inset

- 1.3.15 The site is adjacent to the Copthorne Common LWS; however, evidence shows that potential recreational impacts can be adequately mitigated by providing informal open space and semi-natural grassland within the site (see the previously submitted ecological evidence at **Appendix 4**). Further, the transport overview (**Appendix 5**) demonstrates that the proposal would unlikely result in a severe impact on the local highway network and concludes that safe and suitable means of access could be achieved from Copthorne Common Road, in the form of a ghost island priority junction.
- 1.3.16 This supporting evidence was submitted to the Council with our client's Call for Sites submission and then re-submitted in response to the Site Allocations DPD Regulation 18 Consultation.
- 1.3.17 The Council then requested additional information to assist with their assessment of the site. In relation to impacts on the LWS, the Council requested the applicant to provide comment on:
- Impacts of increased recreation on the adjacent heathland LWS arising from people and domestic pets;
  - Impacts on hydrology resulting from development given the presence of freshwater features;
  - The connectivity between the site and the LWS, particularly tree lines.

- 1.3.18 Option Two appointed Lloyd Bore to respond to these comments, which was submitted to the Council in February 2020. This is included as **Appendix 6**.
- 1.3.19 In addition, in response to the Council's assessment of the landscape potential for the site to accommodate new development, Option Two appointed Lloyd Bore to undertake a Landscape and Visual Appraisal. The appraisal was sent to the Council in February 2020 and made the following conclusions in respect of the site's ability to accommodate development.
- *"Whilst the Appraisal site is technically in countryside and therefore subject to Policy DP12, its character is strongly influenced by the neighbouring golf course, which surrounds it to the north, west and south, and by the busy A264. It is also heavily contained by tree belts to the south, to the extent that visually it has a stronger connection with the A264 corridor than the open countryside to the south of the golf course."* (4.38)
  - *"If there is to be development located in this area, this is potentially a good candidate site as it can accommodate residential development in an accessible location without damaging key landscape and visual characteristics. Furthermore, predicted impacts can be easily mitigated on this site as it possesses a strong landscape structure of boundary hedgerows and trees, that can be retained, reinforced and protected"* (8.15).
  - *"The work undertaken above, although by necessity high level at this stage in the planning process, considers the suitability and capacity of this individual site to accommodate development, based on its own (landscape and visual) merits, rather than judgements based on the much broader characteristics of an entire landscape character area"* (8.16).
  - *"The creation of a well-designed development within a substantially wooded setting would not appear uncharacteristic or out of keeping with the surrounding landscape"* (8.17)
  - *"The development would not result in the loss of or damage to key landscape resources or features, would not introduce uncharacteristic or detracting features into the landscape. It would result in a minor extension of the settlement envelope to the south"* (8.18).
  - *"The proposed development would not be uncharacteristic of its setting, and would not be of a scale, massing, location or nature that would result in any notable impacts upon the landscape resources that combine to create the prevailing landscape character at a local, regional or national scale"* (8.19).
- 1.3.20 This Landscape Visual Appraisal is included as **Appendix 7**.
- 1.3.21 Accordingly, detailed information was submitted to address the Council's concerns regarding the site's landscape capacity to accommodate development and potential impacts on the LWS.
- 1.3.22 In summary, representations have been submitted to the Council to demonstrate that it is available for development, suitable and deliverable.

## 2 Is the Local Plan legally compliant?

2.1.1 In terms of legal compliance, the main issues for the early stages of Local Plan consultation are in relation to:

- (1) planning for community engagement;*
- (2) planning the sustainability appraisal (including consultation with the statutory environment consultation bodies);*
- (3) identifying significant cross boundary and inter-authority issues; and*
- (4) ensuring that the plan rests on a credible evidence base, including meeting the Act's requirement for keeping matters affecting the development of the area under review.*

2.1.2 Furthermore, the Council is obliged to demonstrate how it has complied with the Duty to Co-operate as now required by Section 33A (1) of the Planning & Compulsory Purchase Act 2004 (introduced through the Localism Act 2011).

2.1.3 The Sites DPD is addressing the housing and employment need which has already been established by the District Plan and therefore these matters are not addressed in the Duty-to-Cooperate.

2.1.4 However, other important Duty to Co-operate matters for Mid Sussex include giving consideration to potential impacts on the South Downs National Park, High Weald AONB and the Ashdown Forest Special Protection Area ("SPA") and Special Area of Conservation ("SAC"). The National Park Authority, AONB Board and Natural England have all been engaged during the preparation of the plan and details of this are set out within the supporting papers.

## 3 Assessment of Soundness

### 3.1 Framework

- 3.1.1 To be “sound” the plan must be positively prepared, justified, effective and consistent with national policy.
- 3.1.2 To positively prepared the Local Plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is practical to do so and consistent with achieving sustainable development.
- 3.1.3 To be justified the plan should be the most appropriate strategy, when considered against the reasonable alternatives and based on proportionate evidence base.
- 3.1.4 To be effective the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities.
- 3.1.5 Finally, the plan should enable the delivery of sustainable development in accordance with the policies in the NPPF.
- 3.1.6 We have reviewed the Council’s strategy and provide comments on a topic by topic basis below.

### 3.2 Residual Need, Housing Supply and Trajectory

- 3.2.1 The MSDP establishes a ‘stepped’ trajectory for housing delivery, with an average of 876 dwellings per annum (dpa) between 2014/15 and 2023/24 and an average of 1,090 dpa between 2024/25 and 2030/31.
- 3.2.2 The housing target for the plan period is 16,390 homes and the MSDP allocates four strategic sites to deliver 5,080 dwellings within the plan period. The remaining supply components are made up of completions, existing commitments and a windfall allowance.
- 3.2.3 The purpose of the Sites DPD is to allocate land to meet the District’s residual housing need. The Council’s housing supply components are consolidated within draft policy SA 10 and set the residual requirement at 1,280 dwellings. The Sites DPD allocates 22 sites that between them would deliver 1,764 dwellings, representing an oversupply of 484 dwellings above the housing target.

#### ***Response***

- 3.2.4 It is submitted that the housing supply components do not represent a credible baseline from which to calculate residual need.
- 3.2.5 Indeed, we have some concerns regarding the balance between strategic and non-strategic scale allocations and the anticipated delivery trajectory. For example, 3,287 dwellings allocated in the MSDP are associated with the strategic allocation to the North and North West of Burgess Hill, which also requires the delivery of significant supporting infrastructure.

- 3.2.6 We note that in October 2019, MSDC approved outline planning permission at the site, with all matters reserved for a comprehensive, phased, mixed use development comprising approximately 3,040 dwellings (application reference. DM/18/5114). In terms of the phasing of development, the committee report suggests that phase one will commence in financial year 2020/21 with occupation by 2025/26.
- 3.2.7 The Council suggest that the first phase of development would deliver 853 dwellings and front load most of the infrastructure, which includes community, education, retail and employment floorspace; highways development; bridges; walking and pedestrian cycle routes; and green infrastructure. A summary of the development phasing thereafter is summarised below.

Development Phase	Development/ Infrastructure Delivery
Phase 2: 2025/26 – 2029/30	1,000 homes Community, retail, education and employment floorspace Parkland Highways Work
Phase 3: 2029/30 – 2032/33	738 homes Employment floorspace
Phase 4: 2031/32 – 2033/34	451 homes

Table 3.1: Suggested Phasing of North and North West Burgess Hill (Phase 2 – Phase 4)

- 3.2.8 The Council have applied an unrealistic trajectory for the delivery of development associated with Burgess Hill. Indeed, at the time of writing no Reserved Matters applications have been submitted, so to suggest that development will have commenced before April 2021 is extremely unrealistic, particularly given the level of supporting infrastructure that needs to be delivered up front.
- 3.2.9 To emphasise our concerns we would draw the Council's attention to the 2016 document published by Nathaniel Lichfield's and Partners (NLP) - '*Start to Finish: How Quickly do Large-Scale Housing Sites Deliver*', which provides evidence pertaining to the speed and rate of delivery of large-scale housing, based on a large number of sites across England and Wales. In terms of the planning approval period, for larger scale sites (2,000 + homes) this is around 6 years.
- 3.2.10 Figure 3.1 below is taken from the NLP report, which shows the average planning approval period and delivery of first dwelling by site size.

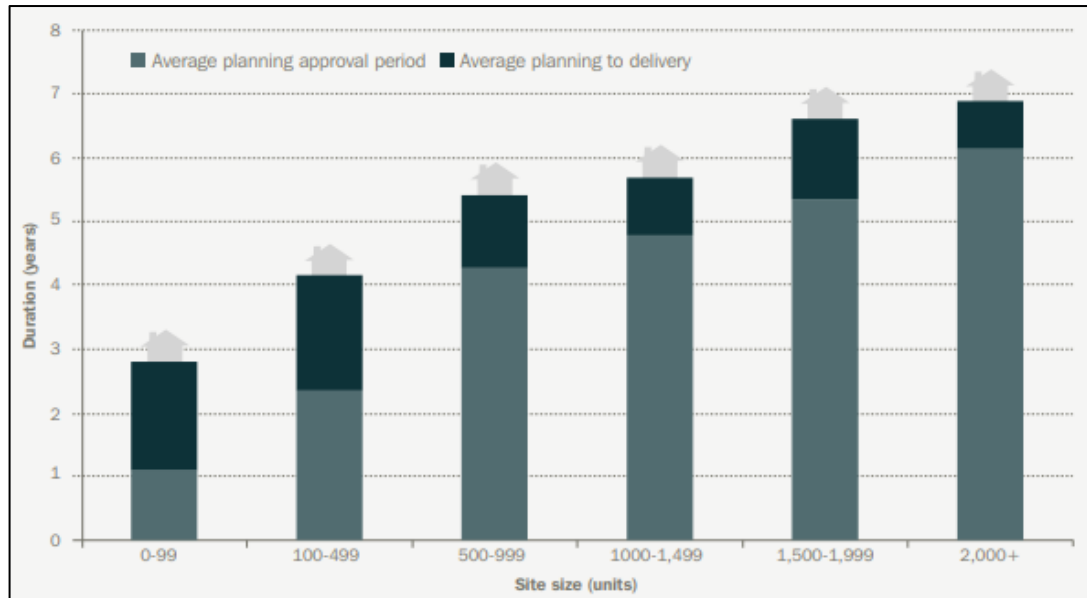


Figure 3.1: Average planning approval and delivery period by site size (NLP, 2016)

- 3.2.11 Whilst the NLP report does not represent practice guidance, it is widely accepted as being a reliable and credible source.
- 3.2.12 Based on this research, we would suggest a more realistic (albeit still optimistic) commencement date at 2024/25, which would be 5 years from the date the outline planning application was submitted (January 2018).
- 3.2.13 However, our view is that the first stage will take significantly longer to deliver than five years as the Council suggest, owing to the level of supporting infrastructure that needs to be front loaded. By applying a more realistic trajectory, we consider that no more than 1,000 homes will be delivered before 2031, leaving a deficit of circa 2,000 homes to be met within the plan period.
- 3.2.14 Accordingly, we would encourage the Council to allocate additional sites to deliver what will be a much higher residual need. Further, we would urge the Council to prioritise medium sized sites that can deliver quickly and require minimal intervention to supporting infrastructure, but still make a meaningful contribution to affordable housing needs.
- 3.2.15 In summary, the Council have predicated their residual housing requirement on an unrealistic housing trajectory for the delivery of strategic sites. This in turn will result in a significant shortfall in housing delivery within the plan period. Accordingly, we submit that the plan has not been positively prepared and is therefore unsound.
- 3.2.16 In continuation from the point made above, to be sound the plan must be deliverable over the plan period. To ensure delivery, plans need to be flexible and able to adapt to rapid changes.
- 3.2.17 To this end, a strategy dominated by strategic sites brings in to question whether the short to medium-term housing needs of the borough would be adequately addressed because larger sites, by their nature, will not deliver at the consistent



rate required to sustain a five-year supply nor meet the associated HDT. Likewise, a mix of too small sites will not have the scope to genuinely mitigate the cumulative impacts on infrastructure and services, including the provision of affordable housing.

- 3.2.18 Whilst site selection must be a balance, in our view the plan as drafted is far too heavily weighted towards strategic sites and provides an inadequate level of smaller sites to feed the small to medium housebuilders that provide such a valuable contribution towards local delivery.
- 3.2.19 To summarise, we are concerned that the strategy is so heavily balanced towards strategic scale development that there is no contingency in place should one or all the sites be subject to unexpected delay.
- 3.2.20 As mentioned previously, a remedy to this strategy imbalance would be to allocate additional small/medium sized sites in and around existing settlements.
- 3.2.21 The over-reliance on strategic sites and lack of flexibility renders the plan ineffective and in conflict with the NPPF.

### **3.3 Spatial Distribution of New Allocations**

- 3.3.1 The MSDP establishes the spatial strategy, which focuses most of the housing and employment at Burgess Hill. Smaller scale development is proposed at Pease Pottage and Hassocks, with the remaining growth to be delivered at other towns and villages.
- 3.3.2 In terms of the spatial distribution of the remaining housing need, policy SA10 of the Site Allocations DPD provides an up-to-date, minimum residual requirement for the five settlement categories, as detailed below:
  - Category 1 (Towns) – 706 dwellings
  - Category 2 (Larger Villages) – 198 dwellings
  - Category 3 (Medium Sized Villages) – 371 dwellings
  - Category 4 (Smaller Villages) – 5 dwellings
  - Category 5 (Hamlets) – n/a
- 3.3.3 The pre-ambles to policy DP 6 of the MSDP states that future growth should be informed by the settlement hierarchy, which ranks settlements based on their characteristics and function. Five classifications are identified within Mid Sussex, with the towns being the focus for development and hamlets being the least sustainable location for growth.
- 3.3.4 In the Council's view, the Sites DPD complements the MSDP and the additional allocations are consistent with the strategic policies set out in the District Plan, including the Settlement Hierarchy. The Council also say that a series of reasonable alternatives were developed and considered to inform the Sites DPD, which were assessed through the Sustainability Appraisal (SA).

## Response

- 3.3.5 In our view the Site Allocations DPD would not be consistent with the MSDP, as draft policy SA 11 seeks to direct a greater level of growth to the Category 3 settlements than the Category 2 settlements. Likewise, a disproportionate level of growth is directed to the three main towns, which could instead be spread more evenly to Category 2 settlements such as Copthorne. For clarity, the table below outlines the spatial distribution of additional development in the Sites DPD.

Settlement Type	Additional Allocations – Policy SA 11
Category 1 – Town	1,409
Category 2 – Larger Village (Local Service Centre)	105
Category 3 – Medium Sized Village	238
Category 4 – Smaller Village	12
Category 5 – Hamlets	0

Table 3.2: Distribution of Additional Allocations (Sites DPD Policy SA 11)

- 3.3.6 As outlined in section 3.2 of this representation, the Council has significantly underestimated its residual housing need. Accordingly, it is submitted that this higher residual need should be accommodated on suitable sites in accordance with the settlement hierarchy. In this respect, we say that category 2 settlements should take precedent, particularly areas like Copthorne where no growth is currently directed. However, this should not preclude or discourage further allocations within or around category 3 settlements, provided they are outside of the AONB.
- 3.3.7 On this point, we would draw the inspector's attention to the fact that six of the proposed allocations are located within the High Weald Area of Outstanding Natural Beauty ('AONB') and would cumulatively deliver 243 dwellings. These allocations are listed below:

Settlement	Site Name and Policy reference	Dwellings proposed
Cuckfield	Land at Hanlye Lane, East of Ardingly Road (SA23)	55
Ardingly	Land west of Selsfield Road (SA25)	70
Ashurst Wood	Land south of Hammerwood Road (SA26)	12
Handcross	Land at St Martin Close (West) (SA27)	35
Horsted Keynes	Land South of the Old Police House (SA28)	25
	Land South of St Stephens Church (SA29)	30
Turners Hill	Withypitts Farm, Selsfield Road (SA32)	16
Total		243

Table 3.3: Allocations in the High Weald AONB

- 3.3.8 We acknowledge that some development in the AONB might be needed to accord with the MSDP. However, the level of planned development exceeds what is required for individual settlements.

- 3.3.9 Moreover, the National Planning Policy Framework (“NPPF” or “the Framework”) states that planning permission for major development in the AONB should be refused except in exceptional circumstances and where it can be demonstrated that proposals would be in the public interest. Consideration of such major applications should include an assessment of:
- 1) The need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
  - 2) The cost of, and **scope for, developing elsewhere outside of the designated area**, or meeting the need for it in some other way; and
  - 3) Any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.
- 3.3.10 What constitutes major development in the AONB is a matter for the decision maker, taking into account its nature, scale, setting and whether it could have an adverse impact on the purpose of the designation. The Council has considered this issue further in its Major Development in the AONB Topic Paper, which comes to the very surprising conclusion that none of the proposed allocations would constitute major development in the AONB, including:
- SA25: 70 dwellings on land west of Selsfield Road, Ardingly;
  - SA27: 65 dwellings on land at St Martin Close, Handcross; and
  - SA29: 30 dwellings on land south of St Stephen’s Church, Horsted Keynes.
- 3.3.11 Paragraph 4.4 of the Topic Paper then concludes that as none of the site allocations need to be considered as major development, there is no need to demonstrate exceptional circumstances for any of these.
- 3.3.12 These conclusions are plainly wrong, and inconsistent with decisions elsewhere. The plan is unsound as a result.
- 3.3.13 Table 3.1 lists appeal decisions involving development within the AONB for schemes of between 50 and 75 units since 2015. It is very clear from this that every appeal scheme in this category was found by the Inspector to constitute major development in the AONB. The Council’s findings that SA25 and SA27 do not constitute major development fly in the face of these conclusions elsewhere.

PINS ref <sup>1</sup>	Location	Date	Units	Major?
3209551	Stonesfield, Oxfordshire	21/06/2019	68	Yes
3158306	Kintbury, Hungerford	27/11/2017	72	Yes
3143885	Milton-under-Wychwood, Oxfordshire	26/07/2016	62	Yes
3121622	Willersley, Gloucestershire	23/02/2016	71	Yes
3122862	Looe, Cornwall	20/10/2015	50	Yes
2228680	Hawkhurst, Kent	20/10/2015	62	Yes
2224292	Broadway, Worcestershire	02/07/2015	75	Yes

Table 3.4: Appeal decisions involving housing schemes of 50-75 dwellings in the AONB since 2015

- 3.3.14 The Council appears to have reached its conclusion that site SA25 is not major development on the basis that the scheme has been reduced from 100 to 70 units. Paragraph 4.7 states:

*"The conclusion of the second assessment at Stage 1 for the site with a proposed yield of 70 dwellings is that it would not be major development. This is because the physical size of the site where built development would be has been reduced and is now more in keeping with the historic settlement pattern of Ardingly and would seek to retain the identity of the two separate centres of Ardingly. This will also be assisted by the increased area of open space in the western section of the site. An assessment of any exceptional circumstances is not necessary because the revised proposed site allocation is not regarded as major development."*

- 3.3.15 This conclusion does not bear scrutiny. It may well be the case that the 70-unit scheme is more acceptable than a 100-unit scheme, but the fact remains that it is a major development in the AONB and exceptional circumstances have not been demonstrated.
- 3.3.16 Indeed, the Council's own site assessment at Appendix D of the paper comes to the clear conclusion that the original 100-unit proposal constituted major development, and that exceptional circumstances cannot be demonstrated. It is not at all clear how both of these conclusions have been overturned by the simple removal of 30 units from the scheme, even though 70 still remain.
- 3.3.17 The proposed allocation plainly remains major development for which exceptional circumstances have not been demonstrated. The proposed allocation is unsound and should be removed from the plan.
- 3.3.18 We are equally concerned that other proposed allocations, including but not limited to SA27 and SA29, are also unsound for the same reasons.
- 3.3.19 It is clear that the Council has plenty of options for development allocations outside the AONB, including at Courthouse Farm, Copthorne. Whilst the

<sup>1</sup> Last 7 digits

exceptional circumstances test relates primarily to the consideration of planning applications, local planning authorities should also give due consideration to the impact of development on the AONB during the plan making process.

- 3.3.20 Copthorne is not located within the AONB and is one of seven Larger Villages, which are a secondary focus for development outside of the three main towns. The Sites DPD does not direct any additional growth to Copthorne, however in our view it should be prioritised ahead of the allocations in the AONB and it is also above Category 3 settlements in terms of the settlement hierarchy.
- 3.3.21 On this basis, the plan is inconsistent with national policy and has failed to test reasonable alternative strategies for meeting the residual housing need. The plan is unsound on this basis.

### 3.4 Site Selection Process

- 3.4.1 In selecting sites for inclusion within the Sites DPD the Council have followed a four-stage assessment process. Stage 1 was the Call for Sites stage, which identified 241 potential site options. Therefore, only the sites that were within 150m of a settlement and had the capacity to deliver growth in keeping with the position of the settlement in the hierarchy.
- 3.4.2 A total of 142 were taken forward for detailed testing, which established 17 detailed assessment criteria, which assessed planning and environmental constraints; deliverability considerations and; sustainability /access to services. The impact on each criterion is then graded using a traffic light system dependent on the potential impact, as shown below.

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

- 3.4.3 More detailed guidance relating to the weighting of these criteria is outlined in Chapter 3 of 'Site Selection Paper 2 – Methodology for Site Selection'.
- 3.4.4 The 47 sites identified were then subject to further detailed and technical evidence. This included the findings of the Sustainability Appraisal, input from infrastructure providers and from technical specialists within the District Council and West Sussex County Council ("WSCC") as well as Habitats Regulation Assessment ("HRA") and modelling of traffic and air quality impacts by specialist consultants. There was also an opportunity to review any new evidence in relation to the availability of sites.

**Response**

- 3.4.5 We do not object to the steps that have been taken by the Council to assess sites for their suitability and inclusion within the plan. However, we do take issue with the fact that the Council have been inconsistent in their assessment of the sites put forward and have allocated sites despite a lack of evidence being submitted to justify their deliverability. In addition, the allocated sites are not consistent with the settlement hierarchy, despite their being suitable alternative sites available in more sustainable and less constrained locations.
- 3.4.6 In this respect, we have previously outlined that a disproportionately higher number of dwellings are directed to the Category 3 settlements rather than the more sustainable Category 2 settlements. Moreover, we now provide evidence that suitable sites within and/or adjacent to the Category 2 settlements are available (and suitable) but were not taken forward for allocation, and sites that have been allocated are not supported by sufficiently robust evidence to demonstrate they would be deliverable.
- 3.4.7 Despite carrying out further assessment of several sites submitted after the initial site assessment process, the Council have largely dismissed suitable sites and progressed the plan based on the previously selected allocations.
- 3.4.8 Whilst we note that representations must be focussed on the tests of soundness, it is necessary to draw on individual sites to highlight our concerns. Therefore, we refer to as an example our client's site at Copthorne, which was submitted after the initial site assessments were carried out but has since been assessed by the Council by applying their site selection methodology.
- 3.4.9 Within their Regulation 18 response, Option Two provided a detailed assessment of the site using the Council's assessment methodology. We have re-attached the pro-forma to this representation as **Appendix 8** for ease of reference. In short, the assessment scored the site as having very positive impacts against most of the criteria, which was comparable with several sites that has already been allocated in the plan. In addition, Option Two submitted detailed information to respond to the Council's queries regarding impacts of development on the adjacent LWS and the landscape capacity of the site to absorb further growth.
- 3.4.10 However, whilst the site passed Stage 2 of the assessment process, it was not taken forward for further testing (Stage 4) following the detailed site assessment stage. This was due to there being potentially adverse effects on the Copthorne Common Local Wildlife Site and because it would not fit the settlement pattern, with medium to low landscape impacts identified.
- 3.4.11 Option Two believe that the site should have been considered as a 'reasonable alternative' in the final stage of assessment, as it was assessed as having similar or comparable impacts to several allocated sites. For example, land north of Shepherds Walk, Hassocks is allocated in the plan and would deliver a similar quantum of development as Courthouse Farm, with a similar effect on the landscape resulting from development. Moreover, six sites in the AONB have been allocated in the plan and are considered less sustainable in terms of their location and would have result in a greater adverse impact on the landscape.



- 3.4.12 In addition, unlike several of the sites that have been allocated, Courthouse Farm was shown to be deliverable with the submission of detailed supporting evidence. In particular, the site does not suffer from some of the constraints understood to adversely affect deliverability on several of the draft allocated sites, such as highways access issues, reliance on third party land, or legal covenants preventing development.
- 3.4.13 Based on the above, the plan not justified on the basis that sites have not been allocated based on proportionate evidence and taking into account reasonable alternatives. Indeed, the failure to take sites such as Courthouse Farm through to the fourth stage of testing, means that the Council have not explored reasonable alternative strategy that would have directed a greater level of growth to Category 2 settlements and away from the AONB. In addition, sites that have been allocated are not underpinned by sufficient evidence to prove they would be deliverable.

### **3.5 Consistency with national policy**

- 3.5.1 The final test of soundness relates to whether the plan enables the delivery of sustainable development in accordance with the policies in the NPPF.
- 3.5.2 Paragraph 11 of the framework states that plans and decisions should apply a presumption in favour of sustainable development, which for plan making means that:
- a) plans should positively seek opportunities to meet the development needs of their area, and be sufficiently flexible to adapt to rapid change;
  - b) strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless:
    - i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area; or
    - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 3.5.3 As stated previously, the submission plan cannot adhere to the presumption on the basis that it does not identify enough new sites to meet development needs within the plan period, nor does it contain the flexibility to rapidly respond to change. Within these representations we have voiced concern that the Council have overestimated the delivery of strategic sites and that based on a more realistic trajectory, the plan would fall short of circa 2,000 new homes. The strategy is also biased towards the delivery of large strategic sites, meaning that the strategy is not flexible and able to adapt to rapid change.
- 3.5.4 The plan as drafted therefore conflicts with paragraph 11 of the NPPF and the sustainable development foundations upon which the Government's planning system is based.

- 3.5.5 Paragraph 50 states that to support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
- 3.5.6 To reiterate previous comments, we believe the Council have overestimated how quickly strategic sites will deliver and as a result would fall short of meeting there housing target by a significant degree. Therefore, the Local Plan conflicts with paragraph 50.
- 3.5.7 Further to the above, we would place emphasis on the fact that housing land forming part of the 5-year supply should be deliverable. Based on the strategy currently proposed we are greatly concerned that there will be a significant undersupply of homes in the short to medium term because of the lack of clarity regarding the deliverability of the strategic sites and the imbalance of smaller scale growth.
- 3.5.8 The plan is too heavily weighted on large strategic sites within and around core urban areas, which in turn fails to reflect that the borough is semi-rural and that there is a demand and requirement for a greater mix and dispersal of growth. In the absence of this the plan conflicts with the objective set out in paragraph 61 to deliver a wide choice of high-quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.
- 3.5.9 Finally, whilst not directly applicable to the plan making process, paragraph 172 of the NPPF states that great weight should be given to conserving and enhancing the landscape and scenic beauty of AONB’s. It states planning permission for major development in the AONB should be refused except in exceptional circumstances and where it can be demonstrated that proposals would be in the public interest. Consideration of such major applications should include an assessment of:
- 4) The need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
  - 5) **The cost of, and scope for, developing elsewhere outside of the designated area**, or meeting the need for it in some other way; and
  - 6) Any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.
- 3.5.10 Whilst the exceptional circumstances test relates primarily to the consideration of planning applications, local planning authorities should also give due consideration to the impact of development on the AONB during the plan making process. Indeed, whilst the need for housing is established by the MSDP, and this DPD seeks to meet that need, the Council should accommodate the residual requirement outside of the AONB, particularly if there are other suitable sites available. This representation has demonstrated that reasonable alternatives exist outside of the AONB but were not carried forward for testing through the sustainability appraisal.
- 3.5.11 For the reasons outlined above, the plan is not consistent with national policy.

### **3.6 The unmet need for extra care housing**

- 3.6.1 As noted in paragraphs 1.3.9 to 1.3.12 of these representations, the Albourne appeal decision has confirmed that there is a significant unmet need for Class C2 extra care accommodation which is expected to grow over the plan period.
- 3.6.2 Despite Policy DP30 stating that such a need should be met through allocations in the Site Allocations Plan, only one site is identified, without any quantum being specified.
- 3.6.3 It is clear that there is an urgent and substantial unmet need for extra care housing which could and should be addressed through allocations in this DPD. The plan is clearly unsound by not meeting this need. We strongly object to this. Courthouse Farm is a sustainable and suitable location for such a use and we request that the site is allocated to help meet the need for C2 accommodation, either as part of a wider housing allocation, or at the very least that the front part of the site is allocated for this use in any event.

## 4 Summary and Modifications

### 4.1 Summary

- 4.1.1 For the reasons outlined within these representations, the plan is unsound.
- 4.1.2 Based on the scale of the deficiencies, we strongly recommend that the Council action several amendments ahead of submission. In summary, the Council should:
- (1) revisit their housing trajectory and set a more realistic assumption for the delivery of development at Burgess Hill. The residual housing need figure should then be increased by circa 2,000 dwellings.
  - (2) allocate additional sites, including Courthouse Farm, for class C2 extra care accommodation and C3 housing, to meet the increased residual need, focussing on sites according to their position in the settlement hierarchy. To this end, Copthorne is a 'Category 2' settlement and a focus for growth outside the three main towns. Non AONB sites should be prioritised ahead of sites in the AONB.
  - (3) Revisit their site assessment methodology and bring forward additional sites for stage 4 testing, to ensure the Council has satisfied the requirement of testing several reasonable alternatives.
- 4.1.3 Only upon completion of such updated work do we consider the plan will meet the prescribed tests of soundness.

## Site Allocations DPD: Regulation 19 Consultation Response

**Policy:** SA10

**ID:** 664

**Response Ref:** Reg19/664/2

**Respondent:** Mr G Giles

**Organisation:** Whaleback

**On Behalf Of:** Landowner

**Category:** Organisation

**Appear at Examination?** x

**From:** Kai Penny | Whaleback <kai@whaleback.co.uk>  
**Sent:** 21 September 2020 14:58  
**To:** ldfconsultation  
**Subject:** Land east of Paynesfield, Bolney Representation  
**Attachments:** Land east of Paynesfield Bolney Regulation 19 Representation.pdf

Good Afternoon,

Please find attached representation in response to the Regulation 19 consultation stage of the Site Allocations DPD.

Kind regards

**Kai Penny** MSc  
Town Planner  
Whaleback

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c/o Mid Sussex Planning Policy Team

21 September 2020  
Ref: W1874-1

Dear Planning Inspector,

We write in response to the consultation for Mid Sussex Council's draft Site Allocations Development Plan Document (DPD).

Whaleback Ltd represents the landowner for the land east of Paynesfield, Bolney. We had previously submitted an appraisal of this land for inclusion in the Council's Strategic Housing and Economic Land Availability Appraisal (SHELAA #526) (see Appendix A) and promoted the site's inclusion in future Neighbourhood Plan reviews and other DPDs, including the previous Issues and Options consultation (see Appendix B) and this Regulation 19 consultation of the Site Allocations Document.

On review of the draft DPD we note that the land continues to be excluded and so we write to request that the land is included to ensure Mid Sussex District Council maintains its housing land supply.

Paragraph 59 of the NPPF asks that a sufficient amount and variety of land is brought forward "to support the Government's objective of significantly boosting the supply of homes". The Government's 'Changes to the Current Planning System' consultation document also demonstrates that the Government is determined to support small and medium-sized house builders during the economic recovery from Covid-19 as they can "make an important contribution to overall housing supply" (paragraph 68).

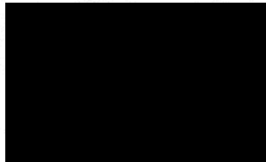
As a small to medium-sized site capable of delivering 30 dwellings, the land east of Paynesfield would add to the broad range of land identified as developable and deliverable, significantly contributing to the oversupply of land which would help in offsetting any future fall in the Council's housing land supply. It is available immediately with extensive developer interest and so could contribute to the supply of homes in the short term.

In light of the publication of the 'Planning for the Future' Government White Paper, a new standard method for establishing LPA housing requirement figures is also proposed. Once these figures are set by central Government they would be binding and would require an increase in the release of land to ensure that housing figures are met. The allocation of the land in the draft Development Plan Document (DPD) would ensure that future changes to how housing figures are calculated has been planned for.

As suggested in the Government White Paper, one way local authorities can meet new housing requirements is via “*extensions to existing urban areas*” (page 32) and the land east of Paynesfield, Bolney would be a *suitable, available and achievable* site for such an extension.

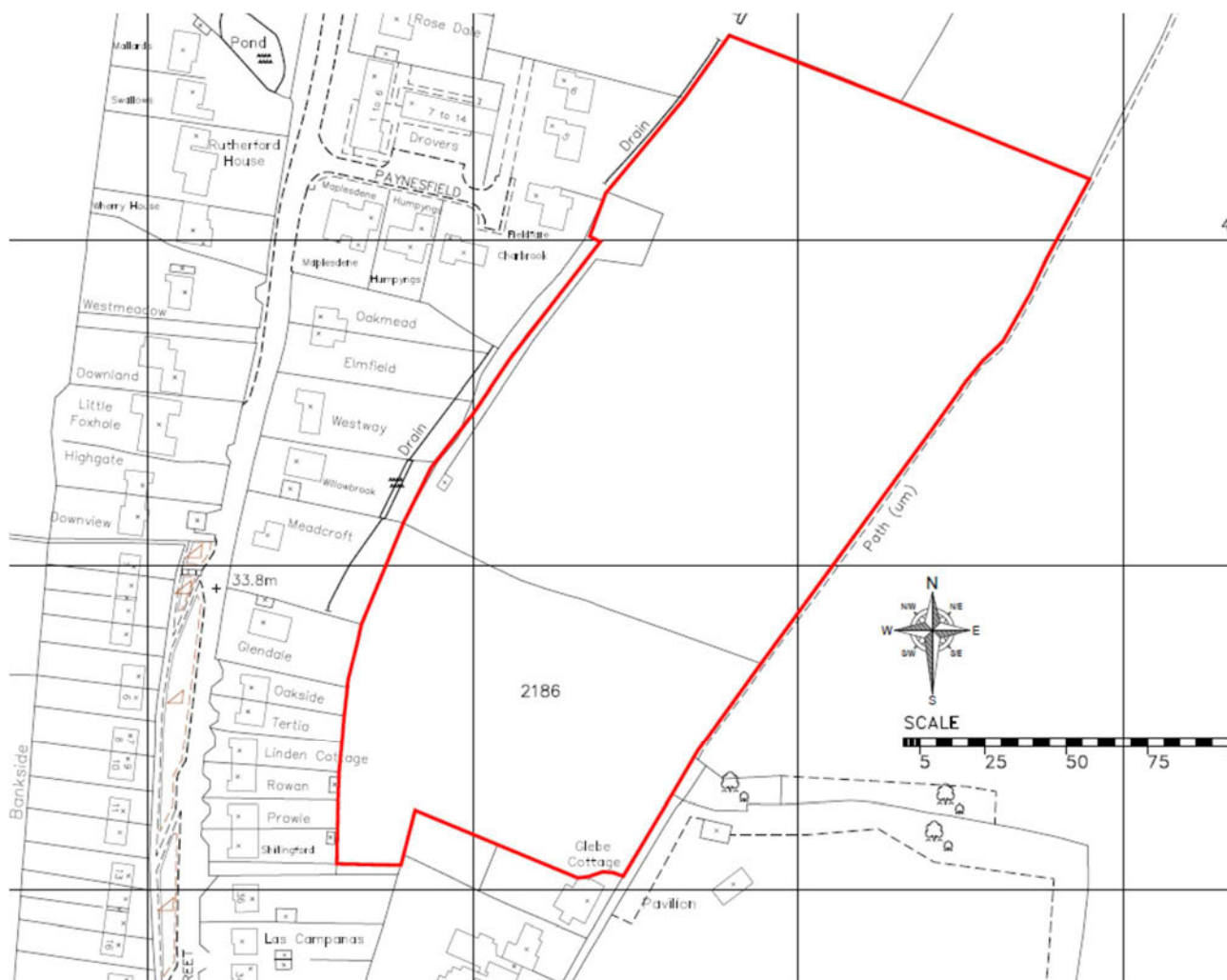
With all of the above in mind, we believe that the site should be included in the final Site Allocations DPD and we respectfully ask that you consider this.

Kind Regards,



Gareth Giles FRTPI  
Director

**WHALEBACK LTD**

**PLANNING SUBMISSION****LAND EAST OF PAYNESFIELD, BOLNEY: SHELAA #526**

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<b>Site</b>	Land east of Paynesfield, Bolney, RH17 5PT TQ262229; E- 526252 N- 122933
<b>Project</b>	SHELAA Submission
<b>Client</b>	Robert Rogers
<b>Our Ref</b>	W1874
<b>Date</b>	October 2018
<b>Revision</b>	-

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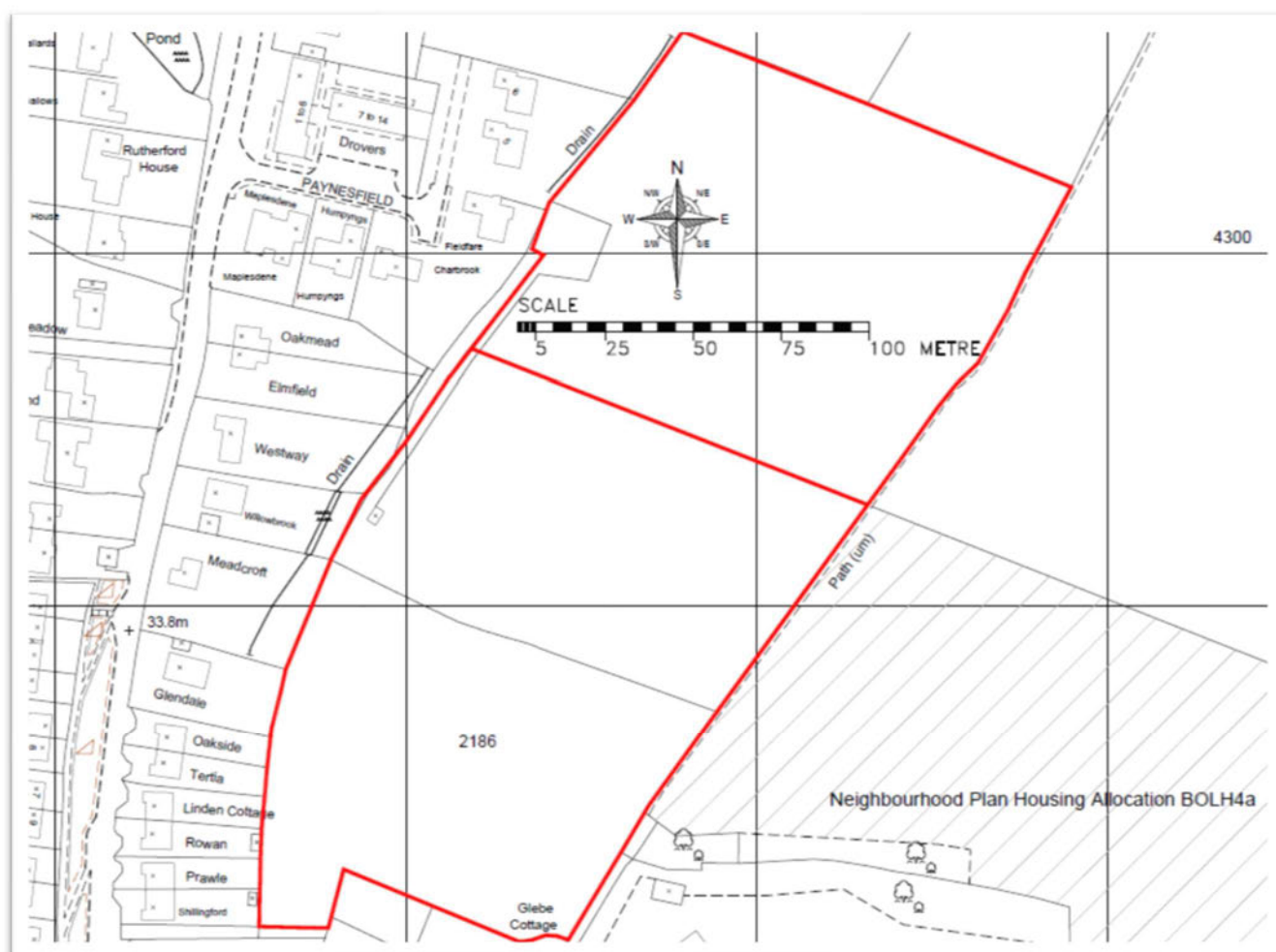
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**Introduction**

1. Whaleback Ltd is instructed by the landowner to submit the land east of Paynesfield, Bolney for assessment in the Council's Strategic Housing and Economic Land Availability Appraisal (SHELAA) and to promote the site's inclusion in future Neighbourhood Plan reviews and other Development Plan Documents including the Issues and Options consultation of the Site Allocations Document in Summer 2019.
2. Mid Sussex District Council has commenced work on the preparation of a Site Allocations Document and is requested to consider this site during the Issues and Options consultation, scheduled to take place in Summer 2019.
3. The land east of Paynesfield, Bolney was considered in previous versions of the Council's SHELAA, or 'SHLAA' as it was at the time, as Site Reference 526. Further information about assessments and other analysis already undertaken by the Council is set out in the following sections.
4. A description of the site, its planning context and a planning appraisal is also provided in support of its SHELAA assessment and strategic promotion for allocation within a revised Neighbourhood Plan and/or Site Allocations Document.

## Site and Surroundings

5. The site as a whole extends to 3.095 hectares to the east of Bolney. It is submitted on the basis that the site could be sub-divided to provide one or more development parcels; it is not expected that the site as a whole would be suitable for development. The location plan provided alongside this statement includes a suggested dividing line separating a north and south parcel – extracted below.
6. The Mid Sussex District SHLAA: Review of Landscape and Visual Aspects of Site Suitability report by Land Use Consultants Ltd (January 2015) describes the site as “*sloping pasture with denuded internal field boundaries but some remaining mature former hedgerow trees. Woodland edge to north*”.
7. The site slopes down from east to west and slightly from north to south. It is currently laid to grass with a single hedgerow crossing its southern half. There are very few trees within the site boundaries although a mature oak stands in the southern part.
8. The settlement boundary of Bolney extends along the eastern and southern boundary of the site. A housing allocation (Bolney Neighbourhood Plan Policy BOLH4a) benefiting from pending approval (MSDC application reference: DM/17/4392) joins the eastern boundary of the site at the southern end.
9. There are no public rights of way across the site at present; Footpath 18Bo runs along the eastern boundary of the site from north to south on the other side of a mature hedge.





## Planning Constraints

10. There are no known physical, topographical, ecological or geological constraints to development. There are no planning designations or other limitations relating to this land.

## Access

11. There are several options available to gain access to this site depending which parts of the site are developed. (1) Access through the demolition of one or more properties on The Street and/or Paynesfield. The landowner is able to achieve access through more than one property on these roads as may be required. (2) Access to The Street at the southwest corner of the site, via existing dropped curb and vacant land between houses, as shown in the following photograph. (3) Access through the proposed development on land to the east, as indicated in the layout plan for application DM/17/4392 (below) which includes a road-road at the shared boundary. Footpath 18Bo could be traversed using appropriate materials, safety precautions and signage.



*Potential access point onto The Street adjacent to Shillingford*



*Extract from layout plan (DM/17/4392) showing provision of road-head at mutual boundary*



Public Rights of Way

12. There are no rights of way across the site at present; Footpath 18Bo runs along the eastern boundary of the site from north to south on the opposite side of a mature hedge.

Heritage

13. Bolney South Conservation Area borders the southern boundary of the site as shown in the plan extract below. The Grade I Listed Building St Mary Magdalene Church is located further to the south within the conservation area. Potential impacts on these designated heritage assets are considered in the Planning Appraisal section below.



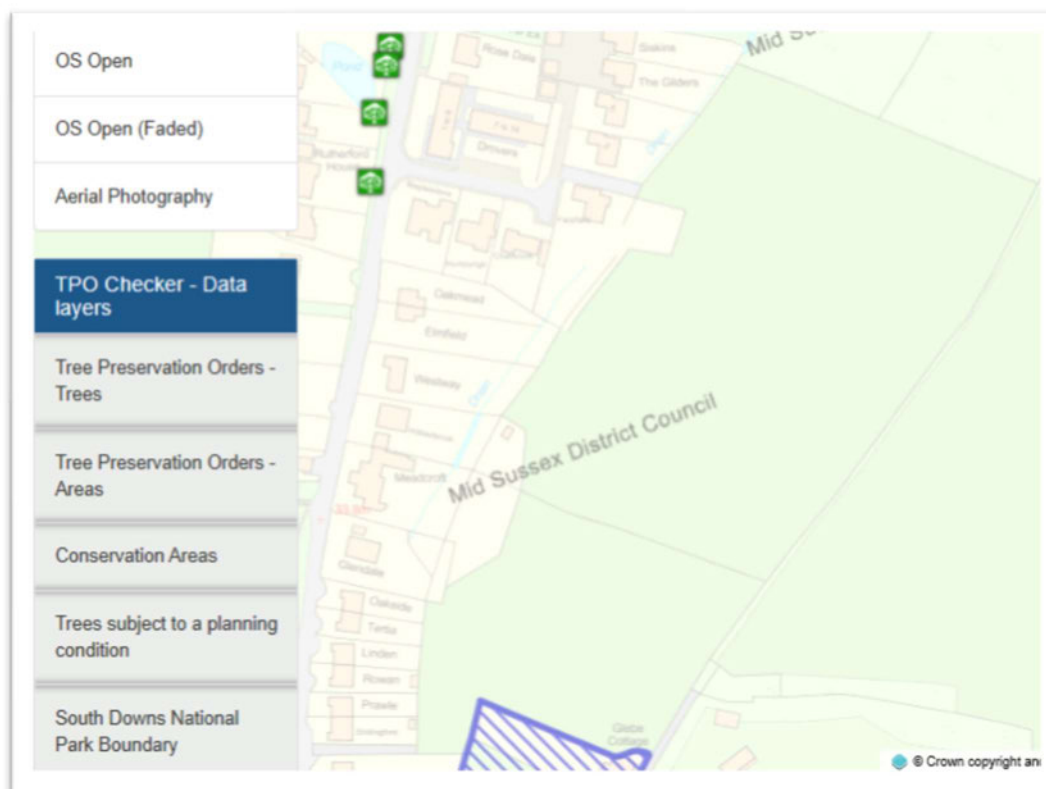
*Extract from Bolney Neighbourhood Plan showing constraints*

Flood Risk

14. The site is in Environment Agency Flood Zone I, an area with a low probability of flooding. An Environment Agency Flood Report is appended to this submission for reference.

Trees and Ancient Woodland

15. There are no Tree Preservation Orders related to this site and no ancient woodland within or adjacent to it. A mature oak tree stands in the southern part which would be retained in any future development proposals.



*Search of MSDC TPO Checker*

Infrastructure

16. There are no known infrastructure issues related to this site.

Contamination / other hazards

17. No known risks.

**Development Proposal**

18. The 3.095 hectare site is submitted to the SHELAA on the basis that it would be sub-divided to provide one or two parcels.
19. The southern parcel would be a logical development envelope, being lower in height than the northern half and therefore with least landscape impact; it also relates well to the development of 30 dwellings at the adjacent 'Land North And East Of Bolney Cricket Club' proposed in application DM/17/4392.
20. However, the Mid Sussex District SHLAA: Review of Landscape and Visual Aspects of Site Suitability report by Land Use Consultants Ltd (January 2015) concluded that the northwestern area adjacent to Paynesfield would be the most appropriate parcel to develop in light of that assessment.
21. The Council is invited to assess either/or scenarios and determine which is most suitable.
22. Nominally 30 dwellings are proposed for one of the parcels with the following mix, compliant with Bolney Neighbourhood Plan Policy BOLHI - Residential Development Mix:
  - 14 x 1 & 2 Bed (46.7%);
  - 12 x 3 Bed (40%)
  - 4 x 4 Bed (13.3%)
23. A detailed breakdown of the proposed dwelling sizes is as follows:
  - 4 x 1 Bed Flat (13.3% of total)
  - 4 x 2 Bed Flat (13.3% of total)
  - 6 x 2 Bed House (20% of total)
  - 12 x 3 Bed House (40% of total)
  - 4 x 4 Bed House (13.3% of total)

**Existing Evidence Relating to the Site (SHLAA ref. 526)****SHLAA/SHELAA**

24. The land east of Paynesfield, Bolney was considered in previous versions of the Council's SHELAA, or 'SHLAA' as it was at the time, as Site Reference 526.



*Extract from 2012-13 Mid Sussex SHLAA*

25. The Bolney Neighbourhood Development Plan Core Team wrote to the landowner in 2014 to seek an expression of interest for potential inclusion within the (at the time) emerging Bolney Neighbourhood Plan. As no response was returned, the site failed to be considered any further in the Neighbourhood Plan process and in later years subsequently fell out of the District Council's SHLAA and SHELAA databases presumably due to a lack of confirmation that the site was available.
26. The 2009 SHLAA assessed the site as suitable for 70 dwellings in the 6-10 year period:

SHLAA ID	526	Site Reference	BK/07	Settlement	BK	Ward	Site location / address:	Land east of Paynesfield, Bolney
Gross site area (ha)	3.1	Net developable area (ha):	3.1	Proposed site density (dph):	1 Lower- 30	Grid Ref:	526257 122920	
Site Suitable:	✓	Site Available:	✓	Site Achievable:	✓			
Deliverability / Developability:		Not currently developable						
Deliverable (1-5 years)	No	Dwellings		Developable (6-10 years)	Yes	70 Dwellings	Developable (11 years +)	No Dwellings

27. The 2016 SHLAA assessed the site as suitable for 20 dwellings in the 11+ years period (detailed extract appended to this submission).

Net developable area (ha):	0.64	Proposed site density (dph):	1 Lower- 30
Deliverable (1-5 years)	x	0	Dwellings
Developable (6-10 years)	x	0	Dwellings
Developable (11 years +)	✓	20	Dwellings
Not Currently developable	x		

28. Regarding the *Suitability* of the site, the 2016 SHLAA considered the north western quarter of the site (immediately to the rear of Paynesfield) as having suitability for low-density housing, in keeping with the existing settlement. The upper slopes of the site and the southern end adjacent to the conservation area and Glebe Field were found to be more sensitive. Access was suggested from The Street or Paynesfield likely through the loss of an existing property.

29. The conclusion of the 2016 SHLAA found:

*“Would require allocation through relevant Neighbourhood Plan or DPD. Provision of access would be required. Careful siting and design given location adjacent to Conservation Area and wider landscape impact. Affects and impact upon on Bolney South Conservation Area would need to be controlled. Retention and protection of trees, which contribute to landscape character. Some tree planting along the eastern hedgerow boundary would be desirable.*

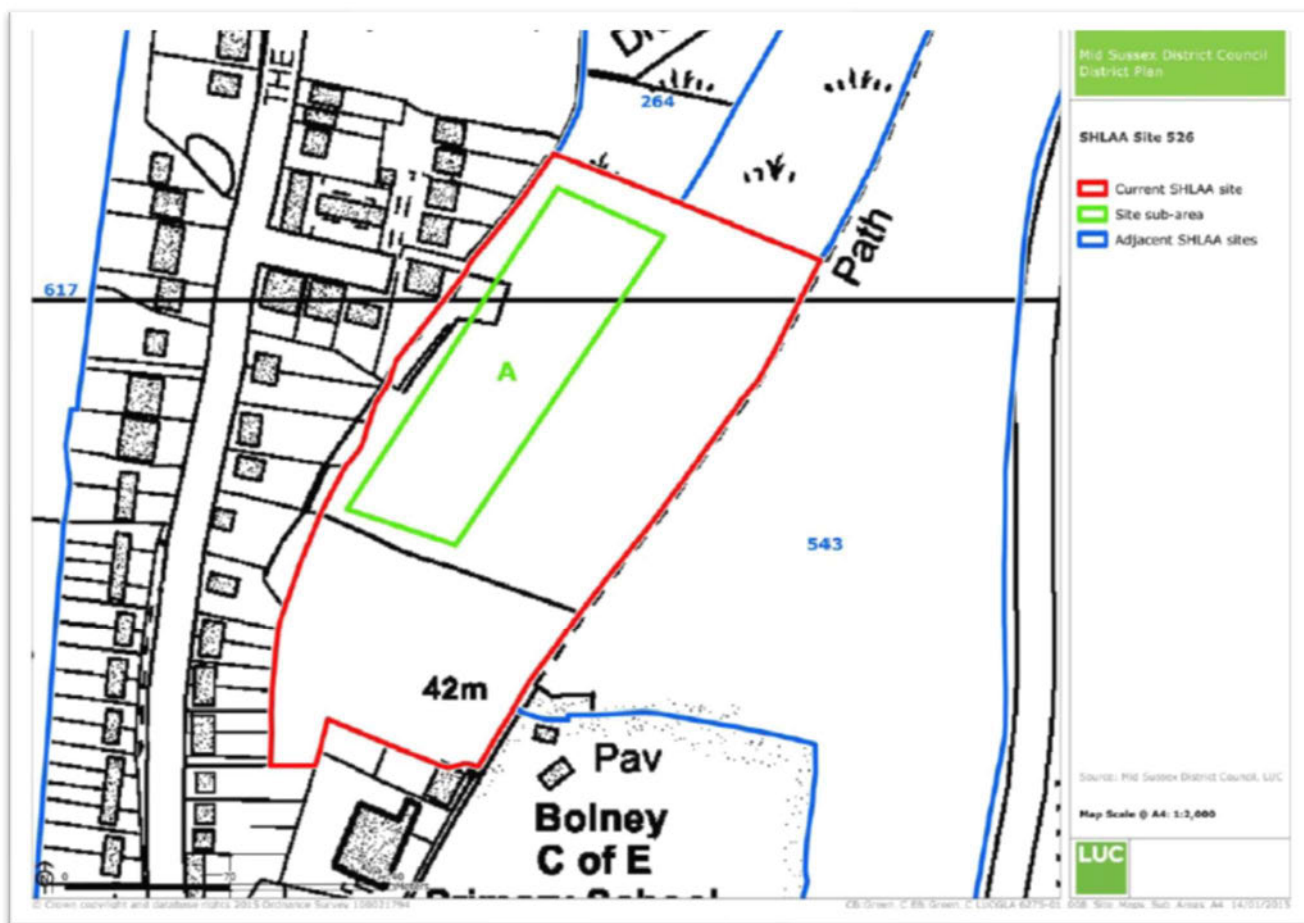
*The upper slopes of the site are sensitive in landscape terms. Impacts on views from surrounding landscape (including historic conservation area and grade I listed Church) are a primary consideration. Impacts on existing properties on The Street would also need to be considered due to the topography of the site, including consideration to surface water drainage and overlooking. Whilst the north western part of the site is acceptable in landscape terms it is not clear how access to this part of the site can be achieved, and may require the loss of a property on The Street or Paynesfield.”*

#### District Plan Examination in Public

30. Examination Library Document “MSDC 5a: Sustainability Appraisal/SHLAA – Housing Provision – Implications” (2017) found that all SHLAA/SHLAA sites considered deliverable and developable will be required in order to meet the necessary housing requirements in the now adopted District Plan. SHLAA/SHLAA sites that are not currently allocated in the District Plan or Neighbourhood Plans will likely be required within the plan period in order to meet the housing requirements.
31. Site 526 was identified on page 46 of that evidence-base document as being relied upon to deliver 20 dwellings in pursuit of the housing requirements, demonstrating support for its development as recently as 2017.

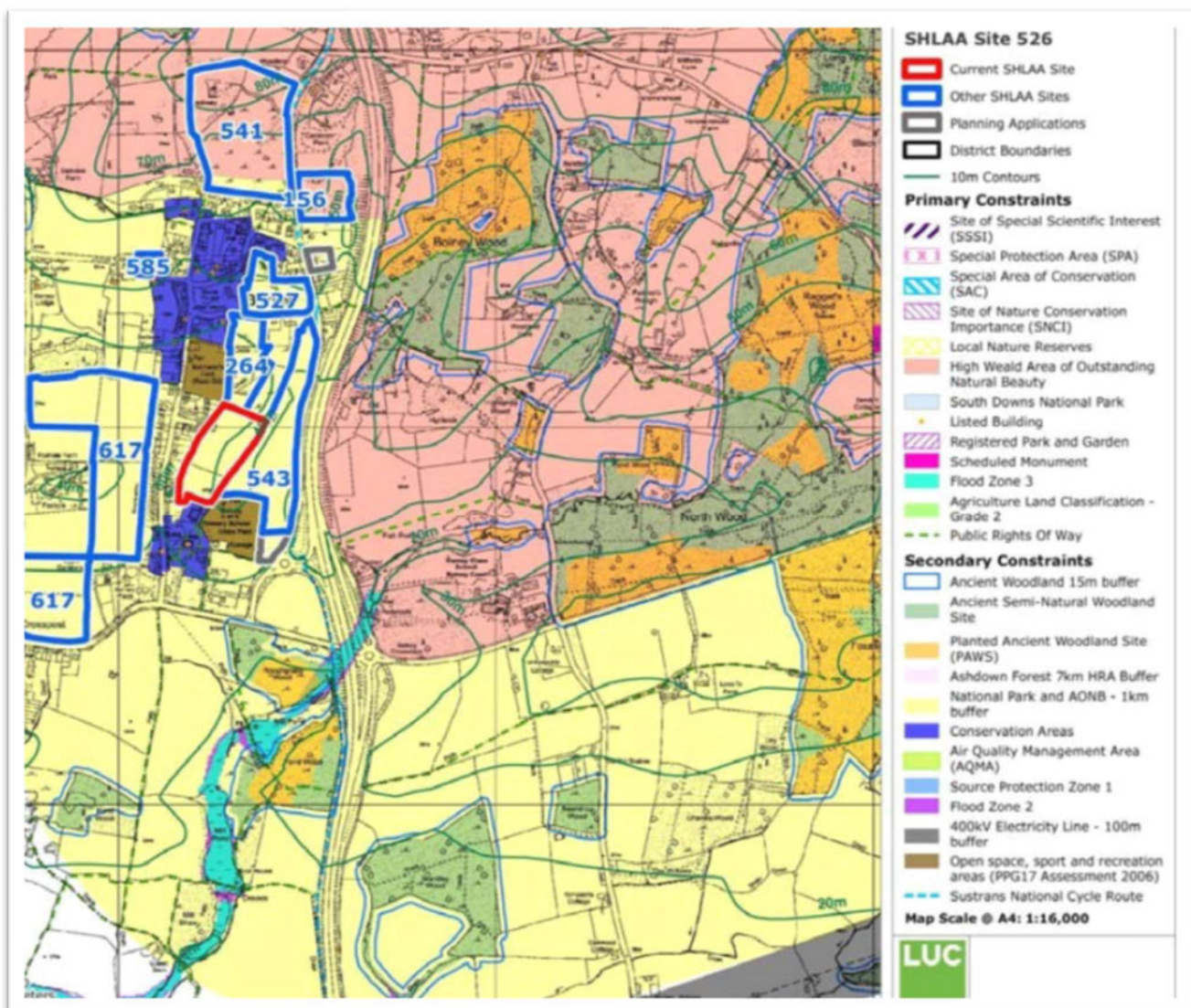
#### Review of Landscape and Visual Aspects of Site Suitability

32. The ‘Mid Sussex District SHLAA: Review of Landscape and Visual Aspects of Site Suitability’ report by Land Use Consultants Ltd (January 2015) found Site 526 to have MEDIUM/HIGH landscape sensitivity, MEDIUM landscape value and LOW/MEDIUM overall landscape capacity. Extracts are appended to this submission.
33. Incidentally, this Site 526 scored higher in this assessment than the adjacent Site 543 (scoring HIGH landscape sensitivity, MEDIUM landscape value and LOW/MEDIUM respectively) which is pending planning permission under DM/17/4392.
34. This study found that there were no specific landscape designations; that development of the higher areas of the site would be more sensitive but subject to screening between the site and the conservation area to the south, lower areas could be successfully developed.
35. The study proposed a ‘sub-area’ that would be most suitable for development as set out in the following extract and found relatively few landscape designations or constraints in the strategic landscape appraisal plan which follows second below:



Extract from Review of Landscape and Visual Aspects of Site Suitability showing recommended 'sub-area' for development





Extract from Review of Landscape and Visual Aspects of Site Suitability showing relatively few landscape designations or constraints



## Planning Appraisal

37. The site is currently outside of the settlement boundary of Bolney as established in the Neighbourhood Plan and District Plan. The District Plan, in line with the NPPF, sets a presumption in favour of development within settlement boundaries but the SHELAA allows the Council to take a view on sites without the constraint of current development plan policies, in order to objectively assess which sites may be deliverable and developable over the whole District Plan period, in order to deliver the Council's housing requirement.
38. The site is therefore submitted for consideration through the SHELAA in order that it might be allocated for housing to meet local needs through a future revision to the Neighbourhood Plan and/or Site Allocation Document (which will in effect bring it within the settlement boundary).
39. The site was most recently assessed in the 2016 SHLAA under reference 526 for 20 dwellings and the Landscape Appraisal submitted as evidence to the District Plan found this site to be suitable for housing if approached sensitively to protect the character of Bolney and wider landscape sensitivities.
40. The development proposed in this submission is nominally for 30 dwellings with a mix compliant with Bolney Neighbourhood Plan Policy BOLHI. This is higher than the previously assessed 20 dwellings but the landowner is confident that approximately 30 dwellings could be suitably accommodated on site.
41. The site is physically very well related to the village of Bolney and on land that slopes in towards the village protecting wider views in and out of the settlement from the more sensitive landscape of the AONB and beyond. The site has mature, defensible boundaries and has very limited intrinsic value nor beneficial purpose to the village (having no public access).
42. Benefits of development at this site would include:
  - New, high quality family and starter homes for the local community in line with local size-mix policy;
  - 10 affordable homes;
  - Public open space on land within the site boundary that is not considered suitable for housing (for example the higher, northeastern parts);
  - Improved / new connectivity between the village, Footpath 18Bo and the two new development sites to the east on London Road;
  - Improved landscaping and biodiversity measures;
  - Section 106 financial contributions.
43. The site is not subject to any planning designations itself as set out in the Planning Constraints section above. The main constraint on the site is access and the proximity of heritage assets in the Bolney South Conservation Area (bordering the site to the south) and the Grade I Listed Building St Mary Magdalene Church (located further to the south within the conservation area).
44. There are several options available to gain access to this site depending which parts of the site are developed. The most likely option is through the demolition of one or more properties on The Street and/or Paynesfield; whilst currently confidential, the landowner is able to achieve access through more than one property on these roads as may be required. Further options include a potential access point to The Street at the southwest corner of the site adjacent to Shillingford or via the proposed development on land to the east as indicated in the layout plan for application DM/17/4392.

45. Regarding the impact on heritage assets, the Council, in its Planning Committee report for the application for 30 dwelling (reference DM/17/4392) on the adjacent Land North And East Of Bolney Cricket Club, found that the proposal would cause harm to the setting of nearby heritage assets but *“This harm would, under paragraph 134 of the NPPF, stand to be weighed against any potential public benefits arising from the scheme which may include that it has been allocated for residential development in the Neighbourhood Plan”* and *“that the harm to the nearby heritage assets can properly be described as less than substantial.”*
46. The Committee Report for DM/17/4392 concluded that significant benefits of the scheme included the provision of new housing including affordable housing, economic benefits including construction jobs, additional spending in the locality and new homes bonus which collectively outweighed the less than substantial harm to the setting of the listed building which has been given 'considerable importance and weight' in accordance with the relevant provisions of the 1990 Act. Combined with mitigation in the form of tree planting and appropriate layout, the application was found to comply with the heritage protections offered in District Plan Policies, the NPPF and the 1990 Planning Acts.
47. It is therefore believed that the current site east of Paynesfield could similarly overcome the constraint of nearby heritage assets.
48. The site is *suitable, available now and achievable* for housing development subject to appropriate allocation in the development plan.

## Conclusion

49. Former SHLAA site 526 is hereby submitted to the District Council for assessment in the next round of the SHELAA and the Issues and Options consultation of the Site Allocations Document in Summer 2019.
50. The site is free from designations and with limited constraints that can be overcome as demonstrated in this submission.
51. The site is *suitable, available now and achievable* for the development of 30 homes; the landowner is keen to understand the views of the Council through this process with regards to which parcel of the site would be most suitably brought forward.
52. Should officers have any queries relating to the site, the above submissions or any other matters, we are available to assist with the details below.

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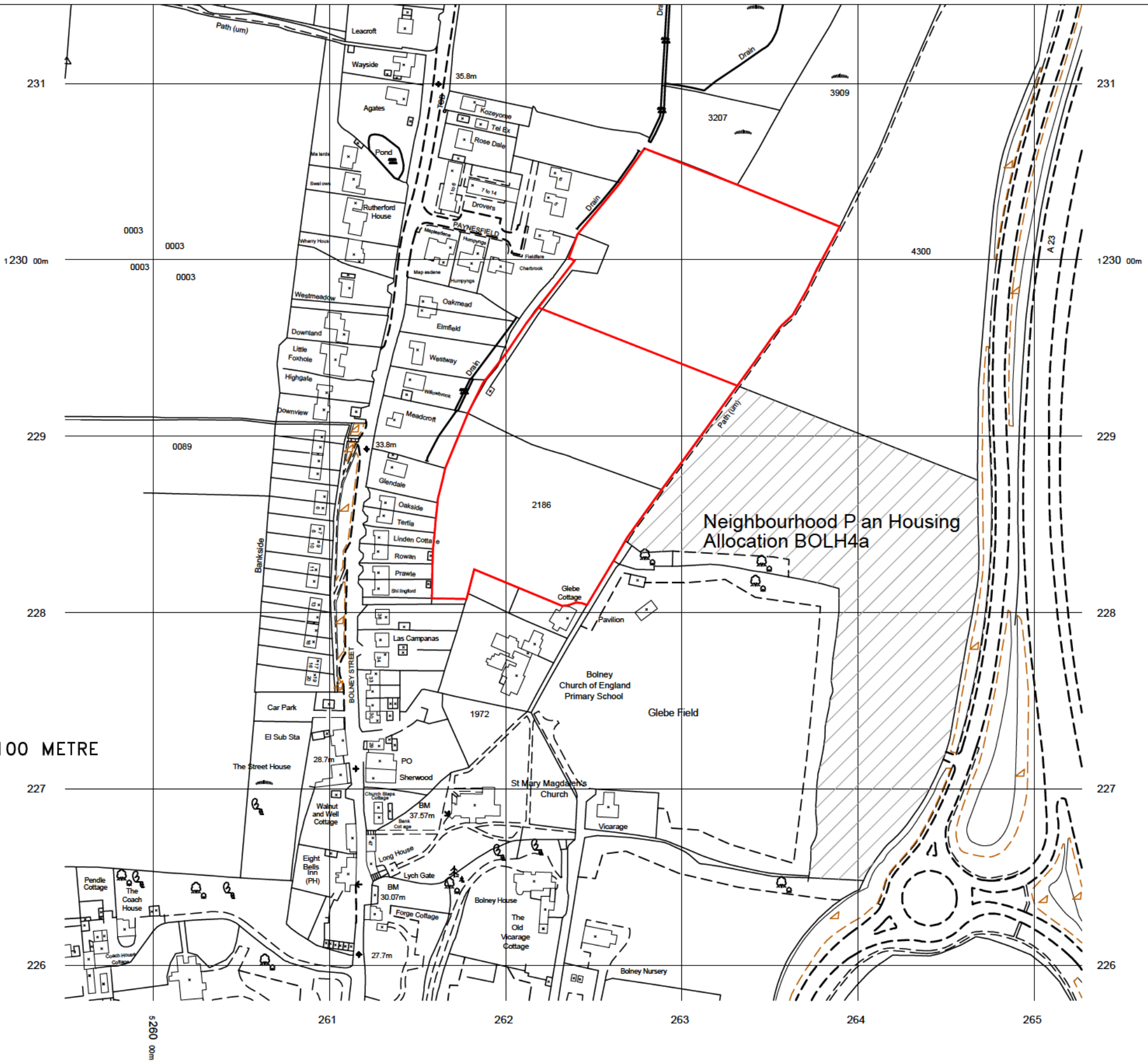
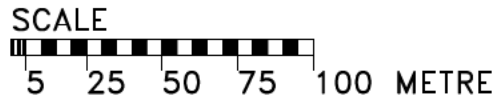
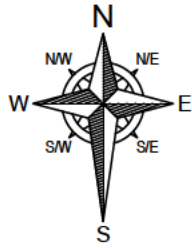
**SITE LOCATION PLANS**

1. Site Location Plan 1:2500
2. Site Plan 1:1250

**APPENDICES**

1. 2016 SHLAA Assessment
2. Environment Agency Flood Report
3. Review of Landscape and Visual Aspects of Site Suitability report by Land Use Consultants Ltd (January 2015) – Site 526

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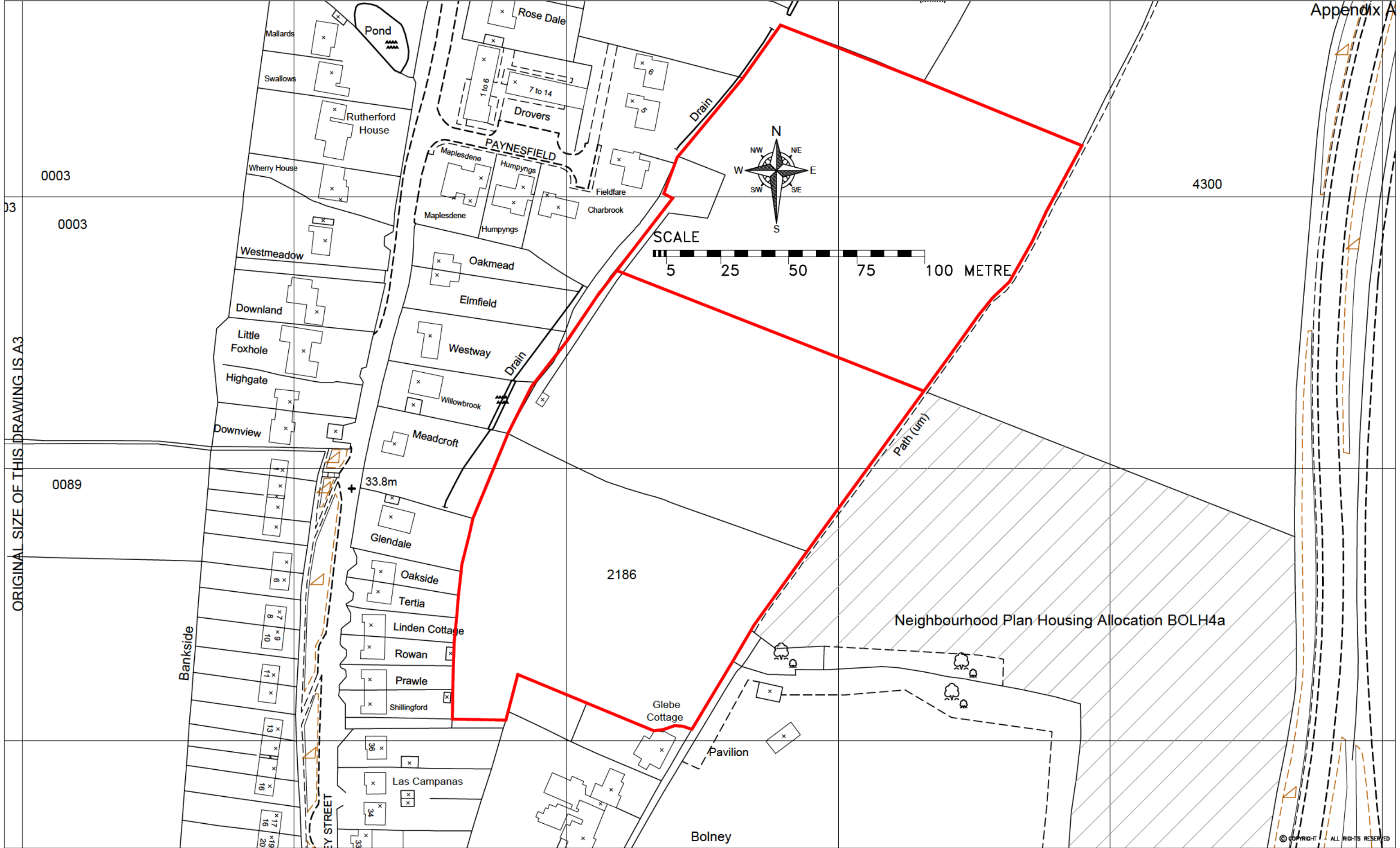
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web site [www.admarchitects.co.uk](http://www.admarchitects.co.uk)

PROJECT LOCAL SITE PLAN				CLIENT Rogers		
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B

A

REV.

21.11.18

12.11.18

DATE

Housing area added

Boundary updated

REVISIONS

E-mail

michael@admarchitects.co.uk

web site

www.admarchitects.co.uk

PROJECT

LOCAL SITE PLAN

DRAWING TITLE

Location Map

DRAWN	CHECKED	DATE	SCALE - AS SCALE RODS
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CLIENT

Rogers

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&  
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TEL. 01243 771166

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W H A L E B A C K

## **APPENDIX I**

### **2016 SHLAA Assessment (Site 526)**

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M 07736 298 938  
W [www.whaleback.co.uk](http://www.whaleback.co.uk)



Site Reference:	526 (BK/07)	Parish	BK	Ward	
Site location	Land east of Paynesfield, Bolney				
Site use(s):	U011 - Agriculture				
Gross site area	3.1 hectares				
Site Suitable:	✓	The north western quarter of the site (immediately to the rear of Paynesfield) is considered to have a low - medium suitability for development. This would need to be low density housing, in keeping with existing development. The upper slopes of the site and the southern end adjacent to the conservation area and Glebe Field, are more sensitive and in landscape terms have low suitability for development. Development on higher ground would be intrusive on existing dwellings and would have a clear effect on the perceived extent of development in the village (LUC Assessment). The natural ridge line bordering the east of the site. The southern corner of the site slopes to the west which means development could have impact on existing properties on The Street in terms of surface water runoff. This would need to be addressed. It has been suggested that the site to the east (Site 543) could provide suitable access, however this would be unacceptable in landscape terms and it would cross the PRoW. Therefore an access from The Street/ Paynesfield would be required. This may involve the loss of a property and it is unclear if access can be achieved. The public footpath that runs along the eastern boundary would need to be retained. Although hidden from the A23, site would be exposed to views from across Bolney and to the west. Adjacent to northern boundary of Bolney South Conservation Area. Some road noise from A23 although not significant. Close to limited services and facilities, including bus stops although frequency of service is low and unlikely to encourage people to choose public transport over cars.			
Site Available:	✓	Submitted to the Housing Supply Document by the site proponent.			
Site Achievable:	✓	The size of site and its attractive rural location that is likely to command good market price and demand. Exceptional works may be required to connect the site to existing road network, through third party land.			
Constraints / Action required:	Would require allocation through relevant Neighbourhood Plan or DPD. Provision of access would be required. Careful siting and design given location adjacent to Conservation Area and wider landscape impact. Affects and impact upon on Bolney South Conservation Area would need to be controlled. Retention and protection of trees, which contribute to landscape character. Some tree planting along the eastern hedgerow boundary would be desirable.				
Net developable area (ha): 0.64		Proposed site density (dph): 1 Lower- 30			
Deliverable (1-5 years)	✗	0	Dwellings		
Developable (6-10 years)	✗	0	Dwellings		
Developable (11 years +)	✓	20	Dwellings		
Not Currently developable	✗				
Overall Conclusion	The upper slopes of the site are sensitive in landscape terms. Impacts on views from surrounding landscape (including historic conservation area and grade 1 listed Church) are a primary consideration. Impacts on existing properties on The Street would also need to be considered due to the topography of the site, including consideration to surface water drainage and overlooking. Whilst the north western part of the site is acceptable in landscape terms it is not clear how access to this part of the site can be achieved, and may require the loss of a property on The Street or Paynesfield.				





W H A L E B A C K

## **APPENDIX 2**

### Environment Agency Flood Report

A 51 Summerfield Road  
Chichester PO20 8LX  
T 01243 514 945  
M 07736 298 938  
W [www.whaleback.co.uk](http://www.whaleback.co.uk)



# Flood map for planning

Your reference  
**Bolney**

Location (easting/northing)  
**526288/122965**

Created  
**29 Oct 2018 4:23**

**Your selected location is in flood zone 1, an area with a low probability of flooding.**

## This means:

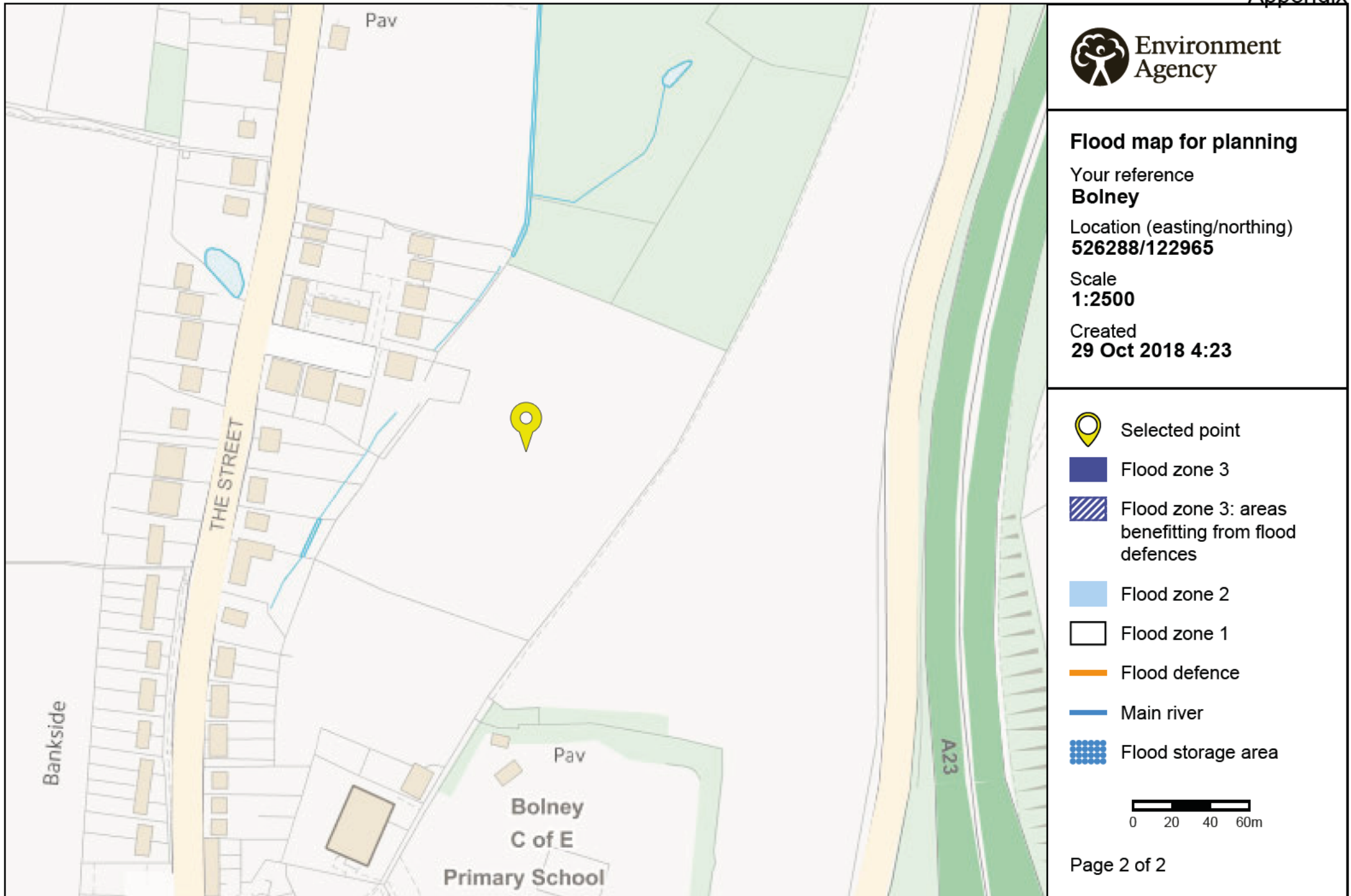
- you don't need to do a flood risk assessment if your development is smaller than 1 hectare and not affected by other sources of flooding
- you may need to do a flood risk assessment if your development is larger than 1 hectare or affected by other sources of flooding or in an area with critical drainage problems

## Notes

The flood map for planning shows river and sea flooding data only. It doesn't include other sources of flooding. It is for use in development planning and flood risk assessments.

This information relates to the selected location and is not specific to any property within it. The map is updated regularly and is correct at the time of printing.

The Open Government Licence sets out the terms and conditions for using government data.  
<https://www.nationalarchives.gov.uk/doc/open-government-licence/version/3/>





W H A L E B A C K

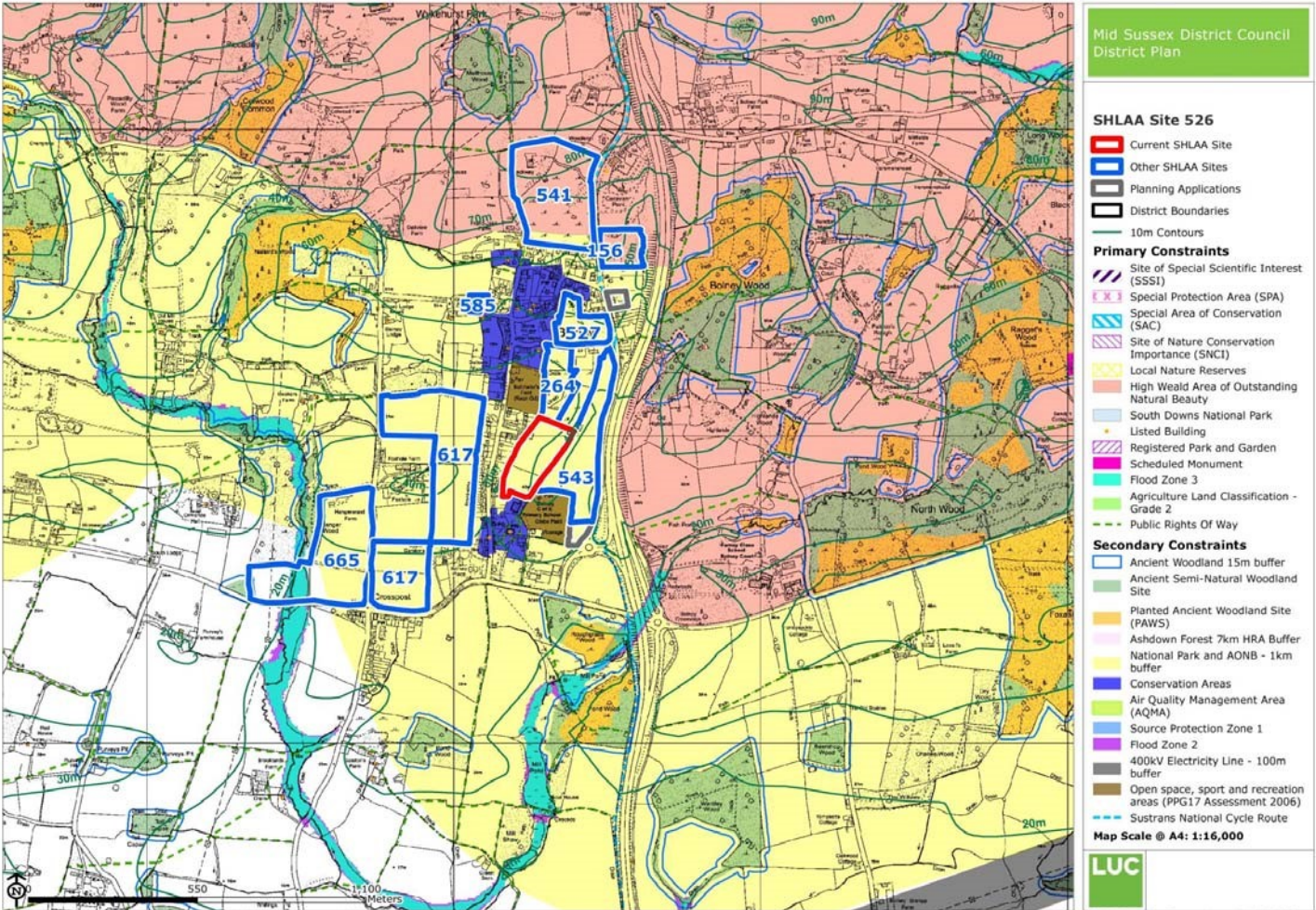
## **APPENDIX 3**

Extract (Site 526) of “Review of Landscape and Visual Aspects of Site Suitability”:

Land Use Consultants Ltd (January 2015)

A 51 Summerfield Road  
Chichester PO20 8LX  
T 01243 514 945  
M 07736 298 938  
W [www.whaleback.co.uk](http://www.whaleback.co.uk)





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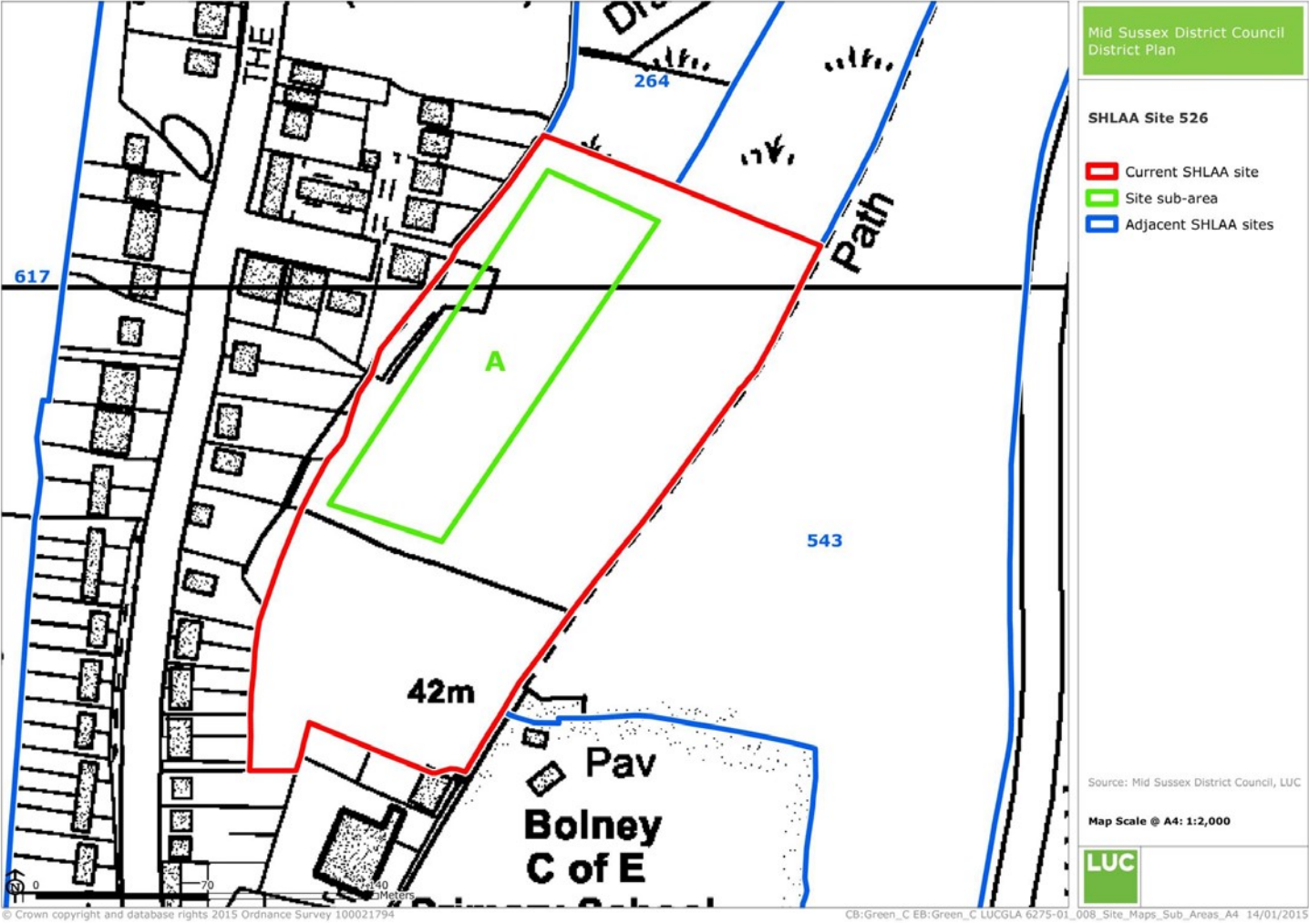
CB:Green, C EB:green, c LUCGLA 6275-01\_009\_Constraints\_A4 12/12/2014  
Source: English Heritage, Natural England, Environment Agency, Mid Sussex District Council

SHLAA Site:	Land east of Paynesfield, Bolney			SHLAA I	526	Landscape Character Area:	Bolney Sloping High Weald
Landscape Sensitivity		LCA Score	LCA Comments			Site Score	Site Comments
Landscape Condition		4	Significant vegetation and intact parkland. Generally moderate-low boundary loss.			3	Sloping pasture w th denuded internal field boundaries but some remaining mature former hedgerow trees. Woodland edge to north.
Settlement Setting		4	Distinctive wooded and parkland setting on slopes around settlement. Similar complex topography which settlement sits upon. Settlement largely linear form.			4	Sloping field forms backdrop to linear central part of settlement (The Street). Development on higher ground would be intrusive on existing dwellings and would have a clear effect on the perceived extent of development in the village.
Visual Receptors						4	PRoW with rural character (long views to South Downs) runs along eastern edge of s te. Development on higher parts of site would be visible above r dge top from AONB to east. Also views from east-west PRoW to west of The Street and from recreat on ground.
Sense of Rurality		3				3	Village-facing setting, with 20th century development on The Street, but with this newer development focused on valley floor and contribution of tree cover to backdrop the overall character is semi-rural.
Settlement Separation		2	Some wider contributon to separation with surrounding small groups of settlement.			2	Contributes some sense of separat on between originally separate settlements of Bolney and Bolney Common, but this is largely compromised by development along The Street.
Overall Landscape Sensitivity		3	MODERATE			4	MEDIUM-HIGH.
Landscape Value							
Landscape Designat ons		4	Partly AONB.			1	Near AONB but no relevant qual ties.
Other Environmental Designat ons		3	LBs, Ancient Woodland, RSI/PSI, Conservation Area.			1	None.
Setting of Valued Assets and Features		3	Setting to AONB.			4	Site adjoins southern conservat on area and is in view between the northern and southern conservation areas. Development appearing above ridge would affect setting of AONB. Rural character of Glebe Field sports ground could also be affected.
Cultural and Historical Associat ons		2	Wykehurst Park			1	HLC says planned, private enclosure but undated. No cultural her tage associat ons.
Perceptual Qualities		4	Pleasant wooded nature and parkland.			3	Pleasant, sloping grassland w th some n ce trees around edges, but exposed to modern housing.
Overall Landscape Value		4	SUBSTANTIAL			3	MEDIUM.
LCA Landscape Capacity			Site Landscape Suitability				
Low/Medium			Area A is considered to have a LOW-MEDIUM su tability for development. This would need to be low dens ty housing, in keeping w th existing development, and would need to allow for retent on and protection of trees, which contribute to landscape character, so yield would				



be LOW-MEDIUM. The upper slopes of the site and the southern end adjacent to the conservation area and Glebe Field, are more sensitive and in landscape terms have LOW suitability for development. Some tree planting along the eastern hedgerow boundary would be desirable.

---





# W H A L E B A C K

WHALEBACK LTD  
 Trinity Cottage  
 Boxgrove  
 Chichester, PO18 0NW  
 01273 234 354  
 07736 298 938  
[www.whaleback.co.uk](http://www.whaleback.co.uk)

15 November 2019

Ref: W1874-I

Dear [REDACTED]

Thank you for the offer to make representations during the consultation period for Mid Sussex Council's draft Site Allocations Development Plan Document (DPD).

Whaleback Ltd represent the landowner for the land east of Paynesfield, Bolney. We had previously submitted an appraisal of this land (see Appendix A) for inclusion in the Council's Strategic Housing and Economic Land Availability Appraisal (SHELAA) and to promote the site's inclusion in future Neighbourhood Plan reviews and other DPDs, including this Issues and Options consultation of the Site Allocations Document.

On review of the draft DPD we note that the land is not included and so we write to request this is reconsidered. The land east of Paynesfield, Bolney should be included in the finalised DPD, and these reasons are listed below:

- Site could nominally deliver 30 dwellings, 10 of which would be affordable, and would be compliant with the Bolney Neighbourhood Plan's residential development mix policy (BOLHI).
- No planning designations for the site, with limited planning constraints.
- Vehicular and pedestrian access is easily achievable with three options available.
- Site was previously deemed suitable for housing in the Council's previous SHELAA, or 'SHLAA' as it was known at the time, under site reference 526, if development was executed in a sensitive manner to protect the surrounding landscape and nearby conservation area.
- Development of this land would improve connectivity between Bolney village, Footpath 18Bo bordering the east of the site and the two new development sites to the east of London Road.

In accordance with paragraph 67 of the NPPF, “planning policies should identify a sufficient supply and mix of sites, taking into account their availability, suitability and likely economic viability” and the land east of Paynesfield, Bolney is *suitable, available* now and *achievable* for the development of 30 homes. Paragraph 72 also states that “the supply of large numbers of new homes can often be best achieved through planning for larger scale development, such as new settlements or significant extensions to existing villages and towns, provided they are well located and designed, and supported by the necessary infrastructure and facilities” and the development of this land would address this, by means of extending Bolney village, if designed well and sensitively.

With all of the above in mind, we believe that the site is suitable for inclusion in the final Site Allocations DPD and we ask that you consider this. If you would like to discuss any of the above matters in more detail, please do not hesitate to let us know.

Kind Regards,



Gareth Giles MRTPI  
Director

**WHALEBACK LTD**

## Site Allocations DPD: Regulation 19 Consultation Response

**Policy:** SA10

**ID:** 684

**Response Ref:** Reg19/684/6

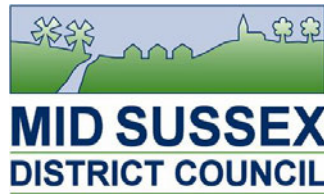
**Respondent:** Mr C Noel

**Organisation:** Strutt and Parker

**On Behalf Of:** Paddockhurst Estate Turners Hill

**Category:** Promoter

**Appear at Examination?** x



## **Site Allocations Development Plan Document Regulation 19 Submission Draft Consultation Form**

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

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

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

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

The Site Allocations DPD is available to view at:

[www.midsussex.gov.uk/planning-building/development-plan-documents/](http://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 28<sup>th</sup> 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/](http://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](mailto:LDFconsultation@midsussex.gov.uk)

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



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

---

### 1. Personal Details

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



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

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

## Part B – Your Comments

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

**Name or Organisation:**

Craig Noel – Strutt and Parker on behalf of Paddockhurst Estate

### 3a. Does your comment relate to:

Site  
Allocations  
DPD

☒

Sustainability  
Appraisal

☒

Habitats Regulations  
Assessment

☐

Community  
Involvement  
Plan

☐

Equalities  
Impact  
Assessment

☐

Draft Policies  
Maps

☐

### 3b. To which part does this representation relate?

Paragraph

Policy SA

Draft Policies Map

### 4. Do you consider the Site Allocations DPD is:

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

Yes ☒

No ☐

4b. Sound

Yes ☐

No ☒

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

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

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

Please see attached representation from Strutt and Parker dated 10<sup>th</sup> September 2020

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

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

Please see attached representation from Strutt and Parker dated 10<sup>th</sup> September 2020

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

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

Please see attached representation from Strutt and Parker dated 10<sup>th</sup> September 2020

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

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

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

☒

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

☐

Yes, I wish to participate at the oral examination

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

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

10. Please notify me when:

(i) The Plan has been submitted for Examination

☒

(ii) The publication of the recommendations from the Examination

☒

(iii) The Site Allocations DPD is adopted

☒

Signature:

Date:

28/09/2020

**Thank you for taking time to respond to this consultation**



## **Mid Sussex District Council Site Allocations DPD**

### **Regulation 19 Consultation**

---

## **Representations on behalf of Paddockhurst Estate**

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**Our ref: CN 151478**

10<sup>th</sup> September 2020

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

Appendix 2 – Proposed Site Layout Sketch



### Introduction

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

### Spatial Strategy for the District

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

## MSDC SADPD Reg 19: Representations on behalf of Paddockhurst Estate

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

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

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

units are identified to avoid double counting. However, there would still be a shortfall of 103 units in Category 3 if the additional 30 dwellings had been included in the housing figures.

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

### Housing Supply

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

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

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

#### **Assessed Housing Options and Sustainability Appraisal**

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

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

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

### Windfalls

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

### Suitability of Turners Hill

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

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

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

### Land north of Old Vicarage Field

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

### Land at Withpitts Farm

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

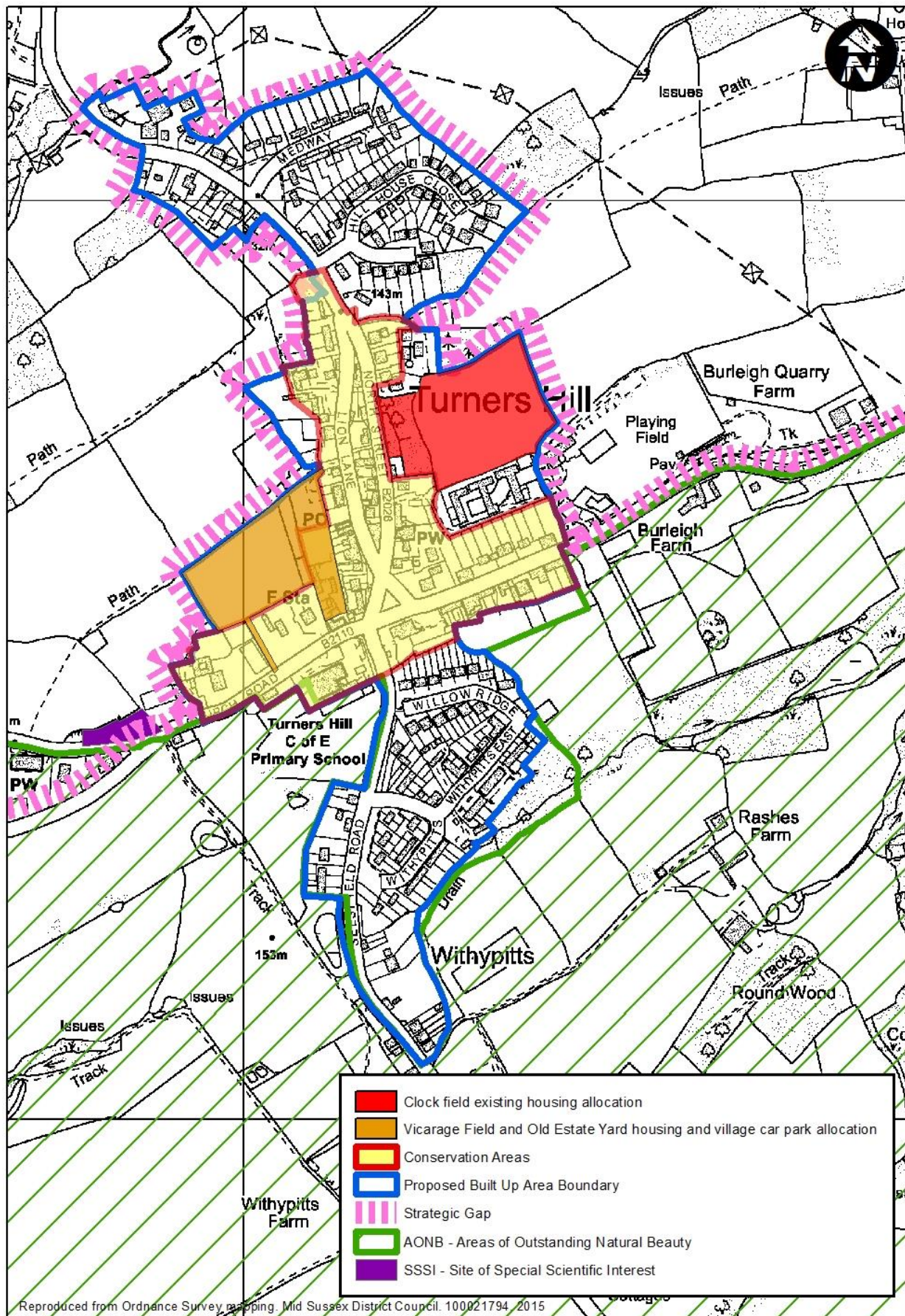
### Summary

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

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

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



**Proposals Map**

## **12 POLICIES**

### **HOUSING POLICIES**

#### **THP1 Housing Site Allocations**

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

#### **THP2 Development of Old Vicarage Field and the Old Estate Yard**

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

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

The development will provide 44 new homes

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

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

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

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

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

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

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

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

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

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

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

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

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

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





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

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

**COWAN**  
ARCHITECTS

9-10 Old Stone Link | Ship Street | East Grinstead | West Sussex | RH19 4EF  
T: 01342 410242  
info@cowan-architects.co.uk | www.cowan-architects.co.uk

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

Drawing: PROPOSED SITE LAYOUT

Scale: 1:500  
Drawn: BM  
Checked: DRC  
Date: 02/06/2020

**SKETCH**  
For plan development only, not for construction

Size: A3  
Drg No. 2277-CAL-XX-XX-SK05-S3  
Rev. P03



## Site Allocations DPD: Regulation 19 Consultation Response

**Policy:** SA10

**ID:** 697

**Response Ref:** Reg19/697/8

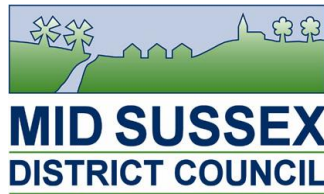
**Respondent:** Mr D Barnes

**Organisation:** Star Planning

**On Behalf Of:** Welbeck - Handcross

**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/](http://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 28<sup>th</sup> 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/](http://www.midsussex.gov.uk/planning-building/development-plan-documents/)

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

**E-mail:** [LDFconsultation@midsussex.gov.uk](mailto: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="David"/>
Last Name	<input type="text" value="Barnes"/>
Job Title (where relevant)	<input type="text"/>
Organisation (where relevant)	<input type="text" value="Star Planning and Development"/>
Respondent Ref. No. (if known)	<input type="text"/>
On behalf of (where relevant)	<input type="text" value="Welbeck Strategic Land III LLP"/>
Address Line 1	<input type="text" value="140 Brandwood Road"/>
Line 2	<input type="text" value="Kings Heath"/>
Line 3	<input type="text" value="Birmingham"/>
Line 4	<input type="text"/>
Post Code	<input type="text" value="B14 6BX"/>
Telephone Number	<input type="text" value="0121 444 7554"/>
E-mail Address	<input type="text" value="info@starplanning.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:** Welbeck Strategic Land III LLP

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

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

4b. Sound Yes ☐ No ☒

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

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

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

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.

1. Policy DP30 of the Mid Sussex District Plan includes the following '*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.*'
2. At the time of the Local Plan's preparation, the potential need to allocate care homes was based upon Housing and Economic Development Needs Assessment (HEDNA): Addendum (August 2016) which stated at paragraph 2.18 that '*If current levels are maintained, the data suggests that at 2031, there will be significant shortfalls in the provision of specialist accommodation or care of Sheltered Housing (-46%), Enhanced Sheltered Housing (-77%) and Extra Care provision (-62%) and Registered Care provision (-31%) (with only Nursing Care indicating sufficient provision).*' The HEDNA also said '*There also appears to be justification to explore the need to allocate land to provide additional provision*' (paragraph 2.21).
3. There does not appear to be any detailed or robust consideration given during the DPD process to the need for specific allocations of care homes within Mid Sussex pursuant to the available evidence base and Local Plan Policy DP30. Welbeck has not been able to identify in the DPD's evidence base any more up-to date analysis that obviates the need for care homes to be provided during the plan period. Only Policy SA20 allocates a Class C2 care home as part of the 550 dwellings scheme at Imberhorne Lane, East Grinstead.

**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.

4. Accordingly, the DPD is not justified and is inconsistent with national policy because it fails to meet the evidenced wider housing needs of the community in Mid Sussex, especially the aging population, by not specifically considering and allocating sites for care homes at appropriate sustainable settlements.
5. In the alternative to be a housing site, the land west of London Road, Handcross could be allocated as a retirement village to include a specific care home for elderly people. Such a development would complement the existing Anchor Hanover scheme at Handcross which provides 16 one bedroom flats and 6 one bedroom bungalows that are purpose-built properties for people over the age of 55. There are also shared facilities available to those residents.

**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

☒

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**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

☒

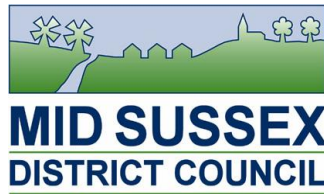
Signature:

*David Barnes*

Date:

22 September 2020

**Thank you for taking time to respond to this consultation**



## **Site Allocations Development Plan Document Regulation 19 Submission Draft Consultation Form**

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First Name	<input type="text" value="David"/>
Last Name	<input type="text" value="Barnes"/>
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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	2.23 to 2.33 including Table 2.2	Policy SA	<input type="checkbox"/>	Draft Policies Map	<input type="checkbox"/>
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### 4. Do you consider the Site Allocations DPD is:

4a. In accordance with legal and procedural requirements; including the duty to cooperate.	Yes	<input 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 checked="" type="checkbox"/>
(2) Justified	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(3) Effective	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**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.**

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.

1. The DPD relies too heavily on a limited number of sites to meet the residual housing numbers across the District despite the availability of suitable residential sites and, as such, it cannot be considered positively prepared, justified, effective or consistent with national policy.
2. Table 2.2 identifies the Strategic Allocations which are expected to deliver circa 5,080 dwellings during the period 2014 to 2031. Welbeck has specific concerns whether the strategic allocation at North and North West of Burgess Hill can, between 2014 and 2031, deliver the full 3,500 dwellings. Indeed, this has already been recognised by a reduction in the estimated capacity to 3,287 dwellings as recorded at DPD.
3. However, to deliver 3,287 dwellings during the 11-years left of the plan period remains optimistic, especially since the grant of outline planning permission for the majority of the allocation was only passed by the Council on 3 October 2019. Further, some of the infrastructure works have only recently been approved and work commenced on site.
4. Lichfields' *Start to Finish Report 2<sup>nd</sup> Edition* (February 2020) indicates that for large sites in excess of 2,000 dwellings it takes a minimum of 2-years between the grant of planning permission and the delivery of the first dwelling. Accordingly, and being optimistic, at Burgess Hill the earliest a dwelling might be available for occupation is say Autumn 2021 which leaves only 8½-years to construct 3,287 dwellings at an average rate of 346 dwellings per annum. This average delivery ignores the usual stepped increase in the output of homes on a new large site from a standing start. Although based upon third party information, the Council's assessment of delivery is over optimistic.
5. No large urban extension sites have consistently achieved such a high rate of delivery over a prolonged period. Indeed, Start to Finish identifies that, on average, the number dwellings built on large sites is 161 dwellings per annum. This is supported by the Council's own reporting of housing completions where the rates of delivery on the 3 largest sites are circa 150 dwellings during the past year or so, namely Linfield, Hurstpierpoint and Haywards Heath.
6. Whilst Welbeck acknowledge that there is the potential for some accelerated delivery because of Homes England's involvement, the average annual number of completions should be assumed to be around 250 dwellings or a total of 2,375 dwellings during the plan period. Accordingly, this reassessment would result in a shortfall of some 900 dwellings at North and North West Burgess Hill during the plan period even when compared to the current capacity estimate of 3,287 dwellings.
7. The importance of looking realistic assumptions about delivery of new homes on allocated sites is heightened by an over reliance on windfall sites. This reliance has been increased from 45 to 85 dwellings per annum between the District Plan and this DPD. A more proactive approach to site allocations should be adopted to reduce the reliance and revert back to 45 dwellings per annum on windfall sites. Within the housing need only being a minimum requirement, there is nothing which would require the housing provision in Mid Sussex District to be curtailed or restricted if the windfall provision did consistently achieve 85 dwellings per annum.

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.

8. To be found sound and to rectify the potential undersupply or shortfall in housing provision, especially because of the strategic site at North and North West Burgess Hill (and potentially other sites such as Burleigh Lane, Crawley Down), the DPD should identify additional housing allocations for at least 900 dwellings based upon the spatial strategy and settlement hierarchy. This is Welbeck's clear preference.
9. At the very least, reserved housing sites which would come forward in the event that either North and North West Burgess Hill is demonstrated to be incapable of delivering 3,827 dwellings during the plan period or there are delays in the delivery of other sites. The latter approach of reserve sites goes back to the concept of plan, monitor and manage with a suitable policy in the DPD to trigger the release of reserve sites for development in the event they are required based upon the Housing Delivery Test data.
10. Handcross, as the highest scoring Category 3 Settlement, is one of the locations which would be well placed to accept additional housing growth via allocations or the identification of reserve sites to meet part of the shortfall, in particular associated with and at North and North West Burgess Hill.

**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.**

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**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

x

(ii) The publication of the recommendations from the Examination

x

(iii) The Site Allocations DPD is adopted

x

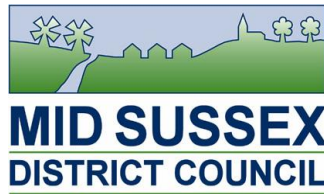
Signature:

*David Barnes*

Date:

22 September 2020

**Thank you for taking time to respond to this consultation**



## **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/](http://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.

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**Please return to Mid Sussex District Council by midnight on 28<sup>th</sup> September 2020**

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[www.midsussex.gov.uk/planning-building/development-plan-documents/](http://www.midsussex.gov.uk/planning-building/development-plan-documents/)

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Planning Policy  
Oaklands Road  
Haywards Heath  
West Sussex  
RH16 1SS

**E-mail:** [LDFconsultation@midsussex.gov.uk](mailto: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="David"/>
Last Name	<input type="text" value="Barnes"/>
Job Title (where relevant)	<input type="text"/>
Organisation (where relevant)	<input type="text" value="Star Planning and Development"/>
Respondent Ref. No. (if known)	<input type="text"/>
On behalf of (where relevant)	<input type="text" value="Welbeck Strategic Land III LLP"/>
Address Line 1	<input type="text" value="140 Brandwood Road"/>
Line 2	<input type="text" value="Kings Heath"/>
Line 3	<input type="text" value="Birmingham"/>
Line 4	<input type="text"/>
Post Code	<input type="text" value="B14 6BX"/>
Telephone Number	<input type="text" value="0121 444 7554"/>
E-mail Address	<input type="text" value="info@starplanning.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.

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## Part B – Your Comments

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

**Name or Organisation:** Welbeck Strategic Land III LLP

### 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="10"/>	Draft Policies Map	<input type="text"/>
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### 4. Do you consider the Site Allocations DPD is:

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

4b. Sound Yes ☐ No ☒

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

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



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

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:

1. Reference is made in Policy SA10 to the delivery of 876 dwellings per annum until 2023/24 but the actual delivery rate has been 819 dwellings for the first 6-years of the plan period. There is already a cumulative shortfall of 470 dwellings. The current under-provision needs to be rapidly made good otherwise when the 'stepped trajectory' increases to 1,090 dwellings per annum there may well be an accentuation of the lack of housing delivery.
2. It is noted by Welbeck that there is some flexibility around where housing is proposed within the context of the settlement hierarchy. Table 2.4 indicates a minimum residual housing figure of 1,280 dwellings, including 371 at Category 3 Settlements. However, of the 1,746 dwellings indicated to be allocated by the DPD only some 238 dwellings are proposed at Category 3 Settlements. This can be read as there being a shortfall in the delivery of new homes at Category 3 Settlements when compared to the 2,200 minimum provision identified in Policy DP4 of the Mid Sussex District Plan 2014-2031.
3. Accordingly, as drafted, Policy SA10 is not positively prepared, justified, effective and consistent with national policy.

**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.

4. For the DPD to be found sound, the shortfall at Category 3 Settlements should be made good and a sustainable location for housing growth is at Handcross.

**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

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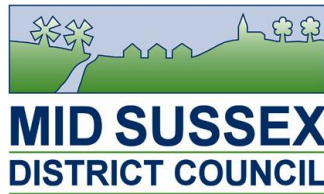
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The Site Allocations DPD, has four main aims, which are:

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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	2.23 to 2.33 including Table 2.2	Policy SA	<input type="checkbox"/>	Draft Policies Map	<input type="checkbox"/>
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### 4. Do you consider the Site Allocations DPD is:

4a. In accordance with legal and procedural requirements; including the duty to cooperate.	Yes	<input 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 checked="" type="checkbox"/>
(2) Justified	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(3) Effective	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(4) Consistent with national policy	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

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.

1. The DPD relies too heavily on a limited number of sites to meet the residual housing numbers across the District despite the availability of suitable residential sites and, as such, it cannot be considered positively prepared, justified, effective or consistent with national policy.
2. Table 2.2 identifies the Strategic Allocations which are expected to deliver circa 5,080 dwellings during the period 2014 to 2031. Welbeck has specific concerns whether the strategic allocation at North and North West of Burgess Hill can, between 2014 and 2031, deliver the full 3,500 dwellings. Indeed, this has already been recognised by a reduction in the estimated capacity to 3,287 dwellings as recorded at DPD.
3. However, to deliver 3,287 dwellings during the 11-years left of the plan period remains optimistic, especially since the grant of outline planning permission for the majority of the allocation was only passed by the Council on 3 October 2019. Further, some of the infrastructure works have only recently been approved and work commenced on site.
4. Lichfields' *Start to Finish Report 2<sup>nd</sup> Edition* (February 2020) indicates that for large sites in excess of 2,000 dwellings it takes a minimum of 2-years between the grant of planning permission and the delivery of the first dwelling. Accordingly, and being optimistic, at Burgess Hill the earliest a dwelling might be available for occupation is say Autumn 2021 which leaves only 8½-years to construct 3,287 dwellings at an average rate of 346 dwellings per annum. This average delivery ignores the usual stepped increase in the output of homes on a new large site from a standing start. Although based upon third party information, the Council's assessment of delivery is over optimistic.
5. No large urban extension sites have consistently achieved such a high rate of delivery over a prolonged period. Indeed, Start to Finish identifies that, on average, the number dwellings built on large sites is 161 dwellings per annum. This is supported by the Council's own reporting of housing completions where the rates of delivery on the 3 largest sites are circa 150 dwellings during the past year or so, namely Linfield, Hurstpierpoint and Haywards Heath.
6. Whilst Welbeck acknowledge that there is the potential for some accelerated delivery because of Homes England's involvement, the average annual number of completions should be assumed to be around 250 dwellings or a total of 2,375 dwellings during the plan period. Accordingly, this reassessment would result in a shortfall of some 900 dwellings at North and North West Burgess Hill during the plan period even when compared to the current capacity estimate of 3,287 dwellings.
7. The importance of looking realistic assumptions about delivery of new homes on allocated sites is heightened by an over reliance on windfall sites. This reliance has been increased from 45 to 85 dwellings per annum between the District Plan and this DPD. A more proactive approach to site allocations should be adopted to reduce the reliance and revert back to 45 dwellings per annum on windfall sites. Within the housing need only being a minimum requirement, there is nothing which would require the housing provision in Mid Sussex District to be curtailed or restricted if the windfall provision did consistently achieve 85 dwellings per annum.

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.

8. To be found sound and to rectify the potential undersupply or shortfall in housing provision, especially because of the strategic site at North and North West Burgess Hill (and potentially other sites such as Burleigh Lane, Crawley Down), the DPD should identify additional housing allocations for at least 900 dwellings based upon the spatial strategy and settlement hierarchy. This is Welbeck's clear preference.
9. At the very least, reserved housing sites which would come forward in the event that either North and North West Burgess Hill is demonstrated to be incapable of delivering 3,827 dwellings during the plan period or there are delays in the delivery of other sites. The latter approach of reserve sites goes back to the concept of plan, monitor and manage with a suitable policy in the DPD to trigger the release of reserve sites for development in the event they are required based upon the Housing Delivery Test data.
10. Handcross, as the highest scoring Category 3 Settlement, is one of the locations which would be well placed to accept additional housing growth via allocations or the identification of reserve sites to meet part of the shortfall, in particular associated with and at North and North West Burgess Hill.

**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.

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x

(ii) The publication of the recommendations from the Examination

x

(iii) The Site Allocations DPD is adopted

x

Signature:

*David Barnes*

Date:

22 September 2020

**Thank you for taking time to respond to this consultation**

700

## Site Allocations DPD: Regulation 19 Consultation Response

**Policy:** SA10

**ID:** 700

**Response Ref:** Reg19/700/2

**Respondent:** Mr C Reynolds

**Organisation:** Hallam Land Management

**On Behalf Of:** Hyde Estate Handcross

**Category:** Promoter

**Appear at Examination?** x

**From:** Charlie Reynolds <CREYNOLDS@hallamland.co.uk>  
**Sent:** 28 September 2020 19:34  
**To:** ldfconsultation  
**Subject:** Submission Draft Sites DPD – Regulation 19 Consultation  
**Attachments:** Draft Site Allocations DPD Representation - Reg.19 - 29th September 2020.pdf

Dear Sir/Madam,

Please find attached my representation in respect of the Submission draft Site Allocations DPD Regulation 19 consultation.

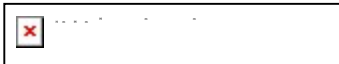
Thank you.

Kind regards  
Charlie

Charlie Reynolds MRTPI | Development Planner | Hallam Land Management Limited

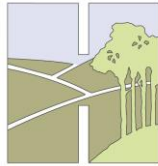
43 Portland Place, 3<sup>rd</sup> Floor | London | W1B 1QH

t: 02074956419 | t: 02071676772 | m: 07771814110



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The sender of this e-mail is a member of the Henry Boot Group of companies, the ultimate parent of which is Henry Boot PLC (company number 160996).



**Hallam Land  
Management**

**Hallam Land Management: South East Region**

43 Portland Place

Tel: 0207 1676 781 / Mob: 07771814110

E-mail: [creynolds@hallamland.co.uk](mailto:creynolds@hallamland.co.uk)

**Subject to Contract**

Our Ref: CR/HLM/WCF

Date: 28<sup>th</sup> September 2020

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

Dear Sir/Madam,

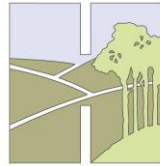
**RE: Submission Draft Site Allocations DPD (Regulation 19) Consultation**

We write this representation in respect of the submission draft Site Allocations Development Plan Document (DPD), which is currently subject to public consultation until the 28<sup>th</sup> September 2020.

The Site Allocations DPD is required to meet the residual housing figure to ensure that the District Plan (adopted March 2018) Policy DP4 housing requirement is met in full. The residual requirement was 1,507 (at 1<sup>st</sup> April 2019), however the updated figure is now 1,280 as of April 2020. This accounts for additional housing completions and permissions/allocations confirmed during the monitoring year 2019/20. This represents an over-supply of 484 compared to the residual requirement, we welcome this approach taken by the Council which seeks to provide an over-supply to provide resilience and flexibility.

As the Council will be aware, Hallam Land Management (HLM) has an interest in the land known as 'Warren Cottage Fields, Handcross' (see **Appendix A**) which we are promoting for up to 125 dwellings. The current masterplan concentrates-built form along the spine of the site, allowing a 15m minimum offset from the ancient woodland to the north and a comfortable buffer between existing and proposed properties on the southern edges. In addition to houses, this proposal provides a unique opportunity to facilitate the provision of a new community hall in partnership with the Parish and the Community Land Trust, which is an aspiration set out within the Slaugham Neighbourhood Plan which was '*made*' on the 25<sup>th</sup> September 2019.

To summarise this representation, we support the general approach taken within the Draft Site Allocations DPD document in regard to allocating sufficient housing for the District up to 2031, in accordance with the District Plan, and welcome the additional growth within close proximity to Crawley Borough Council in Handcross (Policy SA27). However, we still have reservations regarding whether the plan is '*Positively Prepared*'. We would suggest that the Council seek to reserve a safeguarded supply of housing sites to ensure that the full identified/required future needs for development are met.



### **Housing Requirement**

HLM agree that the Council have correctly recognised the Objectively Assessed Housing NEED (OAHN) for the District over the plan period 2014 to 2031 of 16,390 dwellings. Although, we would note that the National Planning Policy Framework (NPPF) suggests local housing needs represent a minimum number of homes that should be delivered. As such, we believe that the Council should take into consideration potential future unmet need (beyond what was considered in the District Plan) from neighbouring authorities at this stage, instead of waiting for the District Plan Review starting in 2021/2022 (Policy DP5 – Planning to Meet Future Housing Need) to ensure the Plan is robust and addresses the OAHN across the Housing Market Area (HMA).

This is part of the NPPF test of soundness whereby a Plan needs to be '*Positively Prepared*' providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development.

As such, HLM recommends it would be prudent if the Council considers safeguarding additional development sites for housing, which could serve development needs in the longer term. Any sites the Council allocate should be genuinely capable of development when required and should be located where future development would be an efficient use of land; well-integrated with existing development and promote sustainable development.

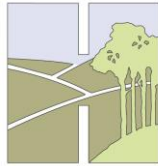
The land at Warren Cottage Fields offers a site which is developable in the short term and could satisfy these requirements, whilst also enhancing the sustainability of Handcross through the delivery of a community hall and housing.

### **Policy SA11 – Additional Housing Allocations**

HLM welcomes the additional housing growth distributed to Handcross in Slaugham Parish Council. Handcross is a Tier 3 settlement (Medium Sized Village) and has accommodated a level of development in recent years, which has contributed towards the sustainability of the village. We support the overarching general approach to housing within close proximity to Crawley, given the Districts relationship within the wider HMA.

To build upon the earlier section within our representation, we believe that the Council should seek to enhance the sustainability of Handcross by safeguarding additional land for development, which could deliver more than housing alone. To address the long-term aspiration of enhancing the community facilities in Handcross (set out within the Slaugham NP 2019), there needs to be land safeguarded. We query the inclusion of the land at Policy SA27 in the draft SA DPD because the land at St Martin Close (East) is already allocated for development of 30 dwellings by Policy 9 of the 'made' Slaugham Neighbourhood Plan (SNP) and St Martin Close (West) for 35 homes (under Policy 10) as a reserve site. We believe that the land at Warren Cottage Fields should be revisited due to the potential benefits it would bring to the village.

The existing community hall is in a poor condition with very limited opportunities to expand to cater for the growing population, on a site surrounded by housing. This is an issue, especially as National Policy states that planning policies needs to allow for established facilities to develop and modernise in a sustainable way, whilst ensuring an integrated approach between community facilities and location of housing, economic uses and services.

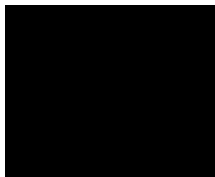


**Hallam Land  
Management**

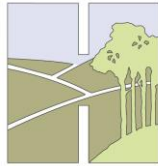
HLM are committed to the comprehensive planning and development of Warren Cottage Fields and the community hall, which offers an incremental approach to development in the longer term to address both housing need and the long-term goal of enhancing the community facilities. Where community facilities can be delivered or facilitated by development, we consider that the Council should give significant weight to this as part of the Site Allocations DPD process, given one of the main aims of the DPD is to set out additional Strategic Policies necessary to deliver sustainable development.

We trust that the above will assist the Council moving forward, we would be pleased to provide further information in relation to the Site if required. If you have any questions or require any information, please do not hesitate to contact us.

Yours sincerely  
for **HALLAM LAND MANAGEMENT LIMITED**



Charlie Reynolds  
Development Planner



**Hallam Land  
Management**

## Appendix A – Illustrative Masterplan





## Site Allocations DPD: Regulation 19 Consultation Response

**Policy:** SA10

**ID:** 705

**Response Ref:** Reg19/705/6

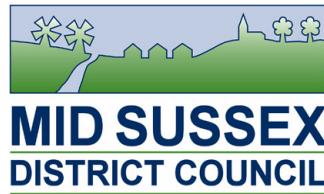
**Respondent:** Mr O Bell

**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/](http://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 28<sup>th</sup> 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/](http://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](mailto: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

☒

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

10

Draft Policies Map

### 4. Do you consider the Site Allocations DPD is:

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

Yes

☒

No

☐

4b. Sound

Yes

☐

No

☒

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

**Sound**

**Unsound**

(1) Positively prepared

☐☒

(2) Justified

☐☒

(3) Effective

☐☐

(4) Consistent with national policy

☐☐

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

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

Please see attached

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

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

Please see attached

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

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

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

☐

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

☒

**Yes**, I wish to participate at the oral examination

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

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

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

**10. Please notify me when:**

(i) The Plan has been submitted for Examination

☒

(ii) The publication of the recommendations from the Examination

☒

(iii) The Site Allocations DPD is adopted

☒

Signature:

Oliver Bell

Date:

17/09/2020

**Thank you for taking time to respond to this consultation**

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

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



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

## Policy SA10: Housing

### Quantum of housing

5. Policy SA10 identifies that the current minimum residual housing requirement for the SA DPD is 1,280 dwellings and that 1,764 dwellings have been allocated. The Sustainability Appraisal (SA) prepared in support of the Site Allocations DPD states that it is *“...sensible to look at alternative approaches which would deliver an increased number of dwellings and therefore more robustness in overall supply at this stage”* (paragraph 6.45). Whilst we wholly support such an approach, this is strangely only referenced in the context of sites falling out of the allocation process between now and adoption (also see paragraph 6.45 of the SA).
6. Paragraph 11a of the Framework is clear that *“plans should...be sufficiently flexible to adapt to rapid change”* and it is common practice for local plans to include a ‘non-implementation buffer’ to improve the robustness of a plan and ensure that the housing requirement is delivered over the plan period. Indeed the Planning White Paper: Planning for the Future advocates such an approach at a national scale with a buffer of 12% against suggested housing need.
7. It is accepted that the buffer currently proposed in the SA DPD is sufficient when measured against the minimum residual housing requirement (1,280 dwellings). However, a non-implementation buffer must be applied to the entire housing requirement yet to be delivered to ensure that a minimum of 16,390 dwellings are delivered over the plan period, as required by Policy DP4 of the District Plan. At present, the SA DPD would only provide a buffer of 484 dwellings or 4.2% against the remaining District Plan requirement after completions (11,473 dwellings), which clearly fails to deliver a robust plan that is sufficiently flexible to adapt to rapid change, such as the non-implementation of sites (noting that the SA DPD is already having to address a shortfall of more than 200 dwellings from the Strategic Allocation at Burgess Hill).
8. Furthermore, the District Plan states that the SA DPD will help maintain a 5 year housing land supply but with a buffer of less than 5% for the residual housing requirement to 2031, it is difficult to see how a rolling 5 year supply can be provided, including an appropriate buffer (at least 5%) as required by paragraph 73 of the Framework.
9. Given the above, the SA DPD should allocate additional sites sufficient to provide at least a 10% buffer against the remaining District Plan housing requirement, increasing the overall housing provision to 2,427 dwellings. Without this change, the SA DPD would fail to be positively prepared or justified and accordingly unsound, in line with paragraph 35 of the Framework.

#### Windfall allowance

10. Table 2.3 outlines a windfall allowance of 504 dwellings. This represents an increase of 54 dwellings against the windfall allowance assumed within the District Plan. Paragraph 2.28 of the SA DPD indicates that this increase is to *“reflect changes in national policy and District Plan Policy DP6 that supports development of up to 9 dwellings that are contiguous to existing Settlement Boundaries and based on past performance”*. However, the District Plan is clear that the SA DPD would look at all sites of 5 dwellings and more (reducing likely future windfalls by allocating them) and the wording of Policy DP6 of the District Plan was of course known at the time of agreeing the current windfall allowance. As such, a change could only be justified through the availability of new evidence since the adoption of the District Plan. Paragraph 70 of the Framework sets out that *“compelling evidence”* must exist to support a windfall allowance however no such information exists.
11. Accordingly, the windfall allowance should be reduced back to the figure agreed in the District Plan – 450 dwellings, and further allocations identified to address this shortfall of 54 dwellings, starting with the Category 1 settlements.

#### Table 2.4

12. Table 2.4 outlines the minimum residual housing figure for each settlement category with a minimum of 706 dwellings at Category 1 Settlements (Burgess Hill, East Grinstead and Hayward’s Heath). We note that this table links back to a similar table forming part of Policy DP4 of the District Plan and agree that this sets the broad framework for the general distribution of housing within the Site Allocations DPD.
13. The purpose of settlement by settlement figures at the time of the District Plan was to guide the preparation of neighbourhood plans, a view shared by the District Plan Inspector who at paragraph 33 of his report stated that Policy DP6 of the District Plan *“includes a table setting out the spatial distribution of the housing requirement with minimum housing requirements for the settlements and an assessment of the minimum residual requirement, to provide a suitable context for the preparation of neighbourhood plans”* (emphasis added). This approach is entirely logical and aligns with national planning policy where a residual housing requirement exists that neighbourhood plans could allocate at the local level. However, that opportunity has now passed and the purpose of the Site Allocations DPD is to ‘mop up’ any residual housing requirement outlined in the District Plan. Accordingly, sites should be allocated on the basis of settlement category figures, focusing the majority of growth in Category 1 settlements.

## Site Allocations DPD: Regulation 19 Consultation Response

**Policy:** SA10

**ID:** 709

**Response Ref:** Reg19/709/2

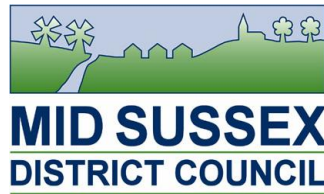
**Respondent:** Mrs L Wilford

**Organisation:** Barton Willmore

**On Behalf Of:** Retirement Villages Developments

**Category:** Promoter

**Appear at Examination?** ✓



## **Site Allocations Development Plan Document Regulation 19 Submission Draft Consultation Form**

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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.

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Oaklands Road  
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West Sussex  
RH16 1SS

**E-mail:** [LDFconsultation@midsussex.gov.uk](mailto:LDFconsultation@midsussex.gov.uk)

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

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

---

### 1. Personal Details

Title	<input type="text" value="Mrs"/>
First Name	<input type="text" value="Lucy"/>
Last Name	<input type="text" value="Wilford"/>
Job Title (where relevant)	<input type="text" value="Associate Planner"/>
Organisation (where relevant)	<input type="text" value="Barton Willmore LLP"/>
Respondent Ref. No. (if known)	<input type="text"/>
On behalf of (where relevant)	<input type="text" value="Retirement Villages Development Ltd &amp; Notcutts Ltd"/>
Address Line 1	<input type="text" value="The Observatory"/>
Line 2	<input type="text" value="Castle Hill Drive"/>
Line 3	<input type="text" value="Castle Hill"/>
Line 4	<input type="text" value="Ebbsfleet Valley"/>
Post Code	<input type="text" value="DA10 1EE"/>
Telephone Number	<input type="text" value="07964912446"/>
E-mail Address	<input type="text" value="Lucy.wilford@bartonwillmore.co.uk"/>



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## Part B – Your Comments

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

**Name or Organisation:**

Retirement Villages Development Ltd & Notcutts Ltd

### 3a. Does your comment relate to:

Site  
Allocations  
DPD

☒

Sustainability  
Appraisal

☒

Habitats Regulations  
Assessment

☐

Community  
Involvement  
Plan

☐

Equalities  
Impact  
Assessment

☐

Draft Policies  
Maps

☒

### 3b. To which part does this representation relate?

Paragraph

Policy SA

11

Draft Policies Map

### 4. Do you consider the Site Allocations DPD is:

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

Yes ☐

No ☒

4b. Sound

Yes ☐

No ☒

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

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

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

Please refer to accompanying submission

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

Please refer to accompanying submission

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

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

Please refer to accompanying submission

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

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



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

☐

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

☒

**Yes**, I wish to participate at the oral examination

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

Given the nature and extent of the objections, which also relate to a specialist form of accommodation which the respondent specialises in delivering and its recent appeal decision in the District (also referenced in our representations) we consider oral participation in the EiP is essential to ensure the matters raised are thoroughly explored and examined.

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

**10. Please notify me when:**

(i) The Plan has been submitted for Examination

☒

(ii) The publication of the recommendations from the Examination

☒

(iii) The Site Allocations DPD is adopted

☒

Signature:

*Lucy Wilford*

Date:

28/09/2020

**Thank you for taking time to respond to this consultation**



# HAZELDENS NURSERY, ALBOURNE

MID SUSSEX DISTRICT COUNCIL SITE ALLOCATIONS DPD  
(REGULATION 19) CONSULTATION  
CONSULTATION RESPONSE

On Behalf of  
Retirement Village Development Ltd & Notcutts Ltd

September 2020

**HAZELDENS NURSERY, ALBOURNE**

**MID SUSSEX DISTRICT COUNCIL SITE ALLOCATIONS DPD  
(REGULATION 19) CONSULTATION**

**CONSULTATION RESPONSE**

**ON BEHALF OF  
RETIREMENT VILLAGES DEVELOPMENT LTD & NOTCUTTS LTD**

**SEPTEMBER 2020**

<b>Project Ref:</b>	29583/A5
<b>Status:</b>	Final
<b>Issue/Rev:</b>	01
<b>Date:</b>	September 2020
<b>Prepared by:</b>	Lucy Wilford
<b>Checked by:</b>	Huw Edwards
<b>Authorised by:</b>	Huw Edwards

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Ref: 29583/A5/LW/sjo  
Date: September 2020

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## **APPENDICES**

**APPENDIX 1: Site Location Plan**

**APPENDIX 2: Hazeldens Appeal Decision**

**APPENDIX 3: Regulation 18 Representations**

**APPENDIX 4: Need Assessment**

**APPENDIX 5: Need Assessment Update**

**APPENDIX 6: Draft Site Allocation Policy**

## 1.0 INTRODUCTION

### i) Overview

- 1.1 These representations are prepared by Barton Willmore LLP on behalf of Retirement Villages Developments Ltd (RVD) and Notcutts Ltd, in response to Mid Sussex District Council's (MSDC) Regulation 19 Site Allocations DPD (SA DPD) consultation.
- 1.2 On behalf of our client RVD, we are promoting the comprehensive development of Hazeldens Nursery, Albourne (the Site) for C2 extra care development – see Site Location Plan **(Appendix 1)**. The Site has previously been promoted through the Council's Call for Sites to inform the "Strategic Housing and Economic Land Availability Assessment", site ref 58. The Site has also been subject to recent planning applications for extra care development. The most recent application, (ref DM/19/1001) for 84 units has subsequently been consented at Appeal **(Decision – Appendix 2)**.
- 1.3 These representations are made within the context of this most recent Appeal decision, the Adopted Development Plan, prevailing Government Guidance and should be read alongside our previous representations to the Regulation 18 consultation document **(Appendix 3)**.

### ii) Scope and Summary of Representations

- 1.4 These representations are submitted in respect of MSDC's Regulation 19 SA DPD, July 2020 and object to the following:
- Policy SA11: (Additional Housing Allocations), where it fails to include the Site as an allocation for C2 extra care; and
  - The proposals map where it fails to include the Site as an allocation for extra care.
- 1.5 Allied to the above, we seek the inclusion of a new policy to positively address and support the provision of extra care on non-allocated sites to meet the significant identified need, which the Council is currently failing to recognise by making no allocations specifically for this use.
- 1.6 We further object to the Council's evidence base informing the SA DPD, specifically with regards to:

- Sustainability Appraisal (incorporating Strategic Environmental Assessment), Regulation 19, July 2020; and
- Infrastructure Delivery Plan, Regulation 19 Version, March 2020.

1.7 In summary, it is demonstrated that the SA DPD is **“Unsound”** and is not **“Legally Compliant”** because it fails to consider and address the identified need to deliver specialist accommodation, specifically extra care, contrary to Local Plan Policies DP25 and DP30, and National planning policy.

1.8 For the DPD to be found **“Sound”** and **“Legally Compliant”**, the need for specialist accommodation must be re-visited in the DPD, through the allocation of Hazeldens Nursery for extra care housing development, following the grant of permission. In addition, a further policy must be included to aid the delivery of additional extra care units to address the significant residual unmet need.

## 2.0 HAZELDENS NURSERY, ALBOURNE

2.1 The Site is being promoted for inclusion in the SA DPD for C2 extra care development following the grant of Outline planning permission for extra care housing at Appeal (Decision at **Appendix 2**) comprising apartments and cottages with associated communal facilities. The permitted development comprises the following main elements:

1. extra care units comprising a mixture of apartments and cottages;
2. Club House or also known as the Central Facilities Building including:
  - Local shop including click and collect lockers (accessible to the wider public);
  - 2 no. workshops (available to local artisans and residents);
  - Foyer including offices for staff, administration and care operators;
  - Library;
  - Lounge;
  - Restaurant and bar; and
  - Treatment and function rooms.
3. Publicly accessible electric charging points;
4. Off-Site traffic calming works to the London Road.
5. Residents, staff and visitors will also have access to a site mini-bus serving the development.

2.2 The development is designed to be a community that will operate as a single planning unit, with restrictions on occupation, being both age (at least 1 person per household/unit aged at least 65yrs) and being in need of 'care'. A minimum of two hrs of care is also to be provided per week to that household/ unit.

2.3 As already indicated, planning consent for the development was granted at Appeal on 11 September 2020 (**see Appendix 2**). In granting consent for the proposals, the Inspector critically concluded that:

### *Need*

- There is a significant level of current unmet need now for extra care housing, particularly for leasehold which is of particular importance and the development will contribute to meeting (para 93 and 137);



- The unmet need for extra care will significantly increase over the plan period (para 93);
- The Council has failed to recognise and is not proposing to plan to address an unmet need for extra care which is clearly evident (para 93).

#### *Benefits*

- The development is likely to benefit the local housing market by freeing up family housing and contributing more generally to addressing the housing crisis (para 95);
- The proposals will secure public benefits through the provision of the Shop, lockers, workshops, provision of publicly accessible electric charging points and off-site traffic calming works (paras 96-102);
- The proposals will secure social benefits in terms of the health and wellbeing of its elderly residents (paras 103-104);
- Economic benefits will be secured by jobs created by the development (in its construction and operation) and also savings to the NHS through the health and wellbeing benefits provided to its residents (paras 103-104).

2.4 The appeal decision has clear and direct implications for the evidence base to the SA DPD on this issue, the same evidence having been fundamental to the Council's evidence to the Appeal. The Inspector found it to be out-of-date and that it failed to grasp the realities of the needs of the growing population of older people or to form a proper basis on which to plan to meet those needs. As set out further in this Statement, following the grant of permission the Site should be included in the SA DPD and an additional policy included which expressly supports the provision of specialist accommodation for the elderly, particularly extra care, to ensure the identified unmet need is met. This is necessary for the SA DPD to be **"Justified", "Effective", "Consistent with National Policy"** and therefore **"Sound"**.

### 3.0 PLANNING POLICY CONTEXT

3.1 This section provides an overview of the National and Local planning context in relation to the delivery of housing development for older people including Extra Care developments. This provides important context to the SA DPD and whether it is **“Sound”**. Critically it establishes that:

- The need to provide accommodation for older people is critical;
- That the need for older people’s accommodation should be addressed in planning policies, this includes considering allocating sites to provide greater certainty or providing indicative figures;
- Extra care housing is a specialist type of housing for older people; and
- Any unmet need for specialist accommodation should be addressed in the SA DPD.

#### i) National Planning Policy Framework (NPPF)

##### Older Persons Housing

3.2 On 19 February 2019, the revised National Planning Policy Framework (NPPF) was published by Central Government, setting out its planning policies for England and how these are expected to be applied, in both plan-making, decision-taking and in achieving sustainable development. This includes supporting the objective of significantly boosting the supply of homes, including the needs of groups with specific housing requirements. To assist in this objective, the NPPF (para 61) requires Local Planning Authorities (LPAs) to consider, inter alia:

**“... the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, ...”** (Our emphasis)

3.3 The NPPF Annex defines “older people” as:

**“People over or approaching retirement age, including the active, newly retired through to the very frail elderly; and whose housing needs can encompass accessible, adaptable general needs housing through to the full range of retirement and specialised housing for those with support or care needs.”**

- 3.4 Local Plans should plan positively for the development and infrastructure required in the area to meet the objectives, principles and policies of the Framework. This should be undertaken using robust and up-to-date evidence about the economic, social and environmental characteristics and prospects of the area. This includes meeting the specialist housing needs for older people.

**ii) National Planning Practice Guidance (NPPG)**

- 3.5 The recently updated (26 June 2019) National Planning Practice Guidance (NPPG) addresses “housing for older people” more specifically. The introduction of such specific guidance only goes to further demonstrate the seriousness of the shortfall in such provision, which needs to be addressed now.

- 3.6 This guidance explains (Para: 001 Ref ID: 63-001-20190626) that:

- The need to provide housing for older people is critical. People are living longer lives and the proportion of older people in the population is increasing. In mid-2016 there were 1.6 million people aged 85 and over; by mid-2041 this is projected to double to 3.2 million [our emphasis]; and
- Offering older people, a better choice of accommodation to suit their changing needs can help them live independently for longer, feel more connected to their communities and help reduce costs to the social care and health systems.

- 3.7 Therefore, an understanding of how the ageing population affects housing needs is something that must be considered from the early stages of plan-making through to decision-taking.

- 3.8 The guidance goes on to explain that:

- Plan-making authorities should set clear policies to address the housing needs of groups with particular needs such as older and disabled people [our emphasis].
- These policies can set out how the plan-making authority will consider proposals for the different types of housing that these groups are likely to require. They could also provide indicative figures or a range for the number of units of specialist housing for older people needed across the plan area throughout the plan period [our emphasis]. Paragraph: 006 Reference ID: 63-006-20190626.
- Allocating sites can provide greater certainty for developers and encourage the provision of sites in suitable locations. This may be appropriate where there is an identified unmet need for specialist housing [our emphasis]. The location of housing

is a key consideration for older people who may be considering whether to move (including moving to more suitable forms of accommodation). (Para: 013 Ref ID: 63-013-20190626).

- Recognises that there are different types of specialist accommodation for older people, which includes Extra Care (Para: 010 Reference ID: 63-010-20190626).
- Plan-making authorities will need to count housing provided for older people against their housing requirement. For residential institutions, to establish the amount of accommodation released in the housing market, authorities should base calculations on the average number of adults living in households, using the published Census data. (Para: 016 Ref ID: 63-016-20190626).

### iii) **Adopted Mid Sussex District Plan 2014-2031**

- 3.9 Policy DP25 (Community Facilities and Local Services) in the Adopted Local Plan sets out that *“community facilities and local services to meet the local needs will be identified through Neighbourhood Plans or a Site Allocations Development Plan Document produced by the District Council”*. The supporting text confirms that for the purpose of this policy that community facilities and local services includes “specialist accommodation and care homes”. C2 extra care accommodation is a specialist form of accommodation and would fall within the scope of this policy, as also confirmed by the recent Hazeldens Nursery Appeal decision (para 22).
- 3.10 Policy DP30 (Housing Mix) includes similar provisions to ensure the delivery of specialist accommodation and states *“If a shortfall is identified in the supply of specialist accommodation and care homes falling within Use Class C2 to meet demand in the District, the Council will consider allocating sites for such use through a Site Allocation Document, produced by the District Council.”*
- 3.11 The Adopted Local Plan therefore clearly sets out that it is incumbent on MSDC through the preparation of the SA DPD to assess and if necessary address the need for specialist accommodation. As set out further in this Statement, MSDC has fundamentally failed to consider the need for specialist accommodation in the preparation of the SA DPD and therefore fails to address the identified unmet need.

## 4.0 NEED FOR EXTRA CARE

4.1 Extra care, is just one form of specialist accommodation for the elderly and the following section does not consider the need for all forms of specialist accommodation, which may not just be restricted to the needs of the elderly or to extra care. However, by its nature extra care housing is both a particularly appropriate response to the needs of a growing population of older people and a form of development for which specific site allocations and / or policy recognition is required to help facilitate delivery.

4.2 Paras 80-93 of the Hazeldens Appeal decision (**Appendix 2**), considers in detail the need for extra care and determined that there is a *“significant level of current unmet need, in particular for extra care leasehold housing ..... Furthermore, this will significantly increase over the Local Plan period.”* (para 93) [our emphasis]. The Inspector does not conclude what the level of need is, but gives it (and significantly the leasehold element), the highest weight possible (substantial weight) as a planning consideration in favour of the Appeal proposals. Irrespective, it was determined in evidence that:

- The Council’s assessment of need (HEDNA<sup>1</sup> Addendum, which formed part of the evidence base for the now adopted Local Plan) is out-of-date (para 87);
- The Appellant’s assessment of the tenure split is more credible (para 90); and
- There are no leasehold extra care units in the pipeline to address the identified need (para 91).

4.3 Significantly, the Inspector determined that the situation of the significant unmet need both now and in the future is a direct result of the Council failing to progress swiftly with the SA DPD as well as failing to recognise and therefore address an unmet need. Para 95 states that:

**“This situation has not been helped by the slow progress on the SA DPD and the failure to recognise an unmet need that is clearly evident. The Council’s riposte that it is not being inundated by enquiries or application for this type of development does not seem to me to be a very robust or objective yard stick on which to rely. For all these reasons I consider that the provision of extra care units by the Appeal development to be a matter of substantial weight”** [our emphasis]

4.4 Consequently it is self-evident that the current Local Plan policy provisions in DP25 and DP30 are inadequate and the unmet need must be further addressed in the SA DPD.

<sup>1</sup> Housing and Economic Development Assessment Addendum, August 2016

- 4.5 At **Appendices 4 and 5** is the most up-to-date assessment of need, as submitted to the Inquiry on behalf of RV, together with the accompanying note updating both our and the Council's supply position and applying a different tenure split to the Council's assessment of need. As above the Council's assessment of need was found to be out-of-date. Table 2 at **Appendix 5** (as replicated below) provides the most up-to-date assessment of need as set out in our evidence.

**Table 1: Extra Care Need**

<b>Year 2020</b>	<b>Need</b>	<b>Shortfall (need less supply)</b>
Of which 33% And 67%	694 231 for rent 463 leasehold	552 145 for rent 407 leasehold
<b>Year 2030</b>	<b>Need</b>	<b>Shortfall (need less pipeline &amp; supply)</b>
of which 33% And 67%	939 313 for rent 626 leasehold	665 95 rent 570 leasehold

- 4.6 Our assessment of need (above) sets out that there is an unmet need now for at least 552 extra care units, rising to 665 by 2030. Hazeldens will contribute to meeting the leasehold need (the tenure in the most need), reducing need within this tenure to 323 now and 486 in 2030, although this level of need remains significant. In terms of the implications of this assessment of need, it can be seen that with the existing supply and pipeline of extra care for rent around two thirds of needs will be met by 2030. One or two additional extra care schemes for rent would meet the residual need. By contrast, around 5-6 leasehold extra care developments are required over the coming ten years assuming an average size of 85 units per development, though this may be reduced if the average scheme size is increased. Across all tenures a total of around 6-8 significant new developments will be required to meet the need for extra care housing.
- 4.7 Based on this most up-to-date assessment of need (the Council has not provided any further assessment), further policy intervention is essential to ensure this unmet need is addressed, in line with local and National planning policy.

## 5.0 AMENDMENTS TO SA DPD

5.1 It is clear that there is an identified and unmet need that the SA DPD is failing to address contrary to National and Local Planning policy and without further policy intervention the unmet need will continue to prevail and worsen. To address the issue and to make the SA DPD **“Sound”**, it must be amended to:

1. Include Hazeldens Nursery as a site allocation specifically for extra care and Policy SA11 (Additional Housing Allocations) amended accordingly to reflect the allocation alongside the accompanying proposals map:
2. Include a new policy that expressly identifies the need for extra care accommodation and provides a positive policy basis against which future applications can be assessed, supporting and promoting their provision and therefore providing greater certainty of delivery.

5.2 The inclusion of the Site within the SA DPD is entirely consistent with other allocations in the DPD some of which are already consented but are nonetheless included. The development proposals meet an identified need which MSDC should be planning to meet and the development of the Site for extra care has found to be necessary and acceptable. In accordance with guidance in the NPPG (Para: 013 Ref ID: 63-013-20190626) the allocation of the Site also provides greater certainty over delivery, considering the Site only currently benefits from Outline permission. A draft Site allocation policy is therefore provided at **Appendix 6**.

5.3 Notwithstanding the permission at Hazeldens Nursery, there remains an identified unmet need for extra care that the Council is failing to recognise and address, as set out in the Hazeldens Appeal decision (para 95). Whilst it is recognised that Site Allocation SA20 includes for the provision of a Care Community (C2), whether this will include extra care is currently unknown (what is meant by a care community is undefined and could simply be a care home, which is not the same as extra care ) and of itself, can only go some small way towards addressing the identified need which is significant. To address the need further policy intervention is therefore required, in line with National and Local planning policy to support and promote its provision. The following policy is therefore proposed:

**There is an identified need for at least 665 additional extra care units (Use Class C2) by 2030, of which at least 570 need to be leasehold. The Council will support proposals that will contribute to meeting this need. Such developments will be permitted within towns and villages within the defined built-up-area boundaries, having regard to Local Plan policy DP26:**



**Character and Design and where the development does not cause harm to the character and function of the settlement.**

**Outside defined built-up area boundaries, proposals for C2 extra care development will be supported where a site is allocated for that purpose either in the Site Allocations DPD or a Neighbourhood Plan, or it can be demonstrated that:**

- **The Site is contiguous with or does not cause significant harm to the existing pattern of development in the settlement;**
- **The development is demonstrated to be sustainable having regard to the accessibility of local services and facilities and any services and facilities that might be provided as part of the proposals.**

5.4 The proposed wording closely aligns with Adopted Local Plan Policy DP6 (Settlement Hierarchy) for consistency. However, in the case of extra care it provides for some additional flexibility recognising the specialist nature of extra care and its sustainability credentials, in terms of the services and facilities it can provide on-site, reducing reliance on the private car. Furthermore, outside settlement boundaries, it does not seek to limit unit numbers to 10 (as Policy DP6 currently does). Extra care developments of this size would simply not be viable, given the level of services and facilities that are provided on Site and as such greater flexibility is essential for the policy to be **“Effective”**. However, the scale of the development proposed should not cause harm to the character of the settlement, providing a safeguard against disproportionate development.

5.5 The inclusion of the policy is considered to be within the remit of the SA DPD, which under Section 3, already includes other “Development Policies”. Furthermore, it does not conflict with Policy SA10 (Housing) which does not take account of the need for C2 development in overall housing numbers, which are in any event expressed as a “minimum”. If this policy is not included (or similar), then other allocations must be made to address the need for the plan to be **“Sound”**.

5.6 In conclusion the above changes are necessary to make the SA DPD **“Legally Compliant”** and **“Sound”** by ensuring that it is:

- **Positively Prepared:** By ensuring the identified unmet need for extra care is met, where current local policy provisions are failing to address the need for extra care.
- **Justified:** Is based on available evidence of need and addresses the provisions of Local Plan policies LP25 and LP30, which looks to the SA DPD to address identified unmet need for specialist accommodation, a need the Council is currently failing to recognise.

- **Effective:** Ensures the need is addressed now and is thus deliverable, rather than deferring the issue when the need will only worsen.
- **Consistent with National Policy and thus Legally Compliant:** National Policy identifies the need to provide accommodation for older people is critical and thus looks to Local Authorities to set clear policies to address this need now.

## 6.0 ADDITIONAL SUPPORTING EVIDENCE

### i) Sustainability Appraisal (Incorporating Strategic Environmental Assessment) Regulation 19, July 2020

- 6.1 The Sustainability Appraisal (SA) does not identify the need for specialist accommodation (beyond residential nursing care, para 4.2) as a sustainability issue or problem to be addressed. It also does not identify the need for specialist accommodation, particularly for the elderly, as an indicator for Social Objective 1, *“to ensure that everyone has the opportunity to live in a home suitable for their needs and which they can afford”* (pg 32), focusing solely on housing completions generally and provision of affordable housing.
- 6.2 Section 6 of the SA does not consider the need for other forms of specialist housing outside C3 housing. Nor does it address the requirements of Policies DP25 or DP30, which looks to the Site Allocations DPD to consider allocating sites for specialist accommodation to meet identified needs where there is a shortfall. As has already been identified, there is a significant unmet need.
- 6.3 The SA fails to address the need for specialist elderly accommodation and is wholly not in accordance National policy. The SA is silent on elderly accommodation and has therefore misdirected the Site Allocation DPD into not considering the need to allocate or address the need for (C2) extra care accommodation or any other specialist forms of accommodation. In doing so it has failed to properly consider the ways in which the Plan can contribute to improving social conditions and failed to consider reasonable alternatives, which is required to ensure that the Plan contributes to the achievement of sustainable development.
- 6.4 In the absence of such considerations the SA DPD cannot be considered to be **“positively prepared”**, **“Justified”**, **“Effective”** or **“Consistent with National Policy”** and is therefore **“Unsound”** and not **“Legally Compliant”**.

### ii) Mid Sussex Infrastructure Delivery Plan (IDP), Regulation 19 Version, March 2020

- 6.5 Whilst it is acknowledged that the IDP focuses on the infrastructure and community facilities required to support the proposed site allocations, it fails to acknowledge the need to provide for specialist accommodation, such as extra care accommodation, which the Local Plan (pg 74) specifically lists as a “community facility” and should be planned for in the Site Allocations Document, as set out in Local Plan Policy DP25.

- 6.6 The need to deliver specialist accommodation must therefore also be addressed in the IDP and should have been formative to the SA DPD so that it is **“Justified”** and **“Effective”** and therefore **“Sound”**.
- 6.7 The same objections were raised in response to the Reg 18 SA and IDP and the comments have failed to have been addressed, nor has the Council considered further the need for (C2) extra care or other forms of specialist accommodation for the elderly through the preparation of additional evidence.

## 7.0 CONCLUSIONS

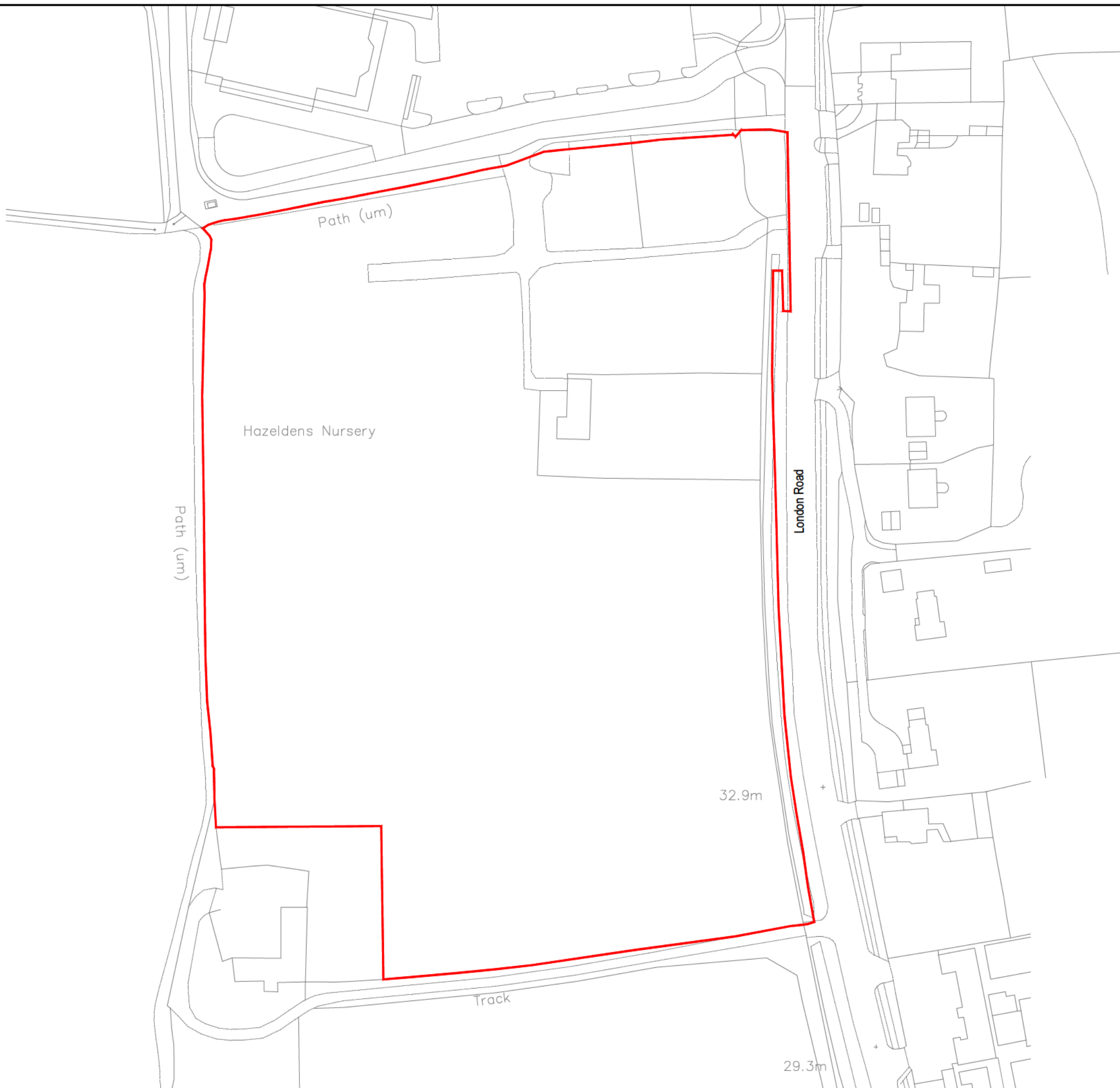
- 7.1 It is self-evident from the very recent Hazeldens Nursery Appeal decision (Appendix 2), that there is an identified and unmet need for C2 extra care (which was afforded significant weight in allowing the Appeal), which the Council is failing to address, via existing policies in the currently adopted Local Plan and the Regulation 19 SA DPD. This is a direct result of the Council failing to consider and address this matter through background evidence, misdirecting the SA DPD, which in turn has also failed to address the need by not including sufficient allocations or other policies to support its provision.
- 7.2 Consequently, the SA DPD is contrary to adopted Local Plan Policies DP25 and DP30 which looks to the SA DPD to address the need for specialist accommodation, including extra care. It is further contrary to the NPPF and NPPG which recognises the need to provide accommodation for older people is critical and directs that Local Planning Authorities should set out clear policies to address need.
- 7.3 The SA DPD is therefore **“Unsound”** and not **“Legally Compliant”** and objections are made to the following:
- Policy SA11: (Additional Housing Allocations), where it fails to include Hazeldens Nursery as an allocation for C2 extra care; and
  - The proposals map where it fails to include Hazeldens Nursery as an allocation for extra care.
- 7.4 Allied to the above, we seek the inclusion of a new policy to positively address and support the provision of extra care on non-allocated sites to meet the significant identified need.
- 7.5 We further object to the Council’s evidence base informing the SA DPD, specifically with regards to those listed below, where they do not consider the need for specialist accommodation and no other evidence has been prepared in this regard.
- 7.6 Evidence base documents objected to:
- Sustainability Appraisal (incorporating Strategic Environmental Assessment), Regulation 19, July 2020; and
  - Infrastructure Delivery Plan, Regulation 19 Version, March 2020.

- 7.7 In summary, it is demonstrated that the SA DPD is **“Unsound”** and not **“Legally Compliant”** because it fails to consider and address the identified need to deliver specialist accommodation, specifically extra care, contrary to Local Plan Policies DP25 and DP30, and National planning policy.
- 7.8 For the DPD to be found **“Sound”** and **“Legally Compliant”**, the need for specialist accommodation must be re-visited in the DPD, through the allocation of Hazeldens Nursery for extra care housing development, following the grant of permission. In addition, a further policy must be included to aid the delivery of additional extra care units to address the significant residual unmet need based on out up-to-date assessment.

## **APPENDIX 1**

### **Site Location Plan**



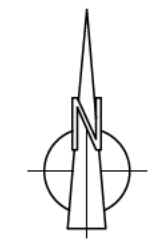


NOTES

Licence No. 100007359. DO NOT scale from this drawing.  
Contractors, Sub Contractors and Suppliers are to check all relevant dimensions and levels of the site and building before commencing any shop drawings or building work. Any discrepancies should be recorded to the Architect.  
Where applicable this drawing is to be read in conjunction with the Consultants' drawings.

REV	DESCRIPTION	DATE	AUTH	CHK'D
A	Issued for Planning	07.03.19	MK	

KEY:



PLANNING



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PROJECT  
**London Road**  
Albourne  
For: Retirement Villages

DRAWING  
**Location Plan**

SCALE	DATE	AUTHOR	CHK'D
1:1250 @ A3	Mar 19	MK	

JOB NO.	DRAWING NO.	REV
RET1150215	LP.01	A

CLIENT REF.

## **APPENDIX 2**

### **Hazeldens Appeal Decision**

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## 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

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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: RETI150215 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: RETI150215 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-20<sup>th</sup> 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 19<sup>th</sup> 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-20<sup>th</sup> 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 19<sup>th</sup> 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 rent<sup>1</sup>. 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-

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<sup>1</sup> 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 <b>Queen's Counsel</b>
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 3**

### **Regulation 18 Representations**



# HAZELDENS NURSERY, ALBOURNE

MID SUSSEX DISTRICT COUNCIL DRAFT SITE ALLOCATIONS DPD  
(REGULATION 18) CONSULTATION  
CONSULTATION RESPONSE

On Behalf of  
Retirement Village Development Ltd & Nottcuts Ltd

November 2019

**HAZELDENS NURSERY, ALBOURNE**  
**MID SUSSEX DISTRICT COUNCIL DRAFT SITE ALLOCATIONS DPD**  
**(REGULATION 18) CONSULTATION**  
**CONSULTATION RESPONSE**  
**ON BEHALF OF**  
**RETIREMENT VILLAGES DEVELOPMENT LTD & NOTTCUTS LTD**  
**NOVEMBER 2019**

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## APPENDICES

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**APPENDIX 2: Care Needs Assessment**

**APPENDIX 3: Planning Statement**

**APPENDIX 4: Assessment of Site Against the Site Selection Methodology Paper**

## 1.0 INTRODUCTION

### i) Overview

- 1.1 These representations are prepared by Barton Willmore LLP on behalf of Retirement Villages Developments Ltd (RVD) and Nottcutts Ltd, in response to Mid Sussex District Council's (MSDC) Regulation 18 Site Allocations DPD (SA DPD) consultation.
- 1.2 On behalf of our client RVD, we are promoting the comprehensive development of Hazelden Nursery, Albourne for a C2 extra care development – see Site Location Plan (**Appendix 1**). The Site has previously been promoted through the Council's Call for Sites to inform the "Strategic Housing and Economic Land Availability Assessment", site ref 58. The Site has also been subject to recent planning applications for extra care development. The most recent application, (ref DM/19/1001) for 84 units. These representations are made within this context and the context of the Adopted Development Plan and prevailing Government Guidance.

### ii) Scope and Summary of Representations

- 1.3 These representations are submitted in respect of MSDC's Regulation 18 SA DPD, October 2019 and object to policies:
- SA10: Housing; and
  - SA11: Additional Housing Allocations
- 1.4 They also object to the Council's evidence base informing the SA DPD, specifically with regards to:
- The Site Selection process;
  - Sustainability Appraisal, October 2019; and
  - Infrastructure Delivery Plan, October 2019.
- 1.5 In summary, it is demonstrated that the SA DPD is **"Unsound"** on the basis that it:
- Fails to adequately and appropriately plan to meet its minimum housing requirement, as set out in Local Plan Policy DP4; and

- Fails to consider and address through evidence and the site allocations the identified need to deliver specialist accommodation, specifically extra care, contrary to its Local Plan evidence base, Local Plan Policies DP25 and DP30, and National planning policy.

1.6 For the DPD to be found **"Sound"**, the need for specialist accommodation must be re-visited and specific sites allocated for that purpose. Section 6 of these representations demonstrates that the Site at Hazelden Nursery, Albourne, is "suitable", "available", "deliverable" and therefore "developable". Its inclusion in the SA DPD for extra care accommodation would significantly contribute to meeting the identified need and contribute to making the DPD **"Sound"**.

## 2.0 NATIONAL CONTEXT

- 2.1 This section provides an overview of the National context in relation to the delivery of housing development for older people including Extra Care developments, with reference to the National planning policy. This provides important context to the SA DPD, which must be **“Consistent with National Planning Policy”**, a key test of **“Soundness”**.

### i) Background – An Ageing Population

- 2.2 There is a chronic undersupply of suitable housing for older people in the UK with retirement properties making up just 2% of the UK housing stock (approximately 533,000 homes). To put this into perspective, the over-65 population is approximately 10 million and the over-60 population is approximately 14 million. Evidently, the demand for suitable housing for older people significantly outweighs the supply which ‘The Top of the Ladder’ report published by DEMOS in 2013 has labelled ‘the next housing crisis’. Since 2013, this issue has remained largely unaddressed and the gap between supply and demand has continued to intensify and pose challenges for society.
- 2.3 In addition to the DEMOS Report, an All-Party Parliamentary Group (APPG) called ‘Housing our Ageing Population: Panel for Innovation (HAPPI)’ - commissioned by the Homes and Communities Agency (HCA), on behalf of Communities and Local Government (CLG) and the Department of Health (DoH) – has been looking at the housing needs and opportunities for older people. The Group has produced a series of Inquiry reports over the last 10 years on Housing for an Ageing Population. The first of these reports was published in 2009 and explains that UK housing provision widely assumes that as we age we will wish to stay put in family homes acquired over a lifetime – often houses with gardens – even though the priorities that led us to choose these homes no longer apply. As a result, there is little housing choice for those who do wish to move. This reinforces the notion that moving is always a last resort.
- 2.4 In 2012, an Inquiry was held to consider progress towards the adoption of the recommendations and the design criteria set out in HAPPI. The second report (HAPPI2) discussed what more could be done to scale up the provision of new forms of housing to accommodate the demand of an ageing UK population. It also found there were far reaching benefits from developing good quality housing for older people, including a reduction in health and social care costs, as well as the freeing up of family housing. It made a series of recommendations to create movement in the housing market, improve the health of older people and create new housing options for younger people and families. One of these recommendations included:



**“Working alongside local authorities, the Homes and Communities Agency should lead in championing HAPPI to ensure that a clear targeted strategy for housing older people forms part of every local plan and that, where necessary, appropriate sites are brought forward specifically to fill any identified shortfall in market provision”**

- 2.5 In 2015, the Group held four inquiry sessions with industry leaders to ascertain best and innovative practice, exploring different service options and advocating for improvement in standards and practice in the management of retirement properties. Its third report (HAPPI3) looks at the older person buyers. The survey research for the Group to support this report (carried out by DEMOS) suggests that about a quarter of owners over 60 years old are interested in 'rightsizing', creating a potential market of some 30,000 buyers per annum – five times the current programme of the specialist private sector providers.
- 2.6 In April 2018, the Group published its inquiry findings (HAPPI4). It warns that growing numbers of older people in rural areas will face a 'huge challenge to their independence and well-being' as their homes become unsuitable. By 2039, nearly half of rural households will be aged over 65, while the gap between the average age in rural and urban areas continues to widen. HAPPI 4 states policy makers must "recognise the growing housing needs of older people in the countryside". Amongst a series of recommendations, the Inquiry calls for the creation of extra care housing 'hubs' in rural areas to bring services for an ageing population together into a single space, while recommending that every Local Plan contains specific sites for new housing of older people, including much needed housing solutions developed by rural landowners, local councils, housing associations, community land trusts and/or almshouses.

## **ii) National Planning Policy Framework (NPPF)**

### Older Persons Housing

- 2.7 On 19 February 2019, the revised National Planning Policy Framework (NPPF) was published by Central Government, setting out its planning policies for England and how these are expected to be applied, in both plan-making and decision-taking and in achieving sustainable development. This includes supporting the objective of significantly boosting the supply of homes, including the needs of groups with specific housing requirements. To assist in this objective, the NPPF (para 61) requires Local Planning Authorities (LPAs) to consider, inter alia:

**“... the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable**

**housing, families with children, older people, students, people with disabilities, ..."** (Our emphasis)

2.8 The NPPF Annex defines "older people" as:

**"People over or approaching retirement age, including the active, newly retired through to the very frail elderly; and whose housing needs can encompass accessible, adaptable general needs housing through to the full range of retirement and specialised housing for those with support or care needs."**

2.9 Local Plans should plan positively for the development and infrastructure required in the area to meet the objectives, principles and policies of the Framework. This should be undertaken using robust and up-to-date evidence about the economic, social and environmental characteristics and prospects of the area. This includes meeting the specialist housing needs for older people. The recently updated (26 June 2019) National Planning Practice Guidance (NPPG) addresses "housing for older people" more specifically. The introduction of such specific guidance only goes to further demonstrate the seriousness of the shortfall in such provision, which needs to be addressed now.

2.10 This guidance explains (Para: 001 Ref ID: 63-001-20190626) that:

- The need to provide housing for older people is critical. People are living longer lives and the proportion of older people in the population is increasing. In mid-2016 there were 1.6 million people aged 85 and over; by mid-2041 this is projected to double to 3.2 million [our emphasis]; and
- Offering older people, a better choice of accommodation to suit their changing needs can help them live independently for longer, feel more connected to their communities and help reduce costs to the social care and health systems.

2.11 Therefore, an understanding of how the ageing population affects housing needs is something that must be considered from the early stages of plan-making through to decision-taking.

2.12 The guidance goes on to explain that:

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

older people needed across the plan area throughout the plan period [our emphasis].

Paragraph: 006 Reference ID: 63-006-20190626.

- Allocating sites can provide greater certainty for developers and encourage the provision of sites in suitable locations. This may be appropriate where there is an identified unmet need for specialist housing [our emphasis]. The location of housing is a key consideration for older people who may be considering whether to move (including moving to more suitable forms of accommodation). (Para: 013 Ref ID: 63-013-20190626).
- Plan-making authorities will need to count housing provided for older people against their housing requirement. For residential institutions, to establish the amount of accommodation released in the housing market, authorities should base calculations on the average number of adults living in households, using the published Census data. (Para: 016 Ref ID: 63-016-20190626).

### **iii) Conclusions**

- 2.13 There is a wealth of evidence (that has also been Government initiated), which demonstrates that there is a current and growing need for specialist housing for the elderly. This need is to be addressed through the planning system with Local Plans identifying the need for different forms of specialist accommodation and positively planning for these in a range of locations, to provide for better choice. Extra Care accommodation is just one form of specialist housing for the elderly that should be positively planned for.

### 3.0 SITE ALLOCATIONS DPD

#### i) Housing Requirement – Policy SA10

- 3.1 Policy DP4: Housing, in the Adopted MSDC Local Plan, sets out a minimum District housing requirement of 16,390 dwellings between 2014 -2031 [our emphasis]. In order to meet the planned requirement, the policy further commits the Council to the preparation of a Site Allocations DPD, the subject of this consultation.
- 3.2 At the time the Local Plan was adopted, the residual figure to be addressed in the SA DPD was 2,439 dwellings. This has since reduced to 1,507 dwellings, after taking into account additional sites that have come forward, higher housing completions, an uplift in the windfall allowance (taking account of the amended definition in the NPPF, 2019) and including additional sites delivered through Neighbourhood Plans.
- 3.3 Whilst it is acknowledged that the planned figure of 1,962 dwellings (as set out in SA DPD Policy SA10) is above the residual requirement of 1,507 (taking into current supply and commitments). The Council's approach, leaves very limited flexibility should any sites be delayed or fail to come forward, leaving a buffer of just 477 dwellings (2.7%) over the total minimum requirement of 16,390 homes.
- 3.4 Whilst the definition of "windfall sites" has been 'tweaked' in the NPPF 2019, the previous definition did not preclude greenfield sites being counted. The Council's now proposed approach doubles the windfall allowance, only a year on from the adoption of the Local Plan when a higher figure was not considered justified and the planning policy background has not materially changed.
- 3.5 The Council's approach, also potentially double counts housing already planned for in Neighbourhood Plans and is already accounted for in terms of overall housing numbers, as set out in the housing delivery table in the Adopted Local Plan (pg 37).

#### ii) Conclusions

- 3.6 In the context of the above and Local Plan Policy DP4, which expressly sets out the housing requirement as a 'minimum', Policy SA10 is not **"Justified"** considering the evidence, is not **"Effective"** where it fails to properly and positively plan to meet its housing requirement and therefore fails to be **"Positively Prepared"**. Consequently, the DPD is found **"Unsound"**. This is notwithstanding that the housing figures fail to take into account the need for specialist accommodation, as addressed further below.

### iii) Additional Housing Allocations – Policy SA11

#### *Need for Extra Care*

- 3.7 In 2016, 18% of people in the UK were aged 65 and over, with 2.4% aged 85 and over. Moreover, the proportion of people aged 85 and over is projected to double over the next 25 years<sup>1</sup>. As acknowledged in the MSDC Adopted Local Plan (para 2.9) 18.1% of the population is of retirement age (aged over 65). This equates to approximately 25,314 residents in the District. There is also a projected increase in people aged over 85 years living in Mid Sussex from 2.8% to 3.3% by 2021 and new development will need to meet the changing needs of residents. These trends reflect the National picture.
- 3.8 As evidence to the now Adopted Local Plan, MSDC prepared a Housing and Economic Development Needs Assessment (HEDNA), last updated in August 2016. The August 2016 addendum updated the Council's position in respect of the provision of accommodation for older people specifically and recognises the "significant housing challenge" posed by the aging National and local population. It identifies the need for Extra Care accommodation (amongst other forms for specialist accommodation) as follows:

**Table 1: Extract from HEDNA, August 2016 Addendum**

	<b>2014 Demand</b>	<b>2014 Supply</b>	<b>Need</b>	<b>2031 Demand</b>	<b>Need (2031 demand vs 2014 Supply)</b>
<b>Extra Care</b>	<b>330</b>	<b>210</b>	<b>120 (36%)</b>	<b>555</b>	<b>345 (62%)</b>
Rent	241	154	87(36%)	405	215(62%)
Purchase	89	56	33 (37%)	149	93(62%)

- 3.9 The above assessment of need is derived from the 'LIN Shop' and the HEDNA reports that there is an existing shortfall in supply of extra care accommodation of -36% increasing to - 62% with a total shortfall of at least 345 units by 2031.
- 3.10 It is generally welcomed that the Council has acknowledged a need for Extra Care accommodation. Notwithstanding, as detailed in the supporting "Needs Assessment" prepared in support of application for the development at Hazelden Nursery (application ref DM/19/1001 - see attached **Appendix 2**), it is strongly contested that the HEDNA significantly

<sup>1</sup> House of Commons Communities and Local Government Committee Housing for older People Second Report of Session 2017–19 (published February 2018).

underestimates the actual need which is not being met. The actual unmet need now is calculated as at least 462 units, of which 75% need to be for sale (367 units), with the undersupply of for sale units increasing to **604 units** by 2030.

- 3.11 The "Needs Assessment" further challenges the tenure split in the HEDNA, which is based on the current tenure split, projected forward to calculate future demand. Since the existing tenure split is a product of a largely unplanned pattern of provision, this approach is fundamentally flawed and based on an erroneous misunderstanding and application of the Shop@tool (as has been confirmed to RVD by Housing LIN) and as such no regard should be had to it. The figures provided above (as taken from the Needs Assessment), therefore reflect the prevalence of owner-occupation as the current tenure preference of older people in Mid Sussex.
- 3.12 In preparation of the SA DPD, the Council has not looked to update its assessment of need for specialist accommodation, now 3 nearly 4 yrs out of date. The HEDNA 2016 Addendum is therefore the only available evidence base, although the DPD does not rely on it (see Sections 3 and 4) and is in need of updating to address the points above.
- 3.13 Notwithstanding, the requirement to specifically address the identified need for specialist accommodation, including the need for extra care, is recognised in Adopted Local Plan Policies DP30: Housing Mix and DP25: Community Facilities and Local Services. The policies expressly set out that the need for specialist accommodation and that any identified shortfall in its supply will be considered in the SA DPD.

#### *Extra Care Supply*

- 3.14 Policies DP7, DP10 and DP11 relate to strategic development sites. The policies for each set out that a mix of housing should be provided, including housing for older people. The exact type and quantum of housing for older people within each development site is however undefined. In accordance with Policy DP30, at its most basic level this could include the provision of bungalows - which is not a specialist form of accommodation (as identified in the 'need' section above) and does not meet the identified need for extra care.
- 3.15 In respect of the Burgess Hill site (DP7) an Outline planning application has been determined for 3,040 dwellings including 60 extra care homes (identified as use class C3). In respect of the Hassocks site (DP11) an Outline application has been made for up to 500 new homes, which includes no reference to or commitment to providing any form of accommodation for older persons. In respect of the development at Pease Pottage (DP10) an application was approved in 2016 for 600 dwellings including a 48-bed hospice care facility together with 22

bungalows for the elderly (12%) as an element of the affordable housing provision. Whilst forming part of the wider pattern of provision of housing for older people and specialist needs, neither of these addresses the need for extra care housing.

- 3.16 It is therefore evident that the sites on which the Local Plan is wholly reliant in delivering specialist accommodation for older people will not address the identified need for specialist older persons accommodation or need for extra care accommodation specifically. In short, the problem will continue to worsen.
- 3.17 In respect of other sources of potential elderly accommodation, there are 16 Neighbourhood Plans currently 'Made' in the District, the majority of which were made before the New Local Plan came into effect with time horizons until 2031. Several of the plans seek to deliver small units of accommodation for the aging population of those settlements to downsize into. The only Neighbourhood Plans that seek elderly provision include Horsted Keynes which make a specific allocation for 8 No. extra care units as an extension to an existing care home/sheltered housing facility and Haywards Heath which identifies a Site for the provision of 20 bungalows (identified for C2 use). There are no other specific provisions or policy support for the delivery of specialist older persons accommodation.
- 3.18 What this means in terms of future supply going forward is that there are only 88 potential extra care units identified, against a need now for 492 units (as identified in the Need Assessment), leaving a residual shortfall of at least 404 units now (72%) which will increase to at least 516 units by 2030<sup>2</sup>.
- 3.19 The above demonstrates, that the Adopted Local Plan is wholly reliant on the SA DPD to identify and address any shortfall.

#### *Allocation of Sites for Extra Care*

- 3.20 Of the 22 housing sites proposed for allocation in the SA DPD, only one allocation (Site SA20) has a requirement to deliver specialist accommodation in the form of a "C2, care community". The scale of the "community" is undefined and it may not provide for extra care accommodation. However, regardless it would not be of sufficient size to satisfy the significant need (at least 404 units), which will continue to prevail.

<sup>2</sup> The provision of the hospice and elderly bungalows at Pease Pottage are discounted since they go towards meeting other forms of housing need for the elderly (not extra care).



- 3.21 Having reviewed the other potential allocations (all allocated for C3 housing) through land registry searches, all sites of a potential size to support an extra care development (50+ units) are optioned by housing developers, except sites SA16 (for 200 homes) and SA25 (for 100 homes). The optioned sites will therefore not come forward for other forms of accommodation. Whilst sites SA16 and SA25 do not currently appear to be optioned, they are allocated for C3 housing, which achieves land values that extra care housing and other forms of specialist accommodation cannot compete with. They would therefore also fail to contribute to meeting the identified need.
- 3.22 It is therefore “essential” that the SA DPD allocates suitable sites, such as that being promoted at Hazelden Nursery, (considered further in Section 6), to meet the extra care housing requirement.
- 3.23 The requirement to meaningfully and positively address the need for specialist accommodation has recently been considered through the examination of the Oxfordshire Local Plan. The Inspector examining the Plan in September 2019, found that policies relating to specialist housing for older people to be “ineffective”, as set out in the excerpt from the Inspector’s Questions ‘Initial Questions and Comments’ below. Furthermore, they specifically sought details of a site identification process for specialist housing, where the Plan was failing to address the identified need.

**“Policy H13: Specialist Housing for Older People**

**Firstly, and very importantly, it does not allow for private sector developers or operators in this field to bring forward suitable sites for this type of housing.**

**Secondly, the first part of the policy is only a statement of intent that the Council will identify locations, which is insufficient. It is not clear when such a site identification process would take place or how it would be brought to bear on the planning process.**

**Thirdly, it does not adequately identify or promote the variety of different forms of development that come under this heading, including retirement villages, sheltered accommodation, extra care housing, nursing/care homes and others.**

**Finally, given the evidence of current and future need for this form of development and the issues involved in identifying and allocating housing land, have the Council considered whether there is a case for some form of exception policy?”**

- 3.24 Whilst the above relates to a “generic” policy regarding the provision of older peoples accommodation, there are obvious parallels with the MSDC, where the proposed SA DPD fails to allocate sites, despite the identified need and contrary to the adopted Local Plan. The SA DPD is therefore similarly “ineffective”.

#### iv) Conclusions

- 3.25 We object to Policy SA11, which is **not “Sound”**. This on the basis;

- It fails to be **“Positively Prepared”** where it neglects to meet the identified need for specialist accommodation, specifically extra care;
- The failure to allocate sufficient sites to meet the need for extra care housing is contrary to Adopted Local Plan Policies DP25 and DP30 and therefore fails to be **“Justified” and “Effective”**
- The DPD is not **“Consistent with National Policy”** as it disregards para 61 of the NPPF and the PPG (Housing for Older and Disabled People).

- 3.26 It is therefore concluded that the SA DPD is **“Unsound”**.

## 4.0 APPROACH TO SITE SELECTION

4.1 This Section assesses the Council's Evidence Base and reviews if the Evidence Base underpinning the Site Selection process and DPD itself is appropriate.

### i) Site Selection Process

4.2 The Council's site selection process was informed by a "sifting process" as follows:

- Stage 1: Call for Sites and Preparation of the SHELAA
- Stage 2: High Level Site Assessment
- Stage 3: Detailed Site Assessment
- Stage 4: Further Evidence Testing.

4.3 The Site has been assessed at Stages 1 and 2, starting with the SHELAA (Site ref 58), with an identified potential yield for 132 units. It was assessed as "suitable" and identified to progress to "stage 2". It was further identified as "available" and "achievable".

4.4 The Stage 2 "High Level Assessment" assessed the Site solely against Local Plan Policies DP4: Housing and DP6: Settlement Hierarchy. The criteria used to make the assessment were:

1. The degree of connectivity between each site and its 'host' settlement. This principally being if a site was located within 150m of the defined settlement boundary; and
2. The size of each site relative to its settlement's position on the hierarchy and its indicative housing requirement.

4.5 The Site did not pass this stage. No specific justification is provided within the "High Level Assessment" document as to why it did not pass the above criteria. This is especially in the light that the Site is positioned within 150m of the settlement boundary (circa 110m) and is accessible by road and foot. Furthermore, the assessment assessed the Site with a capacity of 50 dwellings (not 132, as per the Stage 1 SHELAA). Notwithstanding, that the Site has capacity for a greater number of dwellings and development at this scale or larger is not considered to be excessive relative to the settlement - which has a residual housing requirement of 39 dwellings (see Appendix A to the Site Allocations DPD). **There is therefore no clear justification for the removal of the Site as this stage.**

- 4.6 Notwithstanding, the above criteria result in a fundamentally flawed selection process. The criteria do not provide for any qualitative analysis of proposed 'uses' of submitted sites i.e. could it contribute to meeting a specific identified need such as for specialist accommodation/extra care. In failing to take into account such criteria, the Council has removed its ability to meet the needs identified in its own evidence base (HEDNA, August 2016) - which identifies a significant need for extra care accommodation and is written into the Local Plan to be addressed through the Site Allocations DPD (Policies DP25 & 30).
- 4.7 The Stage 2 criteria therefore takes a too 'broad brush' approach based solely on geographical location and settlement hierarchy, as opposed to considering the different uses that have been promoted through the SHELAA and an assessment if there are overriding circumstances that would warrant Stage 2 being passed – i.e. if sites meet a specific identified need such as for extra care housing.
- 4.8 The need to deliver extra care housing (and other forms of specialist accommodation) should have therefore been an essential consideration at the outset to accord with the Adopted Local Plan, the NPPF (para 61) and the PPG guidance that specifically supports the provision of and allocation of sites for specialist accommodation where there is an identified unmet need (reference 006 Ref ID: 63-0013-20190626).
- 4.9 The 'broad brush' nature of the above criteria is further emphasised when considering that development models for extra care deliver onsite services and facilities to meet the needs of its residents and can also contribute to the wider sustainability of the host settlement, such as providing access to a local shop. It is therefore not correct to simply discount sites based on a host settlements current levels of access to services and facilities. The assessment further fails to acknowledge that extra care developments, which need a critical mass of at least 50 units (to ensure developments are affordable to residents and create a sense of community) can serve more than one settlement. They can therefore be a "shared facility" amongst settlements, particularly in the case of Category 3 settlements (this includes Albourne) where the sharing of facilities amongst these settlements is entirely characteristic (see Table on pg 36 of the Local Plan).
- 4.10 In the context where Albourne has been identified to deliver at least 57 dwellings (of which 39 are residual), this represents only 0.3% of the total housing required for the District. The allocation of an extra care development of 84 dwellings (as is being proposed) either in addition or as part of its residual housing requirement, would only result in Albourne required to deliver 0.8% of the housing growth. This is considered to be within the parameters of the settlement hierarchy but importantly would deliver a specific and specialist need. Providing developments across the settlement categories, would also provide greater choice and mix of

sites (NPPF, para 67) and contribute to meeting the needs of older people in the rural areas, which often face the greatest challenges (HAPPI4).

- 4.11 The need to provide for specialist accommodation, including extra care, was also not a consideration in further rounds of site testing which informed subsequent site selection. The site selection process is therefore fundamentally flawed.

## **ii) Sustainability Appraisal**

- 4.12 The Sustainability Appraisal (SA) does not identify the need for specialist accommodation (beyond residential nursing care) as a sustainability issue or problem to be addressed. It also does not identify the need for specialist accommodation, particularly for the elderly, as an indicator for Social Objective 1, "to ensure that everyone has the opportunity to live in a home suitable for their needs and which they can afford" (pg 32). Focusing solely on housing completions generally and provision of affordable housing.
- 4.13 Section 6 of the SA does not acknowledge the findings of the HEDNA, August 2016, in respect of the need for other forms of specialist housing outside C3 housing. Nor does it address the requirements of Policies DP25 or DP30, which looks to the Site Allocations DPD to consider allocating sites for specialist accommodation to meet identified needs where there is a shortfall.
- 4.14 The SA fails to address elderly accommodation and is wholly not in accordance National policy. The SA is silent on elderly accommodation and has therefore misdirected the Site Allocation DPD into not considering the need to allocate extra care accommodation.

## **iii) Conclusions**

- 4.15 The Site Allocations DPD is **not "Sound"**. This on the basis that:
- The site selection process underpinning the Site Allocations Document is fundamentally flawed as it has failed to have **any** regard to addressing the identified unmet need for extra care. The evidence base is not robust and is therefore not proportionate. It is not **"Justified"**.
  - The Site Allocations DPD is contrary to the Adopted Local Plan, Policies DP25 and DP30 and is therefore not **"Effective"** as it will not deliver the requirements of the Local Plan

- The DPD is not "**Consistent with National Policy**" as it disregards para 61 of the NPPF and the PPG (Housing for Older and Disabled People).

## 5.0 ADDITIONAL SUPPORTING EVIDENCE

*Mid Sussex Infrastructure Delivery Plan (IDP), September 2019*

- 5.1 Whilst it is acknowledged that the IDP focuses on the infrastructure and community facilities required to support the proposed site allocations. It fails to acknowledge the need to provide for specialist accommodation, such as extra care accommodation, which the Local Plan (pg 74) specifically lists as a "community facility" and should be planned for in the Site Allocations Document, as set out in Local Plan Policy DP25.
- 5.2 The need to deliver specialist accommodation must therefore also be addressed in the IDP and should have been formative to the Site Allocations Document so that it is **"Justified"** and **"Effective"**.



## 6.0 HAZELDEN'S NURSERY, ALBOURNE

- 6.1 Hazelden's Nursery, Albourne (the Site, see **Appendix 1**) has previously been promoted for the development of specialist extra care accommodation through the SHELAA (site ref 58), which it considered for 132 units.

### i) The Site & Immediate Area

- 6.2 The Site is a former horticultural nursery (Hazelden), with managed grassland, native and non-native tree belts, and built form, including a single dwelling. The use of the land as a horticultural nursery ended in 1990. Areas of hardstanding remain, associated with the former use. The Site has an approx. area of 4.3 ha and is accessed from the London Road, the principal road serving the settlement.
- 6.3 The Site is well contained by established tree belts and is easily accessible by a range of transport modes. A number of PROWs also run along the boundaries of the Site. Whilst the Site lies outside the defined settlement boundary, it is contiguous with the built up area, with development immediately to the north of the Site (a very large utilitarian Brethren Meeting Hall) and housing development immediately opposite to the east. Development also extends beyond the Site to the south.
- 6.4 Opposite the Site to the east, there is a line of residential properties which extend along the London Road and include four Grade II Listed Buildings (Elm House, Mole Manor, Tipnoaks and Hillbrook House). Outside the Site on its south-west corner is 'Spurk Barn' (also in residential use) which MSDC has identified as a non-designated heritage asset. Albourne Conservation Area is positioned to the north, which the Site is positioned some distance from. For reasons set out in the supporting Planning Statement (**Appendix 3**), the identified heritage assets are not considered to prevent the development of the Site. The Council's SHEELA assessment of the Site confirmed the development of the Site would not have a negative effect on the Conservation Area and Areas of Townscape character. It also identified that mitigation 'may' be necessary where it 'may' effect the Listed Buildings, but this was not identified as a constraint to development.
- 6.5 The Site is not subject to any environmental or landscape designations and further details on the Site context is contained in the Planning Statement appended.

## ii) Proposed Development

6.6 The Site is being promoted for inclusion in the SA DPD for C2 extra care development comprising the following elements:

1. 84 extra care units comprising a mixture of apartments and cottages;
2. Club House or also known as the Central Facilities Building including:
  - Shop;
  - 2 no. workshops;
  - Foyer including offices for staff, administration and care operators;
  - Library;
  - Lounge;
  - Restaurant and bar; and
  - Treatment and function rooms.

6.7 The development will be designed to be a community that will operate as a single planning unit, with restrictions on occupation, being both age (at least 1 person per household/unit aged at least 65yrs) and being in need of 'care'. A minimum of two hrs of care is also to be provided per week to that household/ unit. Residents, staff and visitors will also have access to a site mini-bus serving the development.

6.8 As already indicated, the Site has been subject to an application for the above development, which is described in more detail in the attached Planning Statement (**Appendix 3**). As outlined in that statement, the development of the Site would secure wider community benefits for Albourne, including:

- Access to the Local shop (where there currently isn't one in the village);
- Delivery of speed calming measures to the London Road, as supported by the Albourne Neighbourhood Plan;
- Provision of artisan workshops, supporting aspirations in the Albourne Neighbourhood Plan; and
- Proposals will deliver local employment opportunities.

### *Planning History*

6.9 The aforementioned planning application (DM/19/1001), was for the development described below:

**Outline Application for an Extra Care Development of up to 84 Units (Comprising of Apartments and Cottages) associated communal facilities, 2no. 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 also include the demolition of the existing bungalow on the Site. All matters to be reserved except for access.**

6.10 The development was refused planning permission on 26 July 2019 for 4No. reasons summarised as follows:

1. Impact on the rural character of the countryside & need for the development;
2. Lack of affordable housing provision/S106 infrastructure;
3. Unsustainable location; and
4. Impact of heritage considerations.

6.11 As the District Council is aware, RVD is to Appeal this decision.

*Technical Considerations & Sustainable Development*

6.12 Notwithstanding the reasons for refusal the supporting Planning Statement (**Appendix 3**) demonstrates that the Site is suitable for extra care provision with the proposals securing a sustainable form of development, that will significantly contribute to meeting an identified and growing need for extra care accommodation that is not otherwise being met.

6.13 Furthermore, in considering the application we can confirm that no technical objections were raised in respect of the development proposals in terms of:

- Highway access and traffic impact;
- Contamination/Ground Conditions;
- Drainage & Flood Risk;
- Ecology;
- Archaeology; and
- Trees.

6.14 MSDC further concluded in conducting its Habitat Regulations Assessment, that the proposals are not likely to contribute to any significant effects on the Ashdown Forest SAC.

6.15 Whilst the Council did not assess the Site through the detailed site assessment process (Stage 3), we have run the exercise separately, see **Appendix 4** attached, based on the Council's

Site Selection Paper 2 – Methodology for Site Selection. As demonstrated by the assessment, the Site and the development proposals perform very well against the criteria and as such the Site is considered suitable for selection.

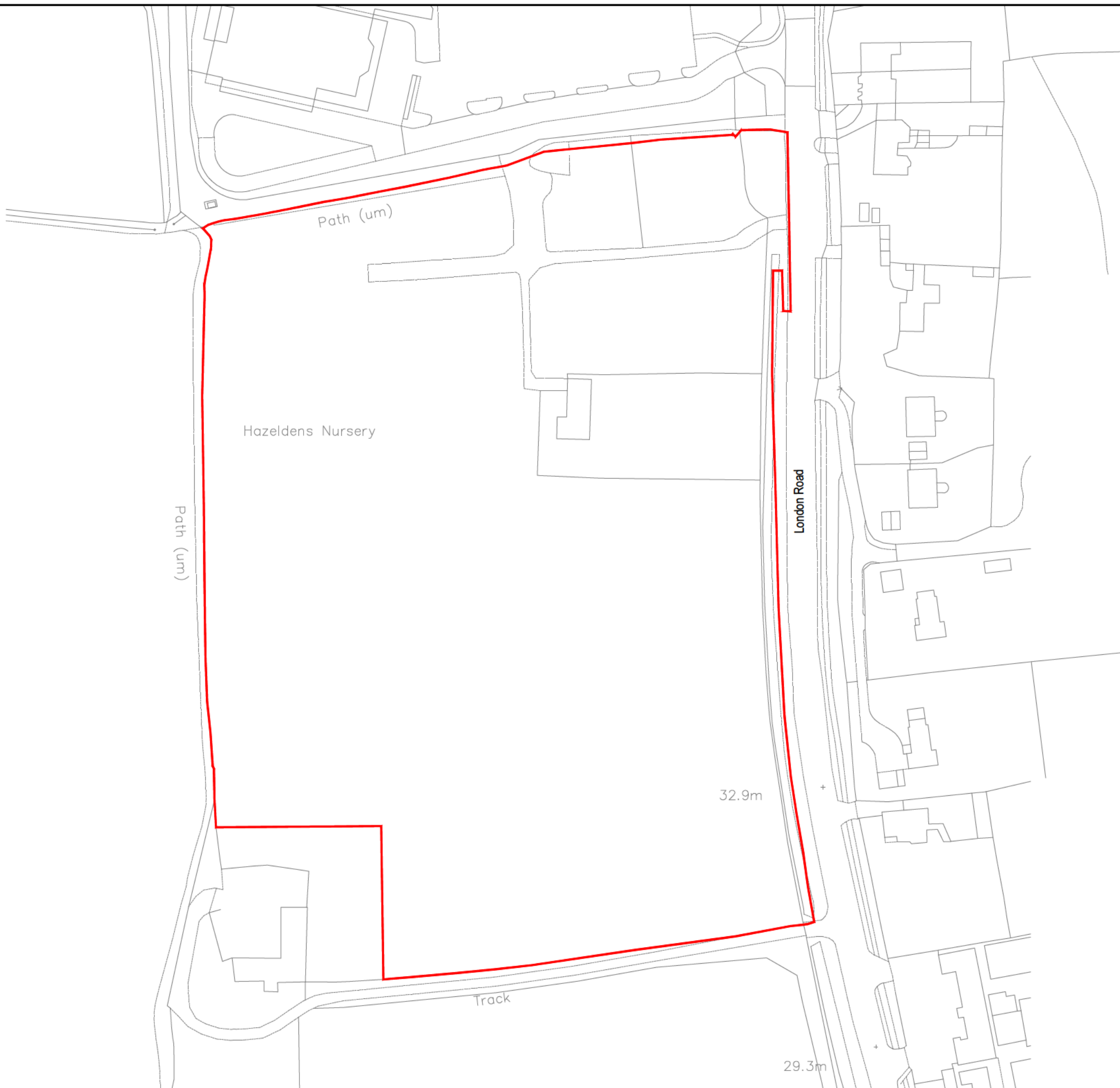
## 7.0 CONCLUSIONS

7.1 Sections 2 to 5 of these representations demonstrates that the Regulation 18 Site Allocations Development Plan Document:

- Fails to adequately and appropriately plan to meet its minimum housing requirement, as set out in Local Plan Policy DP4; and
- Fails to consider and address through evidence and the site allocations the identified need to deliver specialist accommodation, specifically extra care, contrary to its Local Plan evidence base, Local Plan Policies DP25 and DP30, and National planning policy.

7.2 For the DPD to be found **"Sound"**, the need for specialist accommodation must be re-visited and specific sites allocated for that purpose. Section 6 of these representations demonstrates that the Site at Hazelden Nursery, Albourne, is "suitable", "available", "deliverable" and therefore "developable". Its inclusion in the SA DPD for extra care accommodation would significantly contribute to meeting the identified need and contribute to making the DPD **"Sound"**.

**APPENDIX 1**  
**Site Location Plan**

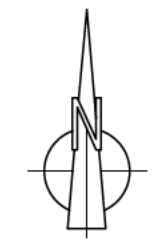


NOTES

Licence No. 100007359. DO NOT scale from this drawing.  
Contractors, Sub Contractors and Suppliers are to check all relevant dimensions and levels of the site and building before commencing any shop drawings or building work. Any discrepancies should be recorded to the Architect.  
Where applicable this drawing is to be read in conjunction with the Consultants' drawings.

REV	DESCRIPTION	DATE	AUTH	CHK'D
A	Issued for Planning	07.03.19	MK	

KEY:



PLANNING



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PROJECT

London Road

Albourne

For: Retirement Villages

DRAWING

Location Plan

SCALE	DATE	AUTHOR	CHK'D
1:1250 @ A3	Mar 19	MK	

JOB NO.	DRAWING NO.	REV
RET1150215	LP.01	A

CLIENT REF.



## **APPENDIX 2**

### **Care Needs Assessment**



**Needs report in support of  
the proposed development of  
84 Extra Care Apartments by  
Retirement Villages at  
Albourne, Mid-Sussex.**

**Nigel Appleton**

**1<sup>st</sup> March 2019**



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# **1 The case for the development in summary**

1.1 Whilst the crucial role of appropriate housing and the widest range of options for older people is widely recognised, problems in achieving an appropriate supply that reflects the current tenure preferences of older people remain.

1.2 The role of specialised housing in achieving desired policy outcomes is outlined in various policy documents from both Ministry of Housing and Local Government and Department of Health and Social Care. The absence of appropriate accommodation and care options for many older people is recognised, both in Government consultation documents and in research. The limited options faced by older home-owners are well recognised and the role of the planning system in alleviating this difficulty is clearly identified.

1.3 Mid-Sussex has recognised the requirement to address the needs of its ageing population through expansion and diversification of specialised accommodation. Their thinking is informed by analysis undertaken by West Sussex County Council in their role as the Welfare Authority.

1.4 The foundations for the policy approach were established almost a decade ago and seem not to have changed fundamentally in that time. There is a desire to avoid over reliance upon institutional forms of care and to encourage housing based models as a positive alternative.

1.5 The development proposed for Albourne meets the aspirations set out in these policy documents from both County and District authorities.

1.6 Local policy and strategic plans recognise the particular situation of Mid-Sussex in relation to the ageing of its population and acknowledges the need to provide options for older people in all tenures.

1.7 An incidental benefit of offering more, and more attractive, options to older people for their accommodation and care is that family-sized accommodation will be released by their move to specialised housing.

1.8 In relation to the age of its population the profile of Mid-Sussex sits above the national average, those sixty-five years of age and over will continue to increase in absolute terms and as a proportion of the whole population. Those in the oldest cohorts will increase significantly through the period with more than twice as many people eighty-five years of age and over at the end of the period to 2035 with an impact on demand for both specialised accommodation and care services.

1.9 The older population in Mid-Sussex is projected to increase at a fairly uniform rate, the numbers of all those sixty-five years of age and over will

increase by forty-eight percent by 2035. In terms of impact of demand for care services the projected increase in those eighty-five years and above, at more than double their current number by 2035, is more significant

1.10 In the absence of appropriate accommodation options pressures will increase on higher-end services, such as Registered Care Homes providing Personal Care and Registered Care Homes providing Nursing Care.

1.11 Those having difficulty with one or more domestic tasks will increase between 2017 to 2035 from 12,562 to 20,291. A failure to manage these tasks often persuades older people, or their relatives, of the need to move to a high care setting when their needs would be better met in specialised accommodation, such as that proposed in this application.

1.12 Similarly those experiencing difficulty with at least one task of personal care are projected to rise from 10,319 in 2017 to 16,653 in 2035. This may contribute to additional demand for specialised accommodation and will have a direct impact on demand for care home places.

1.13 Those eighty-five years of age and over show an increase of around 108% in the period to 2035 in those who will have difficulty in managing at least one mobility task on their own.

1.14 To demonstrate the challenges to health, social care and specialised housing provision in Mid-Sussex arising from the ageing population we include data relevant to the need for higher end provision. The scheme proposed by Retirement Villages for Albourne responds to the range of needs evidenced in this data.

1.15 Mid-Sussex exceeds the national trend toward owner-occupation as the dominant tenure for older people. Levels of owner-occupation among older people in Mid-Sussex are significant at nearly 85%% for those between 65 and 74 years of age. In the oldest age group the level of home ownership may be depressed by lack of options for owner-occupation in specialised accommodation but remains significant at around 76%.

1.16 Taking tenures together and comparing with the whole population it would appear that levels of provision of specialised housing for older people are above national averages.

1.17 The provision of leasehold retirement housing is far short of requirements to achieve equity of options between tenures. For those older people who are owner-occupiers the ratio of provision for retirement housing for sale per thousand is 78.15. Whilst for those older people who are renters the comparable ratio per thousand is 366.31. Expressed in this way, as a standardised ratio, it is

clear that older homeowners in Mid-Sussex are very significantly disadvantaged in securing the specialised accommodation they need.

1.18 The growth of Extra Care Housing schemes is at the forefront of national and local policy. Whilst there is a current level of provision that reflects the promotion of this model by County and District authorities this is still well short of what is required.

1.19 Whilst the 2016 Addendum to the HEDNA reports a clear shortfall in provision of Extra Care units for both sale and rent limitations in the application of the SHOP@ Tool which was used to make the calculations has provided a marked under-estimate, as we show in Section Three of this report. On our modelling there is a current shortfall of nearly five hundred Extra Care units to meet needs in the District.

1.20 The increase in the numbers of those 75 years of age and over within the local population by the end of the Plan period would extend that requirement

1.21 The provision of a more adequate supply of Extra Care housing for homeowners to purchase on long-lease will provide an environment of choice in which independence can be sustained. This development, proposed by Retirement Villages for Albourne in Mid Sussex, makes a substantial contribution toward the availability of a more adequate level of provision for older homeowners looking for an environment in which their changing needs can be met.

## **2 The case for the development in national policy and Guidance**

2.1 National policy guidance has been consistent through successive administrations. The headlines of this consensus have been to encourage the maintenance of independence for older people for as long as possible, retaining them in their own homes where possible. Where a move is required to meet care needs the preference has been for Extra Care rather than increasing dependency on registered care homes.

### **Laying the Foundations: A Housing Strategy for England, 2011, DCLG<sup>1</sup>**

2.2 Half of all households in England are older 'established homeowners'. Some 42 per cent are retired and 66 per cent own their own home outright. As life expectancy increases, more of these households will need support to remain in their homes in later life. Limited choice in the housing market makes it difficult for older households to find homes that fully meet their needs.

2.3 The Government is committed to ensuring that housing and planning policies positively reflect the wide range of circumstances and lifestyles of older people, who already occupy nearly a third of all homes. Nearly two thirds (60 per cent) of the projected increase in the number of households from 2008–33 will be headed by someone aged 65 or over.

2.4 Planning homes and communities that enable older people to remain economically active, involved with their families, friends and community and able to choose where and how they live not only makes financial sense but also results in a better, more inclusive society.

2.5 Good housing for older people can enable them to live healthy, independent lives and reduces pressure on working families in caring for older relatives. It can also prevent costs to the NHS and social care. For some older people a move to a smaller, more accessible and manageable home can also free up much-needed local family housing.

2.6 New housing developments also need to make suitable provision for our ageing population in the long term. Ensuring a mix of property types, including Lifetime Homes, will help to provide the diversity and choice needed to support longer term independent living. The Lifetime Homes standard is widely adopted in mainstream housing developments and incorporates a range of features which makes homes more accessible and easily adaptable. Future needs will vary

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<sup>1</sup> [www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/7532/2033676.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/7532/2033676.pdf) (Accessed 11/01/2017)

Laying the Foundations: A Housing Strategy for England, 2011, DCLG. Page 2. Para. 3. Page 48. Para's 6-8. Page 49. Para 8.



considerably at a local level and the number of Lifetime Homes within each development should be made at a local level, in proportion to local need and aligned with other local housing support and information services

### **Funding Initiative to stimulate provision and modernization of Specialised Housing for older people.**

October, 2012<sup>2</sup>

2.7 In October, 2012 Care and Support Minister Norman Lamb announced a renewal of funding to encourage the provision, or modernisation, of specialised accommodation for older people. Local authorities were encouraged to bid for part of a £300 million pot of money which will boost the supported housing market and help people grow old in their own homes. The aspiration of the initiative was that it should help create thousands of extra houses and flats specially designed for the needs of disabled and older people who need extra support. The Minister recognised that high quality, innovative housing can help people stay independent for longer by allowing them to receive care and practical help in their own home, reducing the need for them to go into care homes. Specialised housing available for owner occupation or shared ownership was a particular target for this initiative.

2.8 The broader benefit of freeing family sized housing in all sectors was endorsed by the recognition that specially designed housing of this kind can give people the option to downsize from a larger home to a more manageable property designed for their needs.

### **Market assessment of housing options for older people,**

Pannell J, Aldridge H and Kenway P, May 2012, New Policy Institute.<sup>3</sup>

2.9 The study focused on the 7.3 million older households in mainstream or specialist housing in England (excluding care homes) which contain no-one below the age of 55.

- Around one-third of all households are older households. This proportion applies across most regions except for the South West (40 per cent) and London (22 per cent).

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<sup>2</sup> [www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/377023/care\\_and-support\\_specialised\\_housing\\_fund\\_prospectus.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/377023/care_and-support_specialised_housing_fund_prospectus.pdf) (Accessed 11/01/2017). **Care and Support Specialised Housing Fund Prospectus**. October 2012. Department of Health, Homes & Communities Agency.

<sup>3</sup>

[www.npi.org.uk/files/5213/7485/1289/Market\\_Assessment\\_of\\_Housing\\_Options\\_for\\_Older\\_People.pdf](http://www.npi.org.uk/files/5213/7485/1289/Market_Assessment_of_Housing_Options_for_Older_People.pdf) (Accessed 11/01/2017) **Market assessment of housing options for older people**, Pannell J, Aldridge H and Kenway P, May 2012, New Policy Institute.

- 76 per cent of older households are owner-occupiers and most own outright; 18 per cent are housing association or council tenants, while 6 per cent are private sector tenants.
- 42 per cent of older households aged 55 to 64 are single, and this proportion increases with age.
- About 7 per cent of older households (530,000) live in specialist housing where a lease or tenancy restricts occupation to people aged over 55, 60 or 65. Most of these schemes are provided by housing associations and offer special facilities, design features and on-site staff. Around 10 per cent of specialist dwellings are in schemes offering care as well as support.
- 93 per cent of older people live in mainstream housing. As well as 'ordinary' housing, this includes housing considered especially suitable for older people due to dwelling type (e.g. bungalows), design features (including 'lifetime homes') or adaptations (e.g. stair lifts).

2.10 Supply of and demand for specialist housing: the research confirmed that there is limited choice for older people who want to move to both specialist and alternative mainstream housing, in terms of tenure, location, size, affordability and type of care or support. Despite the majority of older people owning their homes outright, 77 per cent of specialist housing is for rent and only 23 per cent for sale. There are significant regional variations: the extremes are the North East (only 10 per cent for sale) and the South East (37 per cent for sale).

2.11 There has been recent interest, but slow progress, in developing different housing options for older people and in integrating these within mainstream new housing developments (which could attract older people who prefer to remain in mixed-age communities). There is extensive evidence on what older people are looking for and whether they stay put or move. Two bedrooms is the minimum that most older people will consider, to have enough space for family visitors, a carer, storage, hobbies, or separate bedrooms for a couple. Analysis of moves by older households in the last five years within the private sector (rent or owner-occupier) shows that 87 per cent move into a dwelling with two or more bedrooms. Yet much specialist housing is small (one-bedroom or sheltered bedsits). Some specialist housing is poorly located and there have been concerns about withdrawal of scheme-based staff. Depending on the method of estimation used, the projected growth in the older population requires an increase in the stock of specialist housing of between 40 per cent (200,000) and 70 per cent (350,000) over the next 20 years.

## National Planning Policy Framework, February 2019<sup>4</sup>

2.12 The Government updated the National Planning Policy Framework published in 2012 with the publication of a new Framework Document in July 2018, subsequently updated in February 2019. In relation to the needs of older people it has little directly to say, beyond including them in the list of those whose particular accommodation needs should be taken into consideration in forming local plans.

“Within this context, 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**<sup>5</sup>, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes).”  
(Para 61)

2.13 The volume, location and characteristics of new homes to be provided, including those intended for occupation by older people, has to be assessed, using one of the methodologies identified in guidance:

“To determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance – unless exceptional circumstances justify an alternative approach which also reflects current and future demographic trends and market signals. In addition to the local housing need figure, any needs that cannot be met within neighbouring areas should also be taken into account in establishing the amount of housing to be planned for.” (Para 60)

2.14 Alongside the economic and environmental objectives of the planning process the introduction to the Framework identifies a “social objective”

“b) **a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible

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<sup>4</sup> Nation Planning Policy Framework, Ministry of Housing, Communities and Local Government, July 2018, Cm 9680

<sup>5</sup> The Glossary to the NPPF provides the following definition for “Older People” within the Framework and Guidance:

“**Older people:** People over or approaching retirement age, including the active, newly-retired through to the very frail elderly; and whose housing needs can encompass accessible, adaptable general needs housing through to the full range of retirement and specialised housing for those with support or care needs.”

services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being;" (Para 8 b)

### **Planning Practice Guidance, September 2018<sup>6</sup>**

2.15 Planning Practice Guidance has been updated to reflect the priorities of the new National Planning Policy Framework issued in July 2018 and cited above. The Guidance seeks to mitigate the negative effect on the estimation of future housing need of the most recent population projections issued by the Office for National Statistics in May 2018. These suggest both total populations and the rate of ageing in local populations to be advancing at a slower rate than previously predicted. If this were used to reduce housing targets this would be in direct opposition to the policy priority of Government to increase housing supply over the next few years.

2.16 Within the section "How should the needs for all types of housing be addressed?" the Guidance draws attention to the importance of taking the needs of older people into account:

"The need to provide housing for older people is critical as people are living longer lives and the proportion of older people in the population is increasing. The National Planning Policy Framework glossary provides a definition of older people for planning purposes, which recognises their diverse range of needs. This ranges from active people who are approaching retirement to the very frail elderly. The health and lifestyles of older people will differ greatly, as will their housing needs. Strategic policy-making authorities will need to determine in relation to their plan period the needs of people who will be approaching or reaching retirement as well as older people now."

2.17 In relation to estimating the needs of older people in the section "How should the needs for all types of housing be addressed?" the Guidance offers the suggestion that, in addition to considering the need for general housing that allows older people to age in place, planners will need to have regard to the different styles of specialised accommodation for older people, reflecting the diversity of need and preference within the older population. Using Census data as their starting point planners may use one of a number of on line toolkits:

"The age profile of the population can be drawn from Census data. Projection of population and households by age group can also be used. Strategic policy-making authorities will need to consider the size, location and quality of dwellings needed in the future for older people in order to allow them to live independently and safely in their own home for as long as possible, or to move to more suitable accommodation if they so wish."

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<sup>6</sup> Nation Planning Practice Guidance, Ministry of Housing, Communities and Local Government, September 2018,

Supporting independent living can help to reduce the costs to health and social services and providing more options for older people to move could also free up houses that are under occupied.

The future need for specialist accommodation for older people broken down by tenure and type (e.g. sheltered, enhanced sheltered, extra care, registered care) may need to be assessed and can be obtained from a number of online tool kits provided by the sector. Evidence from Joint Strategic Needs Assessments prepared by Health and Wellbeing Boards also provide useful evidence for plan-making authorities. The assessment can also set out the level of need for residential institutions (Use Class C2). Many older people may not want or need specialist accommodation or care and may wish to stay or move to general housing that is already suitable, such as bungalows, or homes which can be adapted to meet a change in their needs. Local authorities will therefore need to identify the role that general housing may play as part of their assessment.”

### **Care Act, 2014<sup>7</sup>**

2.18 The Care Act 2014 sought to set a new baseline in relation to the provision of social care for adults. It re-defines roles, responsibilities and boundaries, setting out arrangements for the new world of personal budgets.

2.19 A priority within the Act was promoting inter-agency collaboration, both between Adult Social Care and Health and with other agencies, such as housing, in statutory, commercial and third sectors. It places a strong emphasis on services that contribute to well-being and delay or divert the requirement for more intensive forms of care.

### **Fixing our broken housing market. February 2017<sup>8</sup>**

2.20 In relation to the assessing of housing requirements the White Paper asserts that the current system is complex and lacks transparency. The need for a more consistent approach and one that takes account of the needs of particular groups within each community with older people being particularly mentioned:

“The current approach to identifying housing requirements is particularly complex and lacks transparency. The National Planning Policy Framework (NPPF) sets out clear criteria but is silent on how this should be done. The lack of a standard methodology for doing this makes the process opaque for local people and may mean that the number of homes needed is not fully recognised. It has also led to lengthy debate during local plan

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<sup>7</sup> [www.legislation.gov.uk/ukpga/2014/23/contents/enacted](http://www.legislation.gov.uk/ukpga/2014/23/contents/enacted) (Accessed 11/01/2017) **Care Act 2014**

<sup>8</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/590464/Fixing\\_our\\_broken\\_housing\\_market\\_-\\_print\\_ready\\_version.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/590464/Fixing_our_broken_housing_market_-_print_ready_version.pdf)

examinations about the validity of the particular methodology used, causing unnecessary delay and wasting taxpayers' money. The Government believes that a more standardised approach would provide a more transparent and more consistent basis for plan production, one which is more realistic about the current and future housing pressures in each place and is consistent with our modern Industrial Strategy. This would include the importance of taking account of the needs of different groups, for example older people". (Para 1.2)

2.21 In a subsequent section further reference is made to the need to take account of the needs of an ageing society

"Whatever the methodology for assessing overall housing requirements, we know that more people are living for longer. We propose to strengthen national policy so that local planning authorities are expected to have clear policies for addressing the housing requirements of groups with particular needs, such as older and disabled people." (Para 1.16)

2.22 The White Paper embraces the proposition that an appropriate range of options in accommodation for older people not only supports a better quality of life for older people it also offers benefits to the health and social care systems:

"Offering older people a better choice of accommodation can help them to live independently for longer and help reduce costs to the social care and health systems. We have already put in place a framework linking planning policy and building regulations to improve delivery of accessible housing. To ensure that there is more consistent delivery of accessible housing, the Government is introducing a new statutory duty through the Neighbourhood Planning Bill on the Secretary of State to produce guidance for local planning authorities on how their local development documents should meet the housing needs of older and disabled people. Guidance produced under this duty will place clearer expectations about planning to meet the needs of older people, including supporting the development of such homes near local services. It will also set a clear expectation that all planning authorities should set policies using the Optional Building Regulations to bring forward an adequate supply of accessible housing to meet local need. In addition, we will explore ways to stimulate the market to deliver new homes for older people". (Para 4.42)

2.23 In the following paragraph the benefit of encouraging older people to move and release under-occupied property back into the market is also recognised as a worthwhile goal:

"Helping older people to move at the right time and in the right way could also help their quality of life at the same time as freeing up more homes for other buyers. However there are many barriers to people moving out of

family homes that they may have lived in for decades. There are costs, such as fees, and the moving process can be difficult. And they may have a strong emotional attachment to their home which means that where they are moving to needs to be very attractive to them and suitable for their needs over a twenty to thirty year period. There is also often a desire to be close to friends and family, so the issues are not straightforward". (Para 4.43)

2.24 In addition to setting out plans to consult with a wide range of stakeholders to bring forward new ideas in relation to the housing and support of older people, the White Paper contains a commitment that the Government will go on funding the various forms of specialised housing for older people:

"These (*stakeholder consultations*) will sit alongside the Government commitments to fund and develop supported housing, including sheltered, step down and extra care housing, ensuring that the new supported housing funding model continues to provide the means for older people to live independently for longer while relieving pressure on the adult social care system". (Para 4.44)

### **3 The context in local policy**

3.1 Some of the policy documents are now beyond their original term but provide a baseline for understanding the intentions of the local authority in relation to an ageing population over an extended period.

#### **A Housing Strategy for Mid Sussex 2009-2014<sup>9</sup>**

3.2 The 2009 to 2014 Housing Strategy drew attention to the ageing of the population of Mid-Sussex:

“Of particular note with regard to the Housing Strategy are the implications of the ageing population for housing related care and support. Increasingly the national policy emphasis has been on enabling people to stay in their own homes, which means that lower-level housing-related support needs are likely to increase on a similar scale. This also means promoting the building of new housing, which is capable of meeting the changing needs of households throughout their lifetimes”.

3.3 The role of appropriate housing and housing related services to achieving positive outcomes in relation to independence and well-being are recognised:

“Suitable housing underpins people’s ability to meet their full potential, to live independently and to integrate with the community. This objective acknowledges the trend in housing related support for vulnerable groups of allowing more people to be supported in their own homes and greater empowerment for people to make their own decisions. It is also about having safe and attractive neighbourhoods in which to live by building inclusive communities. This means working to tackle such issues as community safety, worklessness and financial inclusion.”

3.4 In relation to Older People the need to align the approaches of housing, health and social care is acknowledged and reflected in the preparation of the Housing Strategy:

“Mid Sussex is predicted to have an increasingly ageing population with a 50% increase in the 65+ age group by 2026. The Council has developed Older Persons’ Housing Strategy in partnership with West Sussex County Council Adult Services and with input from the local health sector.”

3.5 The Strategy reviews the existing pattern of provision but appears to focus only on need in the affordable sector:

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<sup>9</sup> [http://www.midsussex.gov.uk/media/2934/housing\\_strategy\\_2009-14\\_final\\_october\\_20091.pdf](http://www.midsussex.gov.uk/media/2934/housing_strategy_2009-14_final_october_20091.pdf)



“Currently we have a broad range of sheltered housing for older people across the district. There is at least one sheltered scheme in virtually every parish, which is particularly important in rural areas so that people are able to remain within their community. We have both basic sheltered accommodation with on site or visiting scheme manager providing support and also four extra care schemes where there is on site care delivered to frail older people.”

## **Mid Sussex District Council Refreshed Housing Strategy 2012-2014<sup>10</sup>**

3.6 As the Introduction to the document makes clear this is not a new housing strategy but a refreshed version of the 2009-2014 Housing Strategy, benefiting from reflection on the existing Strategy as it reached its mid-point.

3.7 Among the factors that are recognised as achieving greater prominence is the aspiration to make better use of the existing housing stock by encouraging those who may be under-occupying to move to more appropriate accommodation. The focus to date appears to have been exclusively on tenants of social rented stock but the same issues arise across tenures: “right-sizing” requires alternatives that are both appropriate and attractive.

“Progress has also been made in tackling under-occupation in social housing across the District through the “Does your Home fit you” campaign. Under-occupiers tend to be older people and the scheme has been run with Affinity Sutton and Age UK. It has targeted under-occupying Affinity Sutton tenants to move and free up badly needed family size accommodation. It also promoted help to move for older people, working with Age UK, who provide a support service called “Your home- your choice”.”

3.8 Among the challenges embraced in this refreshing of the Housing Strategy is a commitment to deliver the Older Persons Strategy and encourage building to Lifetime Homes Standards.

3.9 The challenge of modernising the stock of specialised housing for older people is acknowledged but, again, the focus is heavily upon tenants of social rented properties although the same needs arise among that majority of older people that are home owners:

“We are working with providers to review their sheltered/retirement properties which are not fit for purpose for the future because they are not accessible to people with limited mobility or those who are wheelchair

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<sup>10</sup> <https://www.midsussex.gov.uk/media/1262/refreshed-housing-strategy-2012-2014.pdf>

users, or because they provide studio accommodation which is not popular. We are encouraging the provision of new housing for older people which is attractive, flexible and fully wheelchair accessible and which provides both 1 and 2 bed units. Such accommodation will be fit for the future as people's needs change and will enable their care and support needs to be met at home".

## **Mid Sussex District Council Housing and Economic Development Needs Assessment (HEDNA) February 2015<sup>11</sup>**

3.10 The Housing and Economic Development Needs Assessment points to the ageing of the local population as a major consideration in projecting future needs:

"Changing demographics are a key driver of change in the housing market and are a key influence on housing demand, both now and in the future."  
(Para 4.110)

"The age profile set out in Figure 26 indicates that although there is growth in a number of the young and middle age brackets, the age profile of Mid Sussex is ageing. It is expected that for the period to 2031, there will be significant general growth in the age groups 65+, male and female."  
(Para 4.114)

"The population of those aged 60+ (females) and 65+ (males), is expected to increase by 44% or about 14,400 persons, from 32,509 persons at 2014 to 46,921 persons at 2031. This is proportionally much more than the forecasts of overall population increase, which indicates an increase of 13.5%, or about 19,360 persons from 142,890 to 162,250 persons and outstrips the growth of those considered to be of an economically active age, which are expected to increase only by 3.8%, or about 2,980 persons, from 79,110 persons to 82,093 persons." (Para 4.116)

3.11 From this analysis the conclusion is that appropriate accommodation to meet the needs of older people, including that majority that are home owners, will be a major factor in future requirements:

"An ageing population is a national issue which poses a significant housing challenge and the ageing population structure in Northern West Sussex, including Mid Sussex, is likely to be a significant influence on future housing needs and requirements." (Para 4.143)

"Analysis of future need at 2031 arising from population and household estimates highlights that the majority of need arising in Mid Sussex over

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<sup>11</sup> [https://www.midsussex.gov.uk/media/3155/hedna-march\\_2015.pdf](https://www.midsussex.gov.uk/media/3155/hedna-march_2015.pdf)

the plan period will be for elderly persons (75+) with the majority of such households being 1 or 2 person households.” (Para 4.144)

3.12 Referring to the findings of the 2009 SHMA the authors conclude:

“Research undertaken for this document continues to indicate a significantly ageing population in Mid Sussex, and supports the conclusions reached by the 2009 SHMA. As indicated, the needs of the older age groups are more specialised and fragmented than the general market needs of younger age groups and there is increasing emphasis on independent living; therefore it is beyond just suggesting an uplift to the supply of the stock of smaller ‘general houses and apartments’. However, it is likely that an element of increased supply of smaller ‘general housing’ for this group is required, and when combined with the need for such sized dwellings with other groups, this adds to the overall significant need for such smaller properties, paying attention to ensuring that they are suitable and adaptable toward future needs, and including the provision of bungalows where possible.” (Para 4.148)

## **Mid Sussex District Council Housing and Economic Development Needs Assessment (HEDNA) Addendum, August 2016**

3.13 This document, in addition to evaluating the significance of the now largely discounted 2016 Household Projections offers more detailed treatment of the need for specialised accommodation for older people and may be read as continuing the consideration quoted in the immediately preceding paragraphs.

“This section is an addendum to the Mid Sussex Housing and Economic Needs Assessment (HEDNA) published February 2015 and updated November 2015 on the matter of housing for older people, provision of specialist accommodation or care. It should be read in conjunction with these documents.” (Para 2.1)

3.14 It goes on to rehearse the projections showing the ageing of the local population, provides a limited description of the types of specialised accommodation to be considered and makes assertion about the appropriate Use Class to be allocated to each of the models it describes. In doing to it shows the danger of conflating accommodation described as “Enhanced Sheltered Housing” and “Extra Care”, concluding that both should generally be seen as falling into Use Class C3. “Enhanced Sheltered Housing” generally differs from Sheltered or Retirement Housing only by the provision of limited additional facilities and services which rarely, if ever, provide a robust context or an increasingly frail population. Such developments may therefore fall into Use Class C3: Dwellings. Extra Care developments, on the other hand, in meeting the

generally adopted definitions of this model will by their design and the provision of onsite care services offer a more robust model which is increasingly accepted as falling into Use Class C2: Care.

3.15 The Addendum reports the application of the SHOP@ Tool produced by the Housing Learning and Improvement Network (Housing LIN), one of the tools recommended in NPPG 2016 for the estimation of future need. The caveat to be entered in reviewing the use of this tool is that it depends upon the assumptions entered into it. Unless adjusted appropriately it depends heavily upon current prevalence: thus if there is a current under-supply it will, unless adjusted, perpetuate that level of under provision.

3.16 The results reported in the Addendum show a shortfall (the Table at paragraph 2.15 terms this “Need”, being the difference between “Need and Supply”) in Extra Care for purchase of 33 in 2014, rising to 93 by 2031. We believe this to be a substantial under estimate. The driver for that under estimate is clearly a failure to adjust the settings of the SHOP@ Tool to reflect the actual tenure balance among older people in Mid Sussex.

3.17 Even a cursory examination of the “Need” / Shortfall shown in the Table at Paragraph 2.15 shows that tenure among older people has not been adequately factored into this calculation. For the 15% of older people who are in tenures other than home ownership<sup>12</sup> it projects a “Demand” / Need for 241 units in 2014, rising to 405 by 2031. For the 85% of older people who are homeowners it projects a “Demand” / Need for 89 units in 2014, rising to 149 by 2031.

3.18 Further evidence of the inadequate calibration of the SHOP@ Tool is found in the projections for “Demand” / Need for Registered Care beds where the settings of the Tool should have been adjusted to take account of policy imperatives. Policy direction and commissioning behaviours both indicate a reduction in reliance upon Registered Care beds providing Personal Care, with Extra Care units being seen as a preferable alternative<sup>13</sup>. This is balanced by a steadily increasing reliance upon Registered Care beds providing Nursing Care for those with the highest levels of physical and mental frailty. The projections shown in the table perversely suggest an increase in Personal Care beds and a reduction in those registered for Nursing Care.

3.19 Taken together the limitations of the calculations of future requirements for specialised accommodation to meet the needs of an ageing population in Mid Sussex contained in the Addendum show that cannot be considered as sufficiently robust. Current supply of Extra Care accommodation for older homeowners in particular falls even further short of requirements, both now and in the future, than the Addendum suggests.

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<sup>12</sup> See Table Eleven in Section Six following

<sup>13</sup> See, for example “Needs Analysis for Supported Housing in West Sussex” cited below, para 3.29 and following.

## **West Sussex Strategic Housing Market Assessment District Summaries: Mid Sussex May 2009<sup>14</sup>**

3.20 The Strategic Housing Market Assessment draws attention to the rate at which the older cohorts within the population of Mid Sussex are projected to increase:

“Between 2006 and 2026 Mid Sussex is predicted to have the most significant increase in the population aged 65 and over, with a 50% increase in that age group expected over the next 20 years. There is also expected to be a substantial increase in those aged over 85 years (31%) over this time period.” (Para 6.2)

3.21 The implications of this trend for housing provision are spelt out:

“It will be important to provide an appropriate choice of housing for older people. This should include both specialist accommodation, particularly in the form of extra care housing as an alternative to residential care, which should be considered at an early stage in planning for larger strategic developments.” (Para 6.2 cont)

## **Northern West Sussex – Mid Sussex Strategic Housing Market Assessment Update October 2012<sup>15</sup>**

3.22 The growth of older single person households is identified with the opportunity, by providing appropriate housing options, to improve the effective use of the current housing stock:

“The majority of household growth is expected to result from increasing single person households. However a high proportion of these are existing older households who already have housing. There is some, albeit limited, potential to support older households to downsize, releasing supply of larger housing for other groups. We recommend that the Northern West Sussex Housing Market local authorities establish specific policies that support provision of flexible and specialist housing appropriate for older persons, through both public and private sector provision. This will help to release supply of larger housing for younger households and improve use of the existing stock.” (Para 5.22)

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<sup>14</sup> [http://www.midsussex.gov.uk/media/3471/mid\\_sussex\\_district\\_summary\\_may\\_2009\\_\\_2\\_.pdf](http://www.midsussex.gov.uk/media/3471/mid_sussex_district_summary_may_2009__2_.pdf)

<sup>15</sup> [http://www.midsussex.gov.uk/media/3472/nws\\_shma\\_report\\_mid\\_sussex\\_final.pdf](http://www.midsussex.gov.uk/media/3472/nws_shma_report_mid_sussex_final.pdf)

## **Mid Sussex District Plan 2014 – 2031 Adopted March 2018<sup>16</sup>**

3.23 The ageing of its population is prominent in the challenges facing Mid Sussex cited in the Local Plan:

“According to the 2011 Census, 18.1% of the Mid Sussex population are aged 65 and over, and the Office of National Statistics has projected that this will increase to 21.2% by 2021. There is also a projected increase in people aged over 85 years living in Mid Sussex from 2.8% to 3.3% by 2021 and new development will need to meet the changing needs of residents.”

3.24 Citing the North West Sussex SHMA Update the Local Plan sets out the complexity of assessing the need for additional smaller units of housing and the influence upon these calculations of existing households of older people choosing to “right-size”:

“The North West Sussex Strategic Housing Market Assessment Update (2012) sets out that the majority of household growth is expected to result from increasing single person households within the area. Whilst a high proportion of these are existing older households who already have housing, there will be a significant need for smaller dwelling types over the plan period, with the majority of new households forming (70%) being one or two person households with a very high proportion of need arising for elderly persons (aged 75 years and over), with the majority of such households also being one or two persons.”

3.25 The Local Plan documents the commitment of the Authority to a broad and cross-tenure approach to meeting the needs of older people:

“The Council supports the provision of flexible general market housing and specialist accommodation or care appropriate for older persons through both public and private sector provision. Providing suitable and alternative housing for older people can free up houses that are otherwise under occupied.”

3.26 There is a welcome recognition of the lesser impact that C2 schemes, including Extra Care, will have on local communities:

“Whilst more attention may need to be paid towards matters of design, neighbouring land uses and security, schemes falling within Use Class C2 are considered to usually have a lesser impact on existing communities,

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<sup>16</sup> <https://www.midsussex.gov.uk/media/3406/mid-sussex-district-plan.pdf>

for instance through lower vehicle usage levels and reduced parking requirements. For this reason, provided the scheme makes efficient use of land, any site considered appropriate for housing development would be positively considered for such older person accommodation through the decision making process.”

3.27 The Authority commits to site allocations to meet the need for Specialised Accommodation for older people falling into Use Class C2:

“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.”

## **Mid Sussex Sustainable Communities Strategy<sup>17</sup>**

3.28 Prominent among the challenges identified in the Sustainable Communities Strategy is that presented by an ageing population:

“The needs of an ageing population need to be given particular consideration. Between 2011 and 2021 the proportion of the local population who are over 65 is predicted to rise from 18.2% to 21.2%, or 32,000 people.”

## **Needs Analysis for Supported Housing in West Sussex.**

### **Version 1<sup>18</sup>**

3.29 West Sussex County Council, as the Welfare Authority, sets out a clear position in relation to Residential Care:

“Residential care does meet peoples care needs and considerable improvements have been made in recent years to improve the quality of life for customers. However, it does have significant draw backs. The loss of personal space can be almost institutionalising and encourage people to group in the communal space. It can also mean they are less encouraged to do things they used to do or to learn new skills. There is a natural rhythm to care homes and it is difficult for customers to live at their own pace.” (Para 2.7)

3.30 The relative inflexibility of institutional forms of care is a particular concern:

“One important aspect is that it is much harder for customers to tailor their care to meet their own personal needs. It is very much a one size fits all

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<sup>17</sup> [https://www.midsussex.gov.uk/media/3094/ep3\\_sustcommstrategy17.pdf](https://www.midsussex.gov.uk/media/3094/ep3_sustcommstrategy17.pdf)

<sup>18</sup> <http://www2.westsussex.gov.uk/ds/mis/080409as22a.pdf>

approach. Also, if the customer is unhappy with their care then they have no alternative but to move to another residential care provider.” (Para 2.8)

3.31 The ability to disaggregate the various categories of need and the general flexibility of housing based models is to be preferred:

“With supported housing there is a different approach. The customers housing needs are separated from their care needs and one does not financially subsidise the other. The customer has a property which meets their needs whether these be physical (i.e. it is a wheelchair adapted property), support in terms of undertaking everyday tasks and emotional or behavioural support. Usually the property will be more than just a bedroom, having a bathroom, kitchen and personal living space. The customer will have a tenancy of that property and will therefore have the legal right to grant or refuse entry, to claim benefits such as housing benefit and to live there for as long as they meet the terms of the tenancy.” (Para 2.9)

“The separation of the housing needs from the care needs means the customer has greater choice over how their care needs are met. Whilst there will often be a basic package of support all residents contribute to (e.g. to cover night support) they can shape the rest of their support. Importantly they can change their provider without losing their home. The psychological impact of this change in setting is significant and customers do feel that they are living a more independent life. For all these reasons our research and National Research shows that Supported Housing is very popular with customers.” (Para 2.10)

3.32 Attention is drawn to the ageing of the population of West Sussex and Mid-Sussex is one of the District highlighted as having a rate of ageing at the upper end of the range within the County:

“West Sussex already has a relatively old age profile with 20% of the population aged 65 or more, compared with 16% for England as a whole (ONS estimates, mid-2007). This pattern is expected to persist over the coming years. The population of people over 65 in West Sussex is set to increase by 11% by 2016 and in some Districts (Horsham and Mid Sussex) the change is closer to 25%.” (Para 4.1)

3.33 The impact on need for support of an increase among those in the highest age cohorts is noted:

“The most significant change is the increase in people over 85 as these people are likely to have greater support needs..... It should also be noted that the increase in over 85s is projected to be highest between 2006 and



2016, whereas the increase in overall 75+ population is projected between 2016 and 2026 as “baby boomers” enter older age.” (Para 4.2)

3.34 The basis of the Council’s strategic approach is that the majority of older people will remain in their existing home and may require enhanced services to ensure that this option is sustainable as their needs change:

“The vast majority of older people in West Sussex live in their own homes and a key plank of the County Councils Accommodation Strategy is to increase the support available to older people to help them continue to live at home.” (Para 4.6)

3.35 The two principal models of specialised accommodation for older people are explained in the following terms:

“There are two other main forms of accommodation used by older people. Sheltered Housing Schemes (or retirement schemes) are collections of flats for older people supported by a Scheme Manager who is either residential or, more often these days, operates on a floating basis. The Scheme Manager will not provide personal care but will act effectively as a good neighbour and facilitator. There are 305 sheltered housing schemes in West Sussex.” (Para 4.7)

“The other model is extra care schemes where again the older person has a flat in a block which often has communal facilities attached. In an extra care scheme however personal care and support is available. The level of care varies according to the individuals needs from little or no support almost to the level of support provided in a nursing home.” (Para 4.7 cont.)

3.36 The need for Local Development Frameworks to make provision for private developments of Extra Care that will be available to self-funders (general older homeowners) if the predicted levels of need are to be met, is clearly spelt out:

“However, if self-funders are to have a choice between residential care and extra care some level of private care should be planned for in Local Development Frameworks.” (Para 4.17)

3.37 Attention is drawn to the need to reflect the tenure mix among older people if the whole population of older people is to have access to this preferred model of provision:

“It is important when the future Extra Care Schemes are planned for that a range of tenure types should be provided. Nationally only 15% of extra care housing is owner occupied and this is not in line with the aspirations

of older people particularly in a relatively affluent county like West Sussex.” (Para 4.28)

## **Health and Wellbeing Board Start well, Live well, Age well West Sussex Joint Health and Wellbeing Strategy 2019 - 2024 Consultation Draft<sup>19</sup>**

3.38 The Strategy affirms the aged profile of the population of the county and the increase in life expectancy which is higher than both regional and national levels:

“The county has an older age structure compared with SE and England, 22% of residents are 65+ years compared with 19% in South East and 18% in England)  
Male and female life expectancy has increased and remains above regional and national levels.”

3.39 That the majority of older people are in reasonable health and contribute to their communities is a welcome affirmation of positive messages about the ageing of the community:

“Overall older people in the county are relatively healthy and find the county a great place to live. They play a vital role in contributing to the life of their communities and there is an increase in the numbers continuing in paid employment well past the "traditional" retirement age. Around one in seven provide unpaid care to a family member or friends.”

3.40 The challenges that will arise from chronic health conditions and other risks are also recognised:

“However, with age comes the increased likelihood of living with one or more long term health conditions such as diabetes and arthritis, or sensory impairment, older people are also at increased risk of a fall. In terms of mental wellbeing, although there is an understandable focus on dementia and the increased support people with dementia need, large numbers of older people suffer from depression. All of these result in a reduced quality of life and increased use of services.”

3.41 Loneliness and social isolation are identified as having a negative impact on the well-being of older people:

### **“Our goals**

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<sup>19</sup> [https://haveyoursay.westsussex.gov.uk/public-health/jhw-strategy-consultation/supporting\\_documents/Final%20JHWS%20consultation%20draft.pdf](https://haveyoursay.westsussex.gov.uk/public-health/jhw-strategy-consultation/supporting_documents/Final%20JHWS%20consultation%20draft.pdf)

There is a reduction in the number of older people experiencing loneliness and social isolation

**What we mean**

Good social relationships and engagement in community life are necessary for good mental health, and may offer protection in adversity or where there is exposure to stressors. Anyone can experience social isolation and loneliness.

We know that no single sector can tackle social isolation comprehensively if acting alone: efforts to reduce social isolation require working across all West Sussex organisations and government departments. We will work to ensure joined up service's and use asset-based approaches to support individuals, families, friends and communities.”

3.42 Facilitating the provision of support for those recovering from some experience of ill-health or trauma of some kind, including bereavement, is also seen to be a priority:

**“Our goals**

Older adults stay healthier, happier and independent for longer

**What we mean**

Older people value having choice and control over their lives. We will ensure long and short term support is provided to older people and their carers to maximise independence. In the event of a crisis we will aim to provide enough support to get people ‘back on their feet’ as soon as possible.

Over the longer term there is a need to utilise friends, family and community assets. In every case it is about enabling older people to maximise their quality of life.”

3.43 The opportunities for both formal and informal social engagement, together with good design, appropriate facilities and flexible care and support arrangements which characterise the development proposed by Retirement Villages will help deliver these vital goals.

## 4. The demography of the older population of Mid-Sussex

4.1 The total population of Mid-Sussex, over 65 years of age is projected to rise by around forty-eight percent over the years to 2035. Within this overall growth the steeper rates of increase are to be found within the older cohorts of the population.

**Table One Population aged 65 and over, projected to 2035 Mid-Sussex**

	<b>2017</b>	<b>2020</b>	<b>2025</b>	<b>2030</b>	<b>2035</b>
People aged 65-69	8,300	8,000	8,700	10,200	10,400
People aged 70-74	7,900	8,400	7,600	8,300	9,800
People aged 75-79	5,100	6,200	7,800	7,200	7,900
People aged 80-84	4,200	4,500	5,500	7,100	6,600
People aged 85-89	3,000	3,100	3,600	4,500	5,900
People aged 90 and over	1,800	2,100	2,600	3,200	4,300
<b>Total population 65 and over</b>	<b>30,300</b>	<b>32,300</b>	<b>35,800</b>	<b>40,500</b>	<b>44,900</b>

(Source: Office of National Statistics Census 2016)

4.2 In the period to 2035 the youngest cohort, those aged between sixty-five and sixty-nine shows one of the smallest increases, making an overall rise of 25%. Those in each of the following five-year cohorts increase significantly with the oldest group, those ninety years of age and over, increasing by one hundred and thirty-nine percent. Table Two plots the percentage increase in each age band from the 2017 base.

**Table Two Population aged 65 and over, projected to 2035 Mid-Sussex % Change**

	<b>2017</b>	<b>2020</b>	<b>2025</b>	<b>2030</b>	<b>2035</b>
People aged 65-69	0	-4%	5%	23%	25%
People aged 70-74	0	6%	-4%	5%	24%
People aged 75-79	0	22%	53%	41%	55%
People aged 80-84	0	7%	31%	69%	57%
People aged 85-89	0	3%	20%	50%	97%
People aged 90 and over	0	17%	44%	78%	139%
<b>Total population 65 and over</b>	<b>0</b>	<b>7%</b>	<b>18%</b>	<b>34%</b>	<b>48%</b>

(Source: Office of National Statistics Census 2016)

4.3 Table Three shows the projected increase in the total population for Mid-Sussex from 148,100 in 2017 to 169,700 in 2035, set against the increase in the numbers of people who are over sixty-five years of age and over eighty-five years of age. These two threshold ages are used because sixty-five represents the general point of exit from paid employment and eighty-five is, as will be shown in the next section, a significant threshold for needing specialised accommodation and services.

4.4 The proportions of people sixty-five years of age or over within the total population is above the national average for England, whilst those aged 85 years and over are significantly above the national average for England through the period 2017 to 2035. The disparity widens to the national average over this period.

**Table Three**                      **Total population, population aged 65 and over and population aged 85 and over as a number and as a percentage of the total population, projected to 2035**  
**Mid-Sussex**

	<b>2017</b>	<b>2020</b>	<b>2025</b>	<b>2030</b>	<b>2035</b>
Total population	148,100	152,100	158,600	164,400	169,700
Population aged 65 and over	30,300	32,300	35,800	40,500	44,900
Population aged 85 and over	4,800	5,200	6,100	7,800	10,100
Population aged 65 and over as a proportion of the total population	20.46%	21.24%	22.57%	24.64%	26.46%
Population aged 85 and over as a proportion of the total population	3.24%	3.42%	3.85%	4.74%	5.95%

(Source: Office of National Statistics Census 2016)

4.5 Table Four gives the numbers and percentages for England to provide a comparison.

**Table Four Total population, population aged 65 and over and population aged 85 and over as a number and as age of the total population, projected to 2035 – England**

	<b>2017</b>	<b>2020</b>	<b>2025</b>	<b>2030</b>	<b>2035</b>
Total population	55,640,400	56,862,300	58,769,500	60,524,200	62,104,300
Population aged 65 and over	10,063,400	10,608,700	11,727,200	13,166,900	14,459,300
Population aged 85 and over	1,369,700	1,479,000	1,757,700	2,148,600	2,770,700
Population aged 65 and over as a proportion of the total population	18.09%	18.66%	19.95%	21.75%	23.28%
Population aged 85 and over as a proportion of the total population	2.46%	2.60%	2.99%	3.55%	4.46%

(Figures may not sum due to rounding. Office of National Statistics Crown copyright 2016)

4.6 The significance of these threshold ages is to be found in the convergence of dependency and chronological age. At age sixty five the lifetime risk of developing a need for care services to assist with personal care tasks is 65% for men and 85% for women<sup>20</sup>. The incidence of need for assistance increases substantially with age and is highest for those eighty five years of age and above. As the following tables modelling levels of dependency and need for service demonstrate this increase in the ageing of the population has a direct impact on the need for care and support services and appropriate accommodation.

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<sup>20</sup> David Behan, Director General for Adult Social Care, Department of Health, presentation to a King's Fund Seminar 21<sup>st</sup> July 2009

## **Section summary**

In relation to the age of its population the profile of Mid-Sussex sits above the national average, those sixty-five years of age and over will continue to increase both in absolute terms and as a proportion of the total population. Those in the oldest cohorts will increase significantly through the period with an impact on demand for both specialised accommodation and care services.

The proportion of the older population in Mid-Sussex is projected to increase most significantly within those aged eighty-five and above which will lead to an impact upon the demand for specialised accommodation and care services.

The older population in Mid-Sussex is projected to increase at a fairly uniform rate, the numbers of all those sixty five years of age and over will increase by around forty-eight percent by 2035. In terms of impact of demand for care services the projected increase in those eighty-five years and above, at around one hundred and twelve percent above their current number by 2035, is more significant.

In the absence of appropriate accommodation options pressures will further increase on higher-end services, such as Registered Care Homes providing Personal Care and Registered Care Homes providing Nursing Care.

## 5 The profile of need

5.1 Table Five shows the modelling of those older people who are likely to experience difficulty with at least one task necessary to maintain their independence. As is clearly seen the incidence of difficulty rises sharply with age and is projected to increase over time as the population of those in the highest age groups increases. Between 2017 and 2035 the number of those experiencing such difficulties is projected to increase by around 61%.

**Table Five**                      **People aged 65 and over unable to manage at least one domestic task on their own, by age group projected to 2035 - Mid-Sussex**

	<b>2017</b>	<b>2020</b>	<b>2025</b>	<b>2030</b>	<b>2035</b>
Males aged 65-69 unable to manage at least one domestic task on their own	640	624	672	800	816
Males aged 70-74 unable to manage at least one domestic task on their own	777	819	756	819	987
Males aged 75-79 unable to manage at least one domestic task on their own	828	1,008	1,296	1,188	1,296
Males aged 80-84 unable to manage at least one domestic task on their own	738	820	1,025	1,312	1,230
Males aged 85 and over unable to manage at least one domestic task on their own	1,156	1,360	1,632	2,176	2,924
Females aged 65-69 unable to manage at least one domestic task on their own	1,204	1,148	1,260	1,456	1,512
Females aged 70-74 unable to manage at least one domestic task on their own	1,680	1,760	1,600	1,760	2,040
Females aged 75-79 unable to manage at least one domestic task on their own	1,456	1,716	2,184	2,028	2,236
Females aged 80-84 unable to manage at least one domestic task on their own	1,541	1,675	2,077	2,613	2,412



Females aged 85 and over unable to manage at least one domestic task on their own	2,542	2,706	3,034	3,772	4,838
<b>Total population aged 65 and over unable to manage at least one domestic task on their own</b>	<b>12,562</b>	<b>13,636</b>	<b>15,536</b>	<b>17,924</b>	<b>20,291</b>

Figures may not sum due to rounding. Office of National Statistics Crown copyright 2016

Tasks include: household shopping, wash and dry dishes, clean windows inside, jobs involving climbing, use a vacuum cleaner to clean floors, wash clothing by hand, open screw tops, deal with personal affairs.

5.2 Table Six suggests that the number of those who will be unable to manage at least one personal care task will also increase by about 61% to around 16,653 by 2035.

**Table Six**                      **People aged 65 and over unable to manage at least one personal care task on their own, by age group projected to 2035 - Mid-Sussex**

	2017	2020	2025	2030	2035
Males aged 65-69 unable to manage at least one self-care activity on their own	720	702	756	900	918
Males aged 70-74 unable to manage at least one self-care activity on their own	703	741	684	741	893
Males aged 75-79 unable to manage at least one self-care activity on their own	667	812	1,044	957	1,044
Males aged 80-84 unable to manage at least one self-care activity on their own	594	660	825	1,056	990
Males aged 85 and over unable to manage at least one self-care activity on their own	867	1,020	1,224	1,632	2,193
Females aged 65-69 unable to manage at least one self-care activity on their own	903	861	945	1,092	1,134
Females aged 70-74 unable to manage at least one self-care activity on their own	1,260	1,320	1,200	1,320	1,530
Females aged 75-79 unable to manage at least one self-care	1,092	1,287	1,638	1,521	1,677

activity on their own					
Females aged 80-84 unable to manage at least one self-care activity on their own	1,219	1,325	1,643	2,067	1,908
Females aged 85 and over unable to manage at least one self-care activity on their own	2,294	2,442	2,738	3,404	4,366
<b>Total population aged 65 and over unable to manage at least one self-care activity on their own</b>	<b>10,319</b>	<b>11,170</b>	<b>12,697</b>	<b>14,690</b>	<b>16,653</b>

Figures may not sum due to rounding. . Office of National Statistics Crown copyright 2016  
Activities include: bathe, shower or wash all over, dress and undress, wash their face and hands, feed, cut their toenails

5.3 In the past few years social care services funded from public funds have focused on supporting those who have difficulty with tasks of personal care. The projected increase in the numbers of older people experiencing difficulty therefore impacts directly on the likely demand for services.

**Table Seven**                      **People aged 65 and over with a limiting long-term illness, by age, projected to 2035 - Mid-Sussex**

	2017	2020	2025	2030	2035
People aged 65-74 whose day-to-day activities are limited a little	2,864	2,899	2,881	3,270	3,571
People aged 75-84 whose day-to-day activities are limited a little	2,856	3,286	4,085	4,392	4,453
People aged 85 and over whose day-to-day activities are limited a little	1,364	1,477	1,733	2,216	2,869
<b>Total population aged 65 and over with a limiting long term illness whose day-to-day activities are limited a little</b>	<b>7,084</b>	<b>7,663</b>	<b>8,699</b>	<b>9,878</b>	<b>10,894</b>
People aged 65-74 whose day-to-day activities are limited a lot	1,256	1,272	1,264	1,434	1,566
People aged 75-84 whose day-to-day activities are limited a lot	1,712	1,970	2,449	2,633	2,670

People aged 85 and over whose day-to-day activities are limited a lot	1,646	1,783	2,091	2,674	3,462
<b>Total population aged 65 and over with a limiting long term illness whose day-to-day activities are limited a lot</b>	<b>4,614</b>	<b>5,025</b>	<b>5,804</b>	<b>6,742</b>	<b>7,699</b>

Figures may not sum due to rounding. . Office of National Statistics Crown copyright 2016

5.4 An increase in the proportion of the population living into advanced old age also impacts on the demands made upon health services. Table Seven projects an increase in the numbers of those experiencing a long-term limiting illness and is broken down in to two sections; whose day to day activities are limited a lot and whose day to day activities are limited a little. The table shows a higher rate of increase in the higher age cohorts of around 110% for both sections.

**Table Eight                      People aged 65 and over unable to manage at least one mobility activity on their own, by age, projected to 2035 - Mid-Sussex**

	<b>2017</b>	<b>2020</b>	<b>2025</b>	<b>2030</b>	<b>2035</b>
People aged 65-69 unable to manage at least one activity on their own	707	681	741	868	894
People aged 70-74 unable to manage at least one activity on their own	1,042	1,094	1,000	1,094	1,286
People aged 75-79 unable to manage at least one activity on their own	864	1,029	1,314	1,215	1,335
People aged 80-84 unable to manage at least one activity on their own	991	1,085	1,349	1,707	1,584
People aged 85 and over unable to manage at least one activity on their own	2,145	2,350	2,690	3,420	4,455
<b>Total population aged 65 and over unable to manage at least one activity on their own</b>	<b>5,749</b>	<b>6,239</b>	<b>7,094</b>	<b>8,304</b>	<b>9,554</b>

Office of National Statistics Crown copyright 2016. Activities include: going out of doors and walking down the road; getting up and down stairs; getting around the house on the level; getting to the toilet; getting in and out of bed

5.5 Table Eight shows that there is a predicted percent increase, from 2017 to 2035, of around 66% in those sixty-five and over that will be unable to undertake at least one mobility activity. The most significant increase is suggested to be within the older cohorts, such as among those between 85 years of age and over which show a level of increase over one hundred and eight percent. This is the age group most likely to move to specialised accommodation designed with high levels of accessibility.

5.6 Mid-Sussex has a predicted rise in those aged over sixty-five that have dementia through the period 2017 to 2035 of around seventy-nine percent. Table Nine shows throughout all age cohorts there is predicted to be an increase in those with dementia, with more significant increases shown in the older age cohorts. This overall increase is likely to have an impact on the type of accommodation and care services required to meet this potential demand.

**Table Nine People aged 65 and over predicted to have dementia, by age and gender, projected to 2035 - Mid-Sussex**

	2017	2020	2025	2030	2035
People aged 65-69 predicted to have dementia	103	100	108	127	131
People aged 70-74 predicted to have dementia	216	227	208	227	268
People aged 75-79 predicted to have dementia	299	357	457	422	463
People aged 80-84 predicted to have dementia	490	537	667	845	785
People aged 85-89 predicted to have dementia	600	617	717	895	1,150
People aged 90 and over predicted to have dementia	567	625	742	949	1,273
<b>Total population aged 65 and over predicted to have dementia</b>	<b>2,274</b>	<b>2,462</b>	<b>2,899</b>	<b>3,464</b>	<b>4,069</b>

Figures may not sum due to rounding Crown copyright 2016

5.7 Table Ten shows the projections for England as comparison data in relation to predicted dementia within the ageing population. The predicted increase in those with dementia in Mid-Sussex, at around 79%, is significantly above the increase seen within England as a whole which is around 70%.

**Table Ten People aged 65 and over predicted to have dementia, by age and gender, projected to 2035 England**

	<b>2017</b>	<b>2020</b>	<b>2025</b>	<b>2030</b>	<b>2035</b>
People aged 65-69 predicted to have dementia	35,909	34,647	38,247	43,895	44,650
People aged 70-74 predicted to have dementia	71,239	77,208	71,833	79,619	91,750
People aged 75-79 predicted to have dementia	106,553	118,898	149,309	140,017	155,983
People aged 80-84 predicted to have dementia	164,556	177,043	203,640	258,807	245,451
People aged 85-89 predicted to have dementia	173,896	184,498	214,509	254,492	328,677
People aged 90 and over predicted to have dementia	149,886	165,166	201,233	255,896	327,908
<b>Total population aged 65 and over predicted to have dementia</b>	<b>702,039</b>	<b>757,461</b>	<b>878,771</b>	<b>1,032,725</b>	<b>1,194,419</b>

Figures may not sum due to rounding Crown copyright 2016

## **Section summary**

Those having difficulty with one or more domestic tasks will increase between 2017 to 2035 from 12,562 to 20,291. A failure to manage these tasks often persuades older people, or their relatives, of the need to move to a high care setting when their needs would be better met in specialised accommodation, such as that proposed in this application.

Similarly those experiencing difficulty with at least one task of personal care are projected to rise from 10,319 in 2017 to 16,653 in 2035. This may contribute to additional demand for specialised accommodation and will have a direct impact on demand for care home places.

Those eighty-five years of age and over show an increase of around 108% in the period to 2035 in those who will have difficulty in managing at least one mobility task on their own.

Mid-Sussex has a predicted rise of seventy-nine percent through the period 2017 to 2035 in those aged over sixty-five that have dementia.

Retirement Villages developments provide an environment within which the risks arising from some of these functional difficulties may be mitigated and their detrimental impact on the capacity for independence reduced. Such developments offer a positive and affirming context for maintaining an active, engaged and independent lifestyle in old age.

## 6 The tenure profile of the older population

6.1 Next to demographic trends toward an ageing of society the most significant factor shaping the future of provision for older people is the shift in tenure pattern. Owner-occupation has become the tenure of the majority of older people.

6.2 Traditionally local authorities have been primarily focused on the provision of social rented housing. Although the past two decades have seen a shift away from direct provision by local authorities concerns for this sector have tended to dominate thinking and resources.

6.3 There has been an implicit assumption that older people who are homeowners can, through the deployment of the equity represented by their current home, make provision themselves for their accommodation in old age.

6.4 Table Eleven demonstrates the high levels of owner occupation now to be found among older people in Mid-Sussex. In those approaching old age and in early old age less than one fifth are in tenures other than home ownership.

6.5 The fall in ownership in the older cohorts is explained partly through inheritance: when these people were younger home ownership was not at its current level of prevalence, and partly that homeowners in these cohorts who have needed to find specialist accommodation and care have not had options available to them that allowed them to maintain their tenure.

**Table Eleven**                      **Proportion of population by age cohort and by tenure, year 2011 – Mid-Sussex**

	<b>People aged 65-74</b>	<b>People aged 75-84</b>	<b>People aged 85 and over</b>
Owned	84.99%	84.03%	75.77%
Rented from council	0.44%	0.64%	0.60%
Other social rented	8.90%	10.40%	16.18%
Private rented or living rent free	5.68%	4.94%	7.45%

Figures may not sum due to rounding. . Office of National Statistics Crown copyright 2016

6.6 For Mid-Sussex the proportions for home ownership among older people are above those for the country as a whole. Table Twelve gives the average levels for England. The difference to the national figures is maintained across the cohorts and is still above four fifths of the population in the seventy five to eighty-four age group, a key cohort in relation to moving from general needs to specialised housing.

**Table Twelve      Proportion of population aged 65 and over by age and tenure, i.e., owned, rented from council, other social rented, private rented or living rent free, year 2011 – England**

	<b>People aged 65-74</b>	<b>People aged 75-84</b>	<b>People aged 85 and over</b>
Owned	76.34%	74.84%	68.20%
Rented from council	9.54%	10.42%	11.99%
Other social rented	7.75%	8.79%	11.66%
Private rented or living rent free	6.36%	5.95%	8.14%

Figures may not sum due to rounding. . Office of National Statistics Crown copyright 2016

6.7 The overwhelming tenure of choice for older people in Mid-Sussex is home ownership, a tenure the majority will wish to maintain in accommodation and care facilities available to them in that tenure.

### **Section Summary**

Mid-Sussex sits significantly above the national trend toward owner-occupation as the dominant tenure for older people. Levels of owner-occupation among older people in Mid-Sussex are high at nearly 85% for those between 65 and 74 years of age. In the oldest age group the level of home ownership may be depressed by lack of options for owner-occupation in specialised accommodation but remains significant at around 76%.

The development proposed by Retirement Villages at Albourne, Mid-Sussex, will make a substantial contribution in responding to the needs and aspirations of older owner-occupiers within the area.



## **7 The current supply of specialised accommodation for older people**

7.1 Mid-Sussex has a supply of specialist accommodation provided for older people in sheltered housing for rent below the national average in relation to the total older population of the district. The supply of retirement housing for leasehold sale is above the national average but this supply is far from proportionate to the tenure profile of older people in the area. These proportions, measured against the total older population and set out in Table Ten, obscure significant under-supply to respond to the levels of owner-occupation among older people in Mid-Sussex.

7.2 Taking the various forms of sheltered and retirement housing offered either to rent or to buy there appear to be currently approximately one thousand eight hundred and sixty-five units of accommodation. To achieve comparability this supply has been expressed as a ratio to the size of the population of older people in the borough.

7.3 Various thresholds have been used but that which is generally recognised as having the greatest relevance is that for the number of people seventy-five years of age or older. There are around 132.27 units in any tenure per thousand of the population in this age category in Mid-Sussex.

7.4 This compares with benchmark figures derived from the data base of the Elderly Accommodation Counsel, which is the source relied upon by the Department for Communities and Local Government. These provide a national average ratio of provision of 118.4 per thousand of those 75 years of age and over.

7.5 There is a very marked disparity in the availability of specialised housing for older homeowners compared with the supply available to older people in other tenures.

7.6 With 895 units of retirement housing for sale for a population of home owners of seventy five years of age or more of approximately 11,452 the ratio of provision for retirement housing for sale per thousand is 78.15.<sup>21</sup>

7.7 The comparative ratio per thousand for those seventy five years of age or more who are in rented tenures is 366.31 (970 units for approximately 2,648 persons seventy five years of age or more in tenures other than home ownership).

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<sup>21</sup> Among persons 75-84: 9,300 persons, 84.03% are home owners + persons 85+: 4,800 persons, 75.77% are home owners = 11,452 home owners 75+. Note also that supply figure includes Extra Care Housing

7.8 This suggests that the current rate of provision favours those in tenures other than home ownership with more than four times as many units available to them in sheltered, retirement and Extra Care housing than are currently available for their peers who are home owners.

7.9 It is clear from the levels of home ownership in succeeding cohorts that the level of those in old age who are homeowners will continue to rise. The majority of those entering old age as homeowners wish to maintain that tenure and there are sound economic arguments for the individual and for the public purse to support that.

7.10 To enable older people to exercise that choice, to address the disparity in opportunity to access specialist housing to meet the needs of older people for specialist accommodation, and to encourage older people to make a capital investment in their accommodation in old age the local authority needs to facilitate increased leasehold provision of suitable accommodation.

**Table Twelve Provision of place for older people in Mid-Sussex 2017**

	Number of units/places	Per 1,000 of the population 65 years and over (30,300)	Per 1,000 of the population 75 years and over (14,100)	Per 1,000 of the population 85 years and over (4,800)
Age Exclusive housing to rent	89	2.93	6.31	18.54
Sheltered Housing to rent	753	24.85	53.40	156.87
Enhanced Sheltered Housing to rent	42	1.38	2.97	8.75
Extra Care Housing to rent	86	2.83	6.09	17.91
Total housing to rent - all types	970	32.01	68.79	202.08
Age Exclusive for leasehold	67	2.21	4.75	13.95
Retirement Housing for	709	23.39	50.28	147.70

leasehold				
Enhanced Retirement Housing for leasehold	63	2.07	4.46	13.12
Extracare Housing for leasehold	56	1.85	3.97	11.66
Total Housing for Leasehold - all types	895	29.54	63.47	186.46
Total Sheltered / Retirement - all tenures	1,865	61.55	132.27	388.54
Registered Care places offering personal care	530	17.49	37.59	110.63
Registered Care places offering nursing care	1,132	37.36	80.28	235.83

(Source: Contact Consulting from EAC database)

7.11 Places in Registered Care Homes offering personal care per thousand in Mid-Sussex are significantly below the average level of provision for England, with 530 beds, 37.59 per thousand of the population seventy-five years of age and over, compared with the average for England of 45.86.

7.12 In Registered Care Homes offering nursing care the ratio of places to population is significantly above the average for England (80.28 per thousand 75 years of age or over compared with the national average of 45.0).

7.13 Various Planning Approvals granted over recent years have been identified but most of these have yet to be built out. We comment further on these pipeline schemes in the following section

7.14 Table Thirteen provides the reference ratios for England drawn from the Elderly Accommodation Counsel Database, the source used by the Department for Communities and Local Government and the Department of Health.

**Table Thirteen****Provision of places for older people in England**

Categories of provision	Number	Ratio of provision per 1,000 persons 75 years of age and over
Sheltered housing for rent	351,935	80.4
Retirement Housing for leasehold sale	111,074	25.37
All Sheltered / Retirement Housing	463,009	105.77
Extra Care Housing for Rent	43,293	9.89
Extra Care Housing for leasehold sale	12,004	2.74
All Extra Care Housing	55,297	12.63
Registered Care Home beds offering Personal Care	200,769	45.86
Registered Care Home beds offering Nursing Care	196,988	45.00

(Source: EAC Database, Re-formatted by Contact Consulting)

7.14 Annex Two sets out the details of the sheltered housing schemes, retirement housing and Registered Care Homes identified within Mid-Sussex.

## **Section summary**

Taking tenures together and comparing with the whole population of older people it would appear that levels of provision of specialised housing for older people are above national averages.

The provision of leasehold retirement housing is far short of requirements to achieve equity of options between tenures. For those older people who are owner-occupiers the ratio of provision for retirement housing for sale per thousand is 78.15. Whilst for those older people who are renters the comparable ratio per thousand is 366.31. Expressed in this way, as a standardised ratio, it is clear that older homeowners in Mid-Sussex are very significantly disadvantaged in securing the specialised accommodation they need.

The provision of a more adequate supply of Extra Care housing for homeowners to purchase on long-lease will provide an environment of choice in which independence can be sustained. This development, proposed by Retirement Villages for Albourne, Mid-Sussex, makes a substantial contribution toward the provision of a more adequate level of provision for older homeowners looking for an environment in which their changing needs can be met.

## **8 The future pattern of provision to which this development contributes**

8.1 The current pattern of provision in Mid-Sussex, as in the rest of the country, has developed not in response to assessed need but rather in response to short-term demand and provider perceptions of what will be popular and fundable.

8.2 Moving to a pattern with a more rational base that seeks to place individual elements of provision within a wider context inevitably appears threatening to some. In seeking to look forward and to encourage a shift from the current pattern to one which offers a range of options to older people and is reflective of key characteristics of the older population it will be important to take into account a number of factors:

- The demand for rented conventional sheltered housing is likely to decline.
- The suitability of the older stock for letting will become increasingly problematic.
- The potential for leasehold retirement housing will continue to grow.
- Some existing schemes will lend themselves to refurbishment and remodelling to provide enhanced sheltered housing to supporting rising levels of frailty.
- Some of this enhanced sheltered housing could be offered for sale alongside that for rent.
- Extra Care housing should be provided for sale and rent.
- There is a need for housing-based models of accommodation and care for people with dementia.
- Provision of Registered Care both for Personal and Nursing Care will need to be distributed so that it is more nearly matched to need within local populations.
- The challenges of maintaining viability in smaller Registered Care Homes will continue to drive change in provision with an increase in larger, purpose-built developments.
- Housing-based models for dementia care will provide an alternative to nursing home based strategies for meeting the needs of those living with moderate to severe dementia<sup>22</sup>

8.3 In the publication “Housing in Later Life”<sup>23</sup> we have updated the guidance that we originally prepared for the publication “More Choice Greater Voice” for the Department for Communities and Local Government and the Care Services Partnership (CSIP) at the Department of Health. That model assumed that a

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<sup>22</sup> More Choice, Greater Voice, a toolkit for producing a strategy for accommodation with care for older people, Nigel Appleton, CLG & CSIP, 2008

<sup>23</sup> Housing in later life – planning ahead for specialist housing for older people, December 2012, National Housing Federation and the Housing Learning and Improvement Network.

“norm” for conventional sheltered housing to rent would be around 50 units per 1,000 of the population over 75 years of age and around 75 units per 1,000 of leasehold retirement housing. This deliberately inverted the current levels of provision in most places but in doing so sought to reflect the rapidly changing tenure balance.

8.4 Although we believe the stock of rented sheltered housing will continue to decline as the older stock becomes increasingly hard to let, the rate of its reduction may be rather slower than predicted as a consequence of the scarcity of capital funding to carry out re-provision. The same factors will inhibit the development of the general rented stock and the desire to release under-occupied housing by transfer into sheltered housing will have a greater priority, sustaining demand for the rented sheltered stock.

8.5 After a period of uncertainty in the middle of the last decade, demand for leasehold retirement housing has grown more strongly and we would therefore revise upward our targets for leasehold retirement housing, especially in areas where owner-occupation levels among older people are high and property values facilitate the move to such accommodation.

8.6 When we framed our targets in late 2007/ early 2008 Extra Care Housing was still little known, in many areas there were no developments at all and the initial targets reflected the difficulty of bringing forward developments on a model that was unfamiliar to many professionals and virtually unknown to the general public. The Department of Health and Homes and Communities Agency capital investment programmes have accelerated the rate of Extra Care Housing developments and the increasing number of commercially developed retirement Villages and Continuing Care Retirement Communities, especially across the South of England have made the concept much better known.

8.7 The targets offered for Extra Care provision in the 2008 publication were very much a “toe in the water” at a time when it was still difficult to judge the acceptability of the model to older people or to those who advised them. That situation has now changed and we would propose not only an increased target overall but a shift in the tenure balance to reflect the increasing recognition of the needs of older home owners for Extra Care style options.

8.8 The continuing drive among Adult Social Care authorities to shift from policies that rely heavily on Registered Care homes toward Extra Care Housing solutions also shifts the balance and supports an increase in targets either side of this divide.

8.9 When analysed in relation to the proportion of older people in the district who are owner-occupiers there is a marked under-supply of retirement housing offered on a leasehold basis. The Council has a role in encouraging the

identification of sites, in influencing the style of provision and through the Local Development planning process to facilitate an increase in this provision.

8.10 It is widely recognised that a proportion of the conventional sheltered housing stock for rent does not meet current standards for space and facilities. Some of the stock will find other uses but some will need to be de-commissioned.

8.11 Some conventional sheltered schemes may lend themselves to enhancement through additional services and facilities so that they provide a suitable environment for frailer older people. We suggest that around two hundred and eighty-two units of enhanced sheltered housing may be needed across the district. This represents a ratio of around 20 places per 1,000 people over 75, divided equally between ownership and renting. The addition of service and facilities, together with work to ensure high standards of accessibility in individual dwellings and in common parts will provide a future use for some of those sheltered units for rent that might otherwise prove increasingly difficult to let.

8.12 Some stock may be suitable to move in the opposite direction. There is a recognised and increasing need for small manageable accommodation for single person households in late middle age or very early old age. Some of these people will have a range of other needs or vulnerabilities. Being accommodated in conventional sheltered housing with people of more advanced years is not suitable for either party. Some current sheltered blocks might be re-modelled to accommodate this category of need with communal facilities more suitable to the age group, a concierge service in place of a sheltered housing manager and access to appropriate support and care workers.

8.13 Extra Care Housing offers the possibility of housing a balanced community of people with relatively limited care needs through to those who might otherwise be living in residential care. Our modelling suggests provision of around six hundred and thirty-four units of Extra Care in total, divided between rented (about one third) and leasehold and shared ownership tenures (about two thirds) will be required in the short to medium term.

8.14 Within the model a modest provision is made for the development of housing forms to provide a context for the care of those people with dementia who cannot be supported in their existing home but require an alternative to residential or nursing home care, the norm here is 6 places per 1,000.

8.15 Table Fourteen summarises the current levels of provision and the adjustments that may be indicated to bring them to the levels that some would see as a benchmark for the future. How much specialised accommodation may be needed in total? Previous estimates of the requirements for sheltered housing tended to look mainly at the need for social rented provision, rather than at the overall potential demand.



8.16 The emergence of owner-occupation as a significant factor in old age has shifted the balance between estimates of need and response to demand. The benefits of providing more leasehold retirement housing, for example, may be as much in its effect in releasing family sized accommodation into the market as in meeting the particular needs of those who move into it.

8.19 The “norms” are inevitably arbitrary and may be moderated to take account of the rate of change that would be required to meet them. In some cases they may produce perverse results, as in this case, indicating a substantial reduction in the provision of rented sheltered housing that is unlikely to be achieved in the short to medium, term. Likewise the very substantial potential increase in leasehold retirement housing to achieve parity between tenures will take a considerable time to achieve but does indicate the scale of provision that will be required to achieve equity of access across tenures.

**Table Fourteen      Indicative levels of provision of various forms of accommodation for older people in, Mid-Sussex at 2017 population numbers**

		Current provision	Current provision per 1,000 of Population 75+	Increase or decrease	Resulting number of units	Provision per 1,000 of Population 75+ (14,100)
Conventional sheltered housing for rent		842	59.71	+4	846	60
Leasehold retirement housing		776	55.03	+916	1,692	120
Enhanced sheltered / retirement housing	For rent	42	2.97	+99	141	10
	For sale	63	4.46	+78	141	10
Extracare housing	For rent	86	6.09	+125	211	15
	For sale	56	3.97	+367	423	30
Housing based provision for dementia		0	0.00	+85	85	6

8.20 The growth in the older population will continue to the end of the Local Plan period in 2030. By the following year a further 7,900 people 75 years of age or over will have been added to the 2017 population. This generates a requirement for a further 355 units of Extra care housing of which 237 will be required to meet the needs of those older people in that age group who are home owners and wish to maintain their tenure of choice when moving to Extra Care.

8.21 We have identified among schemes that have been granted planning approval an additional thirty-five Retirement Living units in East Grinstead and an allocation for sixty Extra Care units in the “Northern Arc”. There are some other approved schemes in which the exact model of provision proposed and the tenure are not clear to us. In any event, the current shortfall in provision of Extra Care provided for that majority of older people in Mid Sussex who are homeowners is so marked that should all current proposals be built out these would still be a major deficit.

## **Section Summary**

The growth of Extra Care Housing schemes is at the forefront of national and local policy. Whilst there is a current level of provision that reflects the promotion of this model by County and District authorities it is still well short of what is required. On our modelling there is still a shortfall of nearly five hundred Extra Care units to meet current needs in the District.

The most pressing priority, driven by demography, need, tenure, policy imperatives and issues of equality is to increase the availability of specialised accommodation for older homeowners. The development proposed for Albourne, makes a significant contribution to meeting that priority.

## **Annex One      Explanation of terms used in this report**

This report uses terms which are commonly understood among those working in the field of housing and care for older people but may not be so readily comprehensible by those working in other disciplines. Whilst not exhaustive this section seeks to explain the meaning and usage on this document, of some of those terms:

**Sheltered housing** is a form of housing intended for older people that first emerged in the 1950s and was developed in volume through the 1960s and 1970s. In this period it was developed in one of two styles: “Category Two” Sheltered Housing consisted of flats and/or bungalows with enclosed access, a communal lounge and some other limited communal facilities such as a shared laundry and a guest room. Support was provided by one or more “wardens” who were normally resident on site. “Category One” Sheltered Housing has many of the same features but might not have enclosed access, might have more limited communal facilities and would not normally have a resident warden. In current practice these models have merged and the service models for delivery of support are in flux. This provision has generally been made by Housing Associations and Local Authorities.

**Retirement Housing** is a term widely adopted to describe Sheltered Housing, similar in built form and service pattern to Category Two Sheltered Housing described above but offered for sale, generally on a long lease, typically ninety-nine or one hundred and twenty-five years. This provision has generally been made both by Housing Associations (often through specialist subsidiaries) and commercial organisations.

**Very sheltered housing** is a term now largely disappearing from use that was used first in the mid to late 1980s to describe sheltered schemes that sought to offer some access to care services and some additional social and care facilities.

**Enhanced sheltered housing** is the term that has largely succeeded to Very Sheltered Housing to describe sheltered housing that provides more in facilities and services than traditional sheltered housing but does not offer the full range of facilities, services and activities to be found in an Extra Care Housing Scheme.

**Extra Care Housing** is the term used for a complex of specialised housing for older people that provides a range of “lifestyle” facilities for social, cultural, educational and recreational activities, in addition to services that provide care in a style that can respond flexibly to increasing need whilst helping the individual to retain their place within their existing community. In most Extra Care Housing schemes people enter their unit of accommodation and the care services they receive are delivered into that unit as their needs increase. This is generally referred to as the “integrated model” of Extra Care.

**Continuing Care Retirement Community** is a variant of the Extra Care Housing model but one in which higher levels of care are generally delivered by transfer within the scheme from an independent living unit in which low to moderate care is delivered into a specialist unit or care home. This pattern is often referred to as the “campus” model of Extra Care.

**Registered Care Home** is the form of institutional provision that in the past would have been referred to as either a “Residential Care Home” or a “Nursing Home”. All are now referred to as “Registered Care Homes” and differentiated as either “Registered Care Home providing personal care” or as a “Registered Care Home providing nursing care”.

## Specialist Accommodation for Older People in Mid-Sussex.

Originally sourced from the Elderly Accommodation Counsel Database and checked for up-dating against that database on 11.01.2019

*F = Flat B = Bungalow C = Cottage*

*Date of Construction/Major upgrade (Where given)*

### Age exclusive housing to rent

Name of scheme	Address	Manager	Number of units
Applewalk 1991	Upper St John's Road, Burgess Hill, West Sussex, RH15 8HF	Hyde Group	6 (F)
Butlers Green Road	Haywards Heath, RH16 4AH	James Bradford Almshouses Trust	6 (C)
Drovers	The Street, Bolney, Haywards Heath, RH17 5PT	Bolney Housing Association	14 (F)
Filmer House	53 Haywards Road, Haywards Heath, West Sussex, RH16 4JB	Stonewater	8 (F)
Little Cranfield Court	18 Park Road, East Grinstead, West Sussex, RH19 1BQ	Southern Housing Group	6 (F)
Soames Court 1979	Fairfield Road, Burgess Hill, West Sussex, RH15 8QS	Anchor	16 (F)
St Christopher's Home 1898/1980	12 Cuckfield Road, Hurstpierpoint, Hassocks, West Sussex, BN6 9SA	St Christopher's Home for the aged	8 (F)
St Julian	Cranston Road, East Grinstead, West Sussex, RH19 3HW	Reigate Quaker Housing Association	7 (F)
Wigmore House	Keymer Road, Burgess Hill, West Sussex, RH15 0AH	Stonewater	12 (F)
Wynstay	Stockcroft Road, Balcombe, West Sussex, RH17 6LQ	Reigate Quaker Housing Association	6 (F)
<b>Total</b>			<b>89</b>

### Sheltered housing to rent

Name of scheme	Address	Manager	Number of units
Auchinleck Court 1979	Burleigh Way, Crawley Down, Crawley, West Sussex, RH10 4UP	Housing & Care 21	26 (F)
Bridge Close 1982	Burgess Hill, West Sussex, RH15 8PD	Clarion Housing	5 (B)
Brookside 1985	Brook Avenue, Hassocks, West Sussex, BN6 8LQ	Clarion Housing	30 (F)
Charles Bennett Court 1990	Reed Pond Walk, Franklands Village, Haywards Heath, West Sussex, RH16 3SS	Hanover	31 (F & C)
Cleavelands 1983	18 Lodge Lane, Keymer , Hassocks, West Sussex, BN6 8NA	Hassocks Housing Society Ltd	14 (F)
Colmer Court 1970	Livingstone Road, Burgess Hill, West Sussex, RH15 8QR	Clarion Housing	35 (F & B)
Danny House 1596/1987	New Way Lane, Hurstpierpoint, Hassocks, West Sussex, BN6 9BB	Carol Browne & Richard Burrows	20 (F, B & C)
Elm Court 1985	West View Gardens, East Grinstead, West Sussex, RH19 4ES	Home Prime	28 (F)
Gravett Court 1982	Station Road, Burgess Hill, West Sussex, RH15 9ER	Clarion Housing	18 (F)
Hanover Court 1975	Amberley Close, Haywards Heath, West Sussex, RH16 4AX	Hanover	24 (F & B)
Lawnswood 1990	Upper St John's Road, Burgess Hill, West Sussex, RH15 8HE	Hyde Group	9 (F)
Lingfield Lodge	London Road, East Grinstead, West Sussex, RH19 1PG	East Grinstead Housing Society	22 (F)

Mayflower Court 1965	New England Road, Haywards Heath, West Sussex, RH16 3JP	Clarion Housing	29 (F)
Mill Hill Close 1967	Haywards Heath, West Sussex, RH16 1NY	Hanover	28 (F)
Noah's Court 1993	Mount Lane, Turners Hill, Crawley, West Sussex, RH10 4RE	Clarion Housing	26 (F & B)
Oaklee 1975	Compton Road, Lindfield, Haywards Heath, West Sussex, RH16 2PF	Clarion Housing	22 (F)
Oakwood 1980	Amberley Close, Haywards Heath, West Sussex, RH16 4BZ	Sussex Housing & Care	52 (F)
Old Park Close 1948/1997	Broad Street, Cuckfield, West Sussex, RH17 5DR	Sussex Housing & Care	22 (F)
Prescott Gardens 1988	Upper St John's Road, Burgess Hill, West Sussex, RH15 8HD	Hyde Group	10 (F & B)
Priceholme	Munnion Road, Ardingly, Haywards Heath, West Sussex, RH17 6RU	Priceholme	22 (F)
Ribbetts House 1978	Trinity Road, Hurstpierpoint, Hassocks, West Sussex, BN6 9XE	Clarion Housing	34 (F)
Sackville College 1609(!)	Church Lane, High Street, East Grinstead, West Sussex, RH19 3BX	Sackville College	14 (F)
Shands 1965/1985	Windmill Avenue, Hassocks, West Sussex, BN6 8LL	Clarion Housing	13 (F)
Sheddingdean Court 1982	Packham Way, Burgess Hill, West Sussex, RH15 8PZ	Clarion Housing	34 (F)
Spring Copse 1972	The Weald, East Grinstead, West Sussex, RH19 3HF	Clarion Housing	39 (F)

St Wilfrid's Court 1981	Church Road, Haywards Heath, West Sussex, RH16 3QQ	Family Mosaic	30 (F)
The Gables 1992	Common Road, Copthorne, Crawley, West Sussex, RH10 3NA	Clarion Housing	24 (F)
The Heights	Church Road, Haywards Heath, West Sussex, RH16 3PB	Hanover	17 (F)
Tower Court & Moat Road 1970	Moat Road, East Grinstead, West Sussex, RH19 3NL	Clarion Housing	19 (F)
Whittington College	London Road, Felbridge, East Grinstead, West Sussex, RH19 2QU	The Mercers' Company	56 (F & B)
<b>Total</b>			<b>753</b>

#### **Enhanced Sheltered housing to rent**

Name of scheme	Address	Manager	Number of units
Joan Nightingale House 1972	Bolnore Road, Haywards Heath, West Sussex, RH16 4AB	Eldon Housing Association Ltd	26 (F)
Westall House Bungalows 1958	Birch Grove Road, Horsted Keynes, Haywards Heath, West Sussex, RH17 7BS	Abbeyfield	16 (B)
<b>Total</b>			<b>42</b>



**Extra Care to rent**

Name of scheme	Address	Manager	Number of units
Arthur Bliss House 1998	Finches Gardens, Lindfield, Haywards Heath, West Sussex, RH16 2PD	Hanover	24 (F)
Marten House 1987	The Brow, Burgess Hill, West Sussex, RH15 9BS	Clarion Housing	37 (F)
Prescott House 2003	Upper St John's Road, Burgess Hill, West Sussex, RH15 8HB	Family Mosaic	25 (F)
<b>Total</b>			<b>86</b>

**Age exclusive housing for sale**

Name of scheme	Address	Manager	Number of units
Fleur de Lis Haywards Heath 2016	Bolnore Road, Haywards Heath, West Sussex, RH16 4BA	Renaissance Retirement	34 (F) Leasehold
St Johns Court	St Johns Road, Burgess Hill, West Sussex, RH15 8HA	FirstPort	12 (F) Leasehold
The Forge 1986	Windmill Platt, Handcross, West Sussex, RH17 6BS	Anchor	21 (F & B) Leasehold
<b>Total</b>			<b>67</b>

**Retirement housing for sale**

Name of scheme	Address	Manager	Number of units
Ashdown Gate 1987	London Road, East Grinstead, West Sussex, RH19 1FG	FirstPort	38 (F) Rent and Leasehold
Barnard Gate 1987	Balcombe Road, Haywards Heath, West Sussex, RH16 1PQ	Hanover	20 (F) Leasehold
Church Court 1985	Church Road, Haywards Heath, West Sussex, RH16 3UE	Home Group Ltd	32 (F) Leasehold
Clayton Court 2013	The Brow, Burgess Hill, West Sussex, RH15 9DB	McCarthy & Stone Management Services Ltd	46 (F) Leasehold
Clover Court 1988	Church Road, Haywards Heath, West Sussex, RH16 3UF	FirstPort	45 (F) Leasehold
Felwater Court 1986	Stream Park, Felbridge, East Grinstead, West Sussex, RH19 1QR	Anchor	21 (F & B) Leasehold
Fitzjohn Court 1989	66 Keymer Road, Hassocks, West Sussex, BN6 8QP	Fitzjohn Court Ltd	17 (F) Leasehold
Forest Lodge 1991	Portland Road, East Grinstead, West Sussex, RH19 4EZ	FirstPort	51 (F) Leasehold

Great House Court 1989	Fairfield Road, East Grinstead, West Sussex, RH19 4HE	Kingsdale Group	24 (F) Leasehold (Equity Share)
Harvest Close	Luxford Road, Lindfield, West Sussex, RH16 2LW	FirstPort	31 (F, B & C) Leasehold
Heath Court 1998	Heath Road, Haywards Heath, West Sussex, RH16 3AF	FirstPort	47 (F) Leasehold
Hurst Place 2016	Kleinwort Close, Butlers Green Road, Haywards Heath, West Sussex, RH16 4XH	Anchor	68 (F & C) Leasehold
McIndoe Lodge 2018	Garland Court, Garland Road, East Grinstead, West Sussex, RH19 1DN	Churchill Retirement Living	49 (F) Leasehold
Meadow Court 2005	St Agnes Road, East Grinstead, West Sussex, RH19 3GF	FirstPort	40 (F) Leasehold
Petlands Lodge 2016	Church Road, Haywards Heath, West Sussex, RH16 3NY	Churchill Retirement Living	43 (F) Leasehold
St James Court 2002	St James Road, East Grinstead, West Sussex, RH19 1DB	FirstPort	28 (F) Leasehold
St Nicholas Court 1984	Lindfield, Lindfield, West Sussex, RH16 2EY	FirstPort	15 (B) Leasehold
The Fallows 2012	Fairfield Road, East Grinstead, West Sussex, RH19 4QD	McCarthy & Stone Management Services Ltd	23 (F) Leasehold
The Glebe 1984	Trinity Road, Hurstpierpoint, West Sussex, BN6 9XG	Anchor	22 (F) Leasehold
Tower House & Close 1977	London Road, Cuckfield, West Sussex, RH17 5ES	Retirement Lease Housing Association	30 (F & C) Leasehold
Turnpike Court 2003	Hett Close, Ardingley, Haywards Heath, West Sussex, RH17 6GQ	Cognatum Estates	19 (F & C) Leasehold
<b>Total</b>			<b>709</b>

### Enhanced Retirement housing for sale

Name of scheme	Address	Manager	Number of units
Fairview Court 2003	Fairfield Road, East Grinstead, West Sussex, RH19 4HD	FirstPort	52 (F) Leasehold
Stildon Mews 2004	London Road, East Grinstead, West Sussex, RH19 1PZ	The Brendoncare Foundation	11 (F) Leasehold
<b>Total</b>			<b>63</b>

### Extra Care for sale

Name of scheme	Address	Manager	Number of units
Charters Village 2012	Felcourt Road, East Grinstead, West Sussex, RH19 2JG	Retirement Villages Ltd	NOTE <sup>24</sup>
Corbett Court 2013	The Brow, Burgess Hill, West Sussex, RH15 9DD	YourLife Management Services Ltd	56 (F) Leasehold
<b>Total</b>			<b>56</b>

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<sup>24</sup> Although the postal address of this development is East Grinstead in fact it is located in the neighbouring District of Tandridge and the number of units provided have therefore been excluded from our calculation.

### Registered care homes providing personal care

Name of scheme	Address	Owner	Number of beds
Avon House	Stockcroft Road, Balcombe, Haywards Heath, West Sussex RH17 6LG	Mr N B & Mrs G Hazelden	19
Crossways Care Home	2 Sunte Avenue, Lindfield, Haywards Heath, West Sussex RH16 2AA	Mr A & Mrs M Shookhye	25
Edward House	86 Mill Road, Burgess Hill, West Sussex RH15 8DZ	Nicholas James Care Homes	22
Ernest Kleinwort Court	Oakenfield, Burgess Hill, West Sussex RH15 8SJ	The Disabilities Trust	29
Forest View	Southway, Burgess Hill, West Sussex RH15 9SU	Shaw Healthcare	60
Hilgay Care Home	Keymer Road, Burgess Hill, West Sussex RH15 0AL	Dr C & Mrs J Shearn	35
Littlefair Care Home	Warburton Close, East Grinstead, West Sussex RH19 3TX	Mr RCS & Mrs OL Kennedy	41
Oakwood Court	Amberley Close, Haywards Heath, West Sussex RH16 4BG	Sussex Housing & Care	33
Pelham House	London Road, Cuckfield, Haywards Heath, West Sussex RH17 5EU	Mr M & Mrs S Jeffries	26
Rookwood	26 Silverdale Road, Burgess Hill, West Sussex RH15 0EF	South Coast Nursing Homes Ltd	25
Silver Court	Halsford Lane, East Grinstead, West Sussex RH19 1PD	Anchor	42
St Anne's Franciscan Convent	92 Mill Road, Burgess Hill, West Sussex RH15 8EL	Franciscan Missionaries	19
Summerlands	Summerhill Lane, Haywards Heath, West Sussex RH16 1RW	Summerlands Care Ltd	31
Tripletrees	70 Ferndale Road, Burgess Hill, West	Follett Care Ltd	28

	Sussex RH15 0HD		
Villa Adastra	79 79 Keymer Road, Hassocks, West Sussex BN6 8QH	The Salvation Army Housing Association	40
Walstead Place	Walstead, Lindfield, Haywards Heath, West Sussex RH16 2QG	Caring Homes Group	44
Westall House	Birch Grove Road, Horsted Keynes, West Sussex RH17 7BS	Abbeyfield	21
<b>Total</b>			<b>530</b>

#### Registered care homes providing nursing care

Name of scheme	Address	Owner	Number of beds
Acorn Lodge	Turners Hill Road, East Grinstead, West Sussex RH19 4LX	Acorn Health Care Ltd	40
Adelaide House	13 Oathall Road, Haywards Heath, West Sussex RH16 3EG	Ashton Healthcare Group Ltd	40
Aniska Lodge	Brighton Road, Warninglid, Haywards Heath, West Sussex RH17 5SU	Excel Care Homes	49
Ashton House Nursing Home	6 Bolnore Road, Haywards Heath, West Sussex RH16 4BX	Ashtonleigh Homes Ltd	91
Beech Hurst Nursing Home	Butlers Green Road, Haywards Heath, West Sussex RH16 4DA	Care UK	60
Belle Vue Country House	Warninglid Lane, Warninglid, Haywards Heath, West Sussex RH17 5TQ	Newcare Homes Ltd	41
Birchwood Grove	64 Sydney Road, Haywards Heath, West Sussex RH16 1QA	Ashton Care Homes Ltd	24

Charters Court Nursing & Residential Home	Charters Towers, Felcourt Road, East Grinstead, West Sussex RH19 2JG	Retirement Villages Ltd	NOTE <sup>25</sup>
Compton House	40 Compton Road, Lindfield, Haywards Heath, West Sussex RH16 2JZ	Lindfield Christian Care Home	27
Downlands Park Care Home	Isaacs Lane, Haywards Heath, Sussex RH16 4BQ	BUPA Care Homes	40
Eastridge Manor	Wineham Lane, Bolney, Haywards Heath, West Sussex RH17 5SD	South Coast Nursing Homes Ltd	53
Firgrove Nursing Home	Keymer Road, Burgess Hill, West Sussex RH15 0AL	Mr B & Mrs S Sloper	35
Francis Court	Borers Arms Road, Copthorne, West Sussex RH10 3LQ	Care UK	87
Horncastle House <sup>26</sup>	Plawhatch Lane, Sharpthorne, East Grinstead, West Sussex RH19 4JH	SHC Clemsford Group Ltd	43
Knowle House Nursing Home	Lingfield Road, East Grinstead, West Sussex RH19 2EJ	RVJ Healthcare Ltd	35
Ladymead Nursing Home	Albourne Road, Hurstpierpoint, Hassocks, West Sussex BN6 9ES	Ladymead Care Home	27
Maplehurst Nursing Home	53 Oathall Road, Haywards Heath, West Sussex RH16 3EL	Woodcote Care Ltd	38
Mill View	Sunnyside Close, Dunnings Road, East Grinstead, West Sussex RH19 4QW	Care UK	70
Oaklodge Nursing Home	2 Silverdale Road, Burgess Hill, West Sussex RH15 0EF	Prime Care Group	25

<sup>25</sup> Although the postal address of this development is East Grinstead in fact it is located in the neighbouring District of Tandridge and the number of units provided have therefore been excluded from our calculation.

<sup>26</sup> This Home has been subject to intense scrutiny by the CQC, was found in an unannounced inspection to be “Inadequate” overall and in key areas. Enforcement action may have been taken to close the home but the notional capacity remains for another operator to take it over.

Russetings Care Home	Mill Lane, Balcombe, Haywards Heath, West Sussex RH17 6NP	Russetings Care Ltd	45
St Mary's	St George's Park, Ditchling Road, Ditchling Common, Ditchling, East Sussex RH15 0SQ	Augustinian Care	60
Stildon Brendoncare	Dorset Avenue, East Grinstead, West Sussex RH19 1PZ	The Brendoncare Foundation	32
Sussex Clinic	44-48 Shelley Road, Worthing, West Sussex BN11 4BX	Sussex Clinic Ltd (Mrs M Shoai)	40
The Goldbridge	3 Kleinwort Close Haywards Heath, West Sussex RH16 4XH	BUPA	64
Truscott Manor	Lewes Road, East Grinstead, West Sussex RH19 3SU	Frannan International Limited	41
Woodlands Nursing Home	23 Silverdale Road, Burgess Hill, West Sussex RH15 0ED	Mr S K Ratnasinkam	25
<b>Total</b>			<b>1,132</b>



### **Annex Three: The author of this report: Nigel J W Appleton MA (Cantab)**

Nigel Appleton is Executive Chairman of Contact Consulting (Oxford) Ltd, a consultancy and research practice he founded in 1995. The practice specialises in issues of health, housing and social care as they affect older people and people with particular needs. Nigel's particular area of interest and expertise is in relation to the accommodation and care needs of older people.

He contributed the section "Preparing the Evidence Base" to "Housing in later life – planning ahead for specialist housing for older people" (National Housing federation and the Housing LIN, December 2012). This updated the comparable sections of his: "More Choice: Greater Voice – a toolkit for producing a strategy for accommodation with care for older people" (February 2008 for Communities and Local Government and the Care Services Improvement Partnership). He is also the author of "Connecting Housing to the Health and Social Care Agenda – a person centred approach" (September 2007 for CSIP).

Nigel also wrote "Planning for the Needs of the Majority – the needs and aspirations of older people in general housing" and "Ready Steady, but not quite go – older homeowners and equity release", both for the Joseph Rowntree Foundation.

For the Change Agent Team at the Department of Health he wrote "An introduction to Extracare housing for commissioners" and "Achieving Success in Developing Extra Care housing" together with a number of briefing papers and studies in the area of sheltered housing and its variants.

Other recent publications include three Board Assurance Prompts on the deployment of Assistive Technology/ telecare in both specialised and general housing for older people; "Housing and housing support in mental health and learning disabilities – its role in QIPP", National Mental Health Development Unit, with Steve Appleton (2011) and "The impact of Choice Based Lettings on the access of vulnerable adults to social housing" (2009) for the Housing LIN at the Department of Health.

Nigel led the team that prepared the material for the Good Practice Guidance for local authorities on delivering adaptations to housing for people with disabilities issued by the Office of the Deputy Prime Minister, Department of Health & Department for Education and Skills.

His expertise covers the full spectrum of issues in the field of housing and social care for older people. He has supported more than thirty local authorities in preparing their strategies for accommodation and care in response to the needs of an ageing population. With his team he has conducted a number of detailed

reviews of existing sheltered housing schemes for both local authority and not for profit providers.

Nigel served as Expert Advisor to the Social Justice and Regeneration Committee of the Welsh Assembly in its review of housing and care policies in relation to older people in Wales.

Prior to establishing his consultancy in 1995 Nigel was Director of Anchor Housing Trust. He was a trustee of Help and Care, Bournemouth, is currently a Governor and Chair of the Management Committee of Westminster College, Cambridge. Nigel formerly served as Vice Chair of the Centre for Policy on Ageing and has been an honorary research fellow at the Centre for Urban and Regional Studies, Birmingham University. In the more distant past he was a member of the Governing Body of Age Concern England and a Board Member of Fold Housing Group, Northern Ireland.

**APPENDIX 3**  
**Planning Statement**

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# ALBOURNE RETIREMENT VILLAGE

## PLANNING STATEMENT

Submitted on behalf of  
Retirement Villages Developments Ltd & Notcutts Ltd

March 2019

**ALBOURNE RETIREMENT VILLAGE  
PLANNING STATEMENT**

**SUBMITTED ON BEHALF OF  
RETIREMENT VILLAGES DEVELOPMENTS LTD & NOTCUTTS LTD**

**MARCH 2019**

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## 1.0 INTRODUCTION

- 1.1 This Planning Statement has been prepared by Barton Willmore LLP on behalf of Retirement Villages Developments Ltd and Notcutts Ltd ('the Applicant') in support of an Outline Planning Application (all matters reserved except access) submitted in respect of Land west of London Road, Albourne ('the Site') as shown on the submitted Site Location Plan (**Appendix 1**). The Site is located within the administrative area of Mid Sussex District Council (MSDC).
- 1.2 The Site comprises land previously used as a horticultural nursery (Hazelden) and includes a single storey dwelling with associated curtilage and access. The Site is located off London Road with residential development to the east, a large hall of worship (the Brethren's Hall) to the north with further residential development beyond. To the south is a landscaped belt with Spurk Barn located on the corner of the Site's south-western boundary. To the west are agricultural fields. Further along London Road to the south is Arden Grange (a Kennels) and number of business units including a FedEx distribution centre.
- 1.3 This application follows a previous refusal (ref. DM/17/3784) and seeks to address the concerns previously raised. The description of development comprises:

**Outline application (all matters reserved except access) for an extra care development of up to 84 units (comprising of apartments and cottages) all within Use Class C2; associated communal facilities, 2 no. 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 also include the demolition of the existing bungalow on the site.**

- 1.4 The amended development proposals follow an extensive reconsideration of the constraints, opportunities and local character influences on the Site and alongside a redesign of the illustrative layout principally reducing the number of units proposed from 110 to 84 (circa 23% reduction). It also introduces two workshops which are intended to be used by local craftsman/artisans. Off-site highway works are proposed to secure the connectivity of the Site with the surrounding movement network and introduce traffic calming measures along London Road to reduce car speeds when travelling through Albourne Village. The proposals still propose a shop, although following public consultation it is proposed that this will be open to the wider community of Albourne.



- 1.5 Unlike the previous application, the application is accompanied by a development parameter plan. The parameter plan more closely defines the development proposals for the Site in defining:
- Areas of built development (and by extension areas where there will be no built development);
  - Areas of retained and proposed strategic landscaping; and
  - Maximum building heights.
- 1.6 The parameter plan is submitted for approval and will set the framework against which any future reserved matters should be assessed. It is anticipated that any planning consent granted will incorporate a condition is included requiring adherence to the parameter plan.
- 1.7 To demonstrate how the parameter plan could deliver an acceptable and high-quality development an indicative layout plan (submitted for information purposes only) accompanies the application.
- 1.8 The application is also supported by the documents listed below, which have been formative to the development of the submitted parameter plan.

Design and Access Statement	Thrive Architects
Heritage Statement	CgMs Heritage
Desk Based Archaeological Assessment	CgMs Heritage
Care Needs Assessment	Contact Consulting
Transport Statement and Travel Plan	Transport Planning Associates
Tree Survey and Arboricultural Impact Assessment	Lloyd Bore
Landscape and Visual Impact Assessment	Barton Willmore
Ecology Report	Lloyd Bore
Flood Risk Assessment & Drainage Strategy	Quad Consult
Geo-environmental and Geotechnical Assessment	Tweedie Evans Consulting
Statement of Community Involvement	Keeble Brown

- 1.9 This Statement considers the proposals against the Development Plan and all other relevant material considerations and explains how the conclusion is reached that planning consent should be granted. In so-doing it seeks to address the previous reasons for refusal and demonstrates that the proposals accord with the Development Plan, there is an over-riding need for this form of specialist accommodation, and it is a sustainable form of development that will deliver wider benefits to the community of Albourne.

## 2.0 THE SITE AND SURROUNDING AREA

### i) The Application Site

- 2.1 The Site is located in the Village of Albourne and is a former horticultural nursery (Hazelden), with managed grassland, native and non-native tree belts, and built form, including a single dwelling. The use of the land as a horticultural nursery ended in 1990. Areas of hardstanding remain, associated with the former use. The Site has an approx. area of 4.3 ha.
- 2.2 The established tree belts contain the Site on its eastern boundary with London Road, to the south and west, such that views within the immediate environment of the Site are limited. Tree belts also extend into the Site and are thought to be associated with the former horticultural use on the Site and planted as a 'shelter belt'.
- 2.3 The Site's eastern boundary is defined by London Road (B2118). At the north end of the eastern boundary is the Site access. PROW 19/AI runs along the northern boundary of the Site (but outside the application area) connecting to the east with London Road and to the west with the wider countryside and extensive network of PROW routes. As part of this network, PROW 19/AI connects with PROW 18AI, which runs outside but adjacent to the Site's western boundary. PROW 18A1 connects with Albourne to the north and the wider country side to the south of the Site.
- 2.4 The Site is not subject to any environmental or landscape designations.

### ii) The Surrounding Area

#### *a) Development*

- 2.5 The Site is located in an area characterised by large residential properties which line London Road and sit directly opposite the Site on the road's eastern side. Just south of these properties and the Site is Arden Grange (a large kennels) with associated parking to the front, off London Road. To the south of this, is a collection of business units which include a FedEx distribution centre. Shortly before the entrance to the business unit complex (when travelling south to north) the speed limit along London Road reduces from the national speed limit to 40mph coinciding with signage identifying the entrance into Albourne.

- 2.6 Of the properties sitting opposite the Site to the east, four are Grade II Listed Buildings (Elm House, Mole Manor, Tipnoaks and Hillbrook House). The buildings have been principally listed for their design and external features and further details are provided in the supporting Heritage Statement.
- 2.7 To the north of the Site, just beyond its northern boundary, is the Brethren Meeting Hall. The Brethren Hall is a very large utilitarian building with a curved roof which sits at the western extent of the Site's northern boundary. Between the building and the London Road, is an extensive area of car parking comprising circa 100 spaces and associated flood lighting. The site entrance for the Hall is from London Road and runs parallel with the Site's northern boundary before it runs down the edge of the Hall where there is a large turning area. The boundary to the Hall and car park is security fenced with a large metal gated entrance from London Road, opposite Listed Elm House and Studio.
- 2.8 Beyond the Brethren Hall is residential development which is accessed from Church Lane. Beyond this is Albourne Conservation Area which extends to the north.
- 2.9 Agricultural land borders the Site to the west, beyond which is Albourne Church and its associated rectory.
- 2.10 On the south-west corner of the Site lays Spurk Barn, a barn converted for residential use. The barn is accessed by a private drive running adjacent to the Site's southern boundary. The building is not a Listed Building but has been identified by the District Council as a non-designated heritage asset. The boundary treatment between the Site and Spurk Barn is a substantial landscaped belt. To the south of the private road is a wooded plantation.

***b) Access***

- 2.11 Albourne sits at a cross roads between the B2118 and the B2116. The B2116 connects with the settlements of Husterpoint and Hassocks located approx. 1.2 miles and 2.6miles away receptively and then onto Burgess Hill and Haywards Heath. The B2118 runs parallel with and connects to the A23 to the east connecting Crawley with Brighton. Due to Albourne's location on these main highway routes and connections with the primary highway network, it benefits from access to good levels public transport services. Full details are provided in the supporting Transport Statement (TS), but include:

Public Transport Type and Distance from Site	Provides Access To	Frequency of Service
Bus Stop 85/250 metres north of the Site.	Burgess Hill, Henfield, Steyning, Storrington and Pulborough.	Hourly
Bus stop 560 metres from the Site.	Brighton, Hurstpierpoint Point and Crawley.	120-160 minutes weekday and in the evening two return services daily.
Traffic lights bus stop.	Free service to Holmbush Shopping Centre, Shoreham.	Every Tuesday, departs 10.06 and returns 12.50.
Doorstep service.	Blue Bird service provides transport to surrounding villages.	Voluntary run demand responsive service.
Hassocks Rail Station 5km east of the Site and Burgess Hill Railway Station 8.5km north-east of the Site. Located on the same railway line with access to the same routes. Railway stations are accessible by the local bus services identified above.	London via Clapham junction and East Croydon; Brighton; Bedford via East Croydon, St Pancras International and Luton; Cambridge.	Further details of frequency of service in TA. Frequency ranges from approx. 10-60 minutes.

- 2.12 In addition to the PROWs that lie along the Site's northern and western boundaries providing connections into Albourne to the north and surrounding countryside, there is a continuous footpath that runs along the eastern side of London Road which runs beyond the Site to the FedEx distribution centre. On the western side of the road the footpath, as it progresses south towards the site, stops just short of the Site north of the Brethren Hall entrance.

### ***c) Facilities***

- 2.13 Facilities in the Village include a Primary School and Village Hall which hosts a 'pop up pub' on a Friday as well as other social activities and clubs. There are also shops and services at Sayers Common, within 5km of the Village to the north.

- 2.14 There are a number of businesses located in the Village. This includes a cluster of businesses at Albourne Court (in the north) comprising a Law Firm, Electrical Firm, Business Solutions and an App development company amongst others. Along the London Road, there is Ernest Doe an outdoor machinery and DIY company, Soft Tech Rail a project management and engineering company, Arden Grange kennels and FedEx distribution centre.

### iii) Planning History

- 2.15 In March 2018 an Outline application (ref. DM/17/3784) for an extra care development comprising up to 110 units within Use Class C2 was refused for 4 no. reasons:

1. Impact on the setting of heritage assets;
2. The location of the Site and impact on the character of the area;
3. Noncompliance with policies relating to development contributions;
4. The Site is located in an unsustainable location.

- 2.16 A copy of the decision notice is attached at **Appendix 2**. There is no other recent planning history in connection with the Site.

- 2.17 It is noted that the Site was recently assessed in the Council's Strategic Housing and Economic Land Availability Assessment (SHELAA), April 2018. Site ref 58. The assessment notes that development on the site *'would not have a negative impact on the Conservation Area and Areas of Townscape Character'*. It further notes that *'development may potentially effect listed building/s - mitigation may be necessary'*. Overall, it is assessed that the Site could come forward for development over the medium-long term.

- 2.18 However, other planning permissions of note include:

Application Ref	Location	Persimmon Granted For
DM/18/0025	East side of the London Road, opposite the Conservation Area.	4 no. detached houses.
DM/17/1649	East side of the London Road, opposite the Conservation Area and to the north of application DM/18/0025.	1 no. detached dwellings following demolition of a stable.
DM/17/4824	East side of London Road, opposite the Conservation Area. and to the north of application DM/17/1649.	1 no. detached dwellings, following removal of a shed a mobile home.

Application Ref	Location	Persimmon Granted For
DM/11/03680	Land at Church Lane.	1 no. detached dwelling.
DM/10/01318	Land adjacent to 2 Church Lane.	1 no. detached dwelling.
DM/08/03337	On the northern boundary of the Site.	Demolition of an existing barn and construction of a new Gospel Hall (Brethren Hall).

### **3.0 RETIREMENT VILLAGES GROUP & THE DEVELOPMENT PROPOSALS**

#### **i) Retirement Villages Group**

- 3.1 Retirement Villages Developments Ltd (RVD) is the longest established private provider and operator of specialist retirement villages in the UK. RVD develops, owns and manages its own retirement villages, which currently total 15 active villages providing more than 1,270 purpose built, independent living units, across the UK. It's developments include older schemes originally marketed for the over 55s and more recent extra care retirement villages. Some include registered care homes alongside retirement/extra care accommodation.
- 3.2 RVD projects have consistently won recognition, receiving national accolades and prizes for their outstanding landscaping and gardens.
- 3.3 Residents of RVD accommodation in the model proposed for Albourne, are required to be at least 65 years old (except where a married couple includes a partner who is less than 65 years old). Recently the average age of buyers has been 82yrs, with the oldest being 96. Over half of all sales are to lone females, with the remainder split between couples and lone males.
- 3.4 The intention of RVD accommodation is that it is a person's last purchase and most remain resident until the end of their days. The accommodation provides the increasing level of care needed as residents age without the sterile institutional atmosphere and loss of independence of care homes and hospitals. It is intended to provide a more positive choice, providing a supported and social environment that people want to downsize into, a choice that is otherwise resisted which often leads to social isolation and increased accidents in the home.
- 3.5 RVD sites include facilities such as a restaurant, café/bar, library and space for hobbies, clubs and meetings. There is usually also a mini bus serving the site as would be the case at Albourne. Each RVD development is different offering varying services and facilities with some offering traditional style Care Homes or more highly specialist care facilities including residential dementia care. No two developments are identical, but integral to all developments is the provision of specialist trained staff which are there to ensure the individual and changing needs of residents are met within a supported environment.
- 3.6 Where domiciliary care services are provided, they are registered with the Care Quality Commission and can provide the same level of specialist care as that which is received in a traditional residential care home. The need and type of care received is tailored to meet the needs of individuals with care needs increasing in any development as its population ages.

- 3.7 Notwithstanding the provision of care, all units within any development share the following characteristics:
- Meet Building Regulation Part 4M (2);
  - All fixtures and fittings positioned to assist those with problems with mobility;
  - Internal fabric of the building is designed so grab rails and other mobility aids such as stair lifts can be quickly and easily installed to meet the needs of residents;
  - All apartments have lifts to all floors with powered assisted entrances; and
  - All cottages designed to accommodate ground floor living.
- 3.8 In and around the grounds, all paths are lit with directional lighting with shallow gradients (if any) to ensure the easy movement of residents with development concentrated as far as practical around the Club House.
- 3.9 There are no private gardens or other outside domestic paraphernalia. All buildings sit within managed landscaped grounds. These often include different experience/character areas with a mixture of formal and informal areas for residents to enjoy. A central green or croquet style lawn is provided alongside the Club House as a location for organised outdoor events including family open days/celebrations and other wider community events.
- 3.10 Retirement Village developments are designed solely to meet the needs of older persons and this is integral to every element of any scheme.

## **ii) The Development Proposals**

- 3.11 Full details of the development proposals and the general design approach taken is contained in the supporting Design & Access Statement (DAS) and will not be substantially repeated here. However, the essential elements of the development comprise the following:
1. 84 extra care units comprising a mixture of apartments and cottages;
  2. Club House or also known as the Central Facilities Building including:
    - Shop;
    - 2 no. workshops;
    - Foyer including offices for staff, administration and care operators;
    - Library;
    - Lounge;
    - Restaurant and bar; and
    - Treatment and function rooms.



- 3.12 The development is designed to be a community that will operate as a single planning unit, with restrictions on occupation, being both age (at least 1 person per household/unit aged at least 65yrs) and being in need of 'care'. A minimum of two hrs of care is also to be provided per week to that household/ unit.
- 3.13 All the units meet the design criteria described at para 3.7 above and all are fitted with warden call systems which are easy to use for residents and carers allowing them to call for assistance. There are five levels of alerts that include, call assist, nurse present, staff call and staff emergency. Staff will be present 24hr per day. As detailed in the supporting DAS, the proposals have also been designed to comply with the 'HAPPI Standards for Housing our Aging Population'.
- 3.14 By virtue of the purpose built nature of the development, the provision of services and facilities, restrictions on occupation and provision of care, the proposals constitute a C2 development.
- 3.15 Most units are sold on a long lease in which case occupants additionally pay a management charge, whilst a smaller number of units are privately rented with the service charge wrapped-up into the rental price. The hours that care is provided for can be adjusted to suit the needs of individuals, but as above cannot be less than 2hrs. This allows for a more tailored and responsive service that meets the needs of individuals. It can also be more cost effective than a traditional care home where a flat rate is levied regardless of an individual's care requirements.
- 3.16 The development will employ a core of approximately 22 staff on varying working patterns. The core staff will include:
- Administration including a Village Manager;
  - Domestic personnel;
  - Maintenance (building and grounds);
  - Restaurant staff including chef;
  - 24hr per day emergency call out staff.
- 3.17 In addition, there will be domiciliary care staff whose numbers will fluctuate depending on the changing care needs of residents. Not all staff will be present on the Site at any one time, with many operating in shifts. The care staff will be employed by RVD's partner domiciliary care agency, which will be registered with CQC for the provision of personal care as a minimum, and potentially for other care services.

- 3.18 Residents of Albourne will have access to the shop which, although always provided as part of the RVD developments, has been 'up-scaled' so it can provide a wider range of food goods and will be of a 'farm shop character', with local firms/producers able to sell their produce alongside staple day to day items. It is further proposed, in response to a request which arose during public consultation, that the development will incorporate an internet shopping pick-up point such as an 'Amazon Locker'.
- 3.19 RVD will guarantee the running of the shop, which it would provide for the benefit of its residents irrespective of any wider public use. The shop is not intended to be a 'destination' attracting people from wider than the local area, and will hence not be advertised outside the Site, in terms of roadside signage.
- 3.20 The Club House is to be located at the entrance into the Site and the shop is proposed to be positioned facing towards the London Road. A parking area will be provided to the front to serve visitors, incorporating 3 electric charging points and 4 other charging points through the Site. Through consultation events and the project team visiting the Site generally, we are aware the PROW routes that bound the Site are well used, especially by dog walkers. Access to the Site will also be further enhanced through extensions to the footpath network on London Road to the Site as described below. The shop is therefore well positioned to serve those people walking past the Site as well as those driving to and from the Village.
- 3.21 In addition to the Shop, two workshops are proposed within the Club House which are intended to be for use by local craftsman's/artisans. The workshops will be provided on a lease basis. The workshops will share the visitor parking positioned to the front of the shop.
- 3.22 Between the London Road and Club House, an area of open space is proposed which will provide an 'entrance green' to complement the existing Regency properties opposite providing a positive frontage and sense of place. It also provides an opportunity for some public art.
- 3.23 Parking will be provided on Site at a ratio of 1 space per unit with additional staff and visitor parking. In addition, residents, staff and visitors will have access to a dedicated minibuss service which will provide access to local services and facilities as well as provide for organised trips and potentially form part of staff journeys to work by public transport. Cycle parking will be provided for staff and visitors.

3.24 Off site highways works are proposed along London Road, which will introduce traffic calming measures, new entrance features and a new 30mph zone. The works include:

- New gateway feature south of the FedEx distribution centre with build-outs and change in surface colour to highlight the existing change in speed limits from 60mph to 40mph;
- North of the Spurk Barn private drive, new gateway feature including kerb build-outs reducing the road width, highlighted with a contrasting change in surface colour. Introduction of a new speed limit from 40mph to 30mph;
- New pedestrian refuge crossing point, with tactile surfacing either side just to the south of the Site entrance; and
- To the north of Church Lane junction new gateway feature including kerb build-outs reducing the road width, highlighted with a contrasting change in surface colour. Introduction of a new speed limit from 40mph to 30mph.

3.25 In addition to the above, the access into the Site includes a new footpath extending to the north, connecting with and continuing the footpath connection on the western side of London Road and to the south terminating with the new pedestrian crossing point described above.

### **iii) S106 Provisions**

3.26 The application is accompanied by draft S106 Obligations (see **Appendix 8**) which commits the development to the following:

1. All accommodation is age restricted so at least one person in a household meets the minimum age limit of 65yrs plus and is assessed as being in need personal care via a health care assessment, prior to occupation following a health assessment;
2. A resident of each unit is required to subscribe to a baseline level of services which includes at least 2hrs of personal care per week;
3. Procurement of a Care Agency registered with the Care Quality Commission for the provision of personal care, operating at the site by arrangement with RVD, providing the personal care element of the baseline package of services plus such other personal care as required by residents;
4. Establishment of management company and operation of communal facilities on a not for profit basis;
5. Provision of communal facilities, including shop with a click and collect box, and artisan workshops;
6. Public access to the shop;

7. Provision of a mini bus for the use of residents of the development, their visitors and staff;
8. Provision of artisan workshops and leasing/operational arrangements;
9. Provision off-site highway works; and
10. Library contribution.

#### iv) Parameter Plan

3.27 The DAS demonstrates how the development proposals have been substantially altered and refined from those submitted under the previously refused application to better respond to the Site's context, further technical analysis and public consultation. Whilst this application is submitted in Outline with all matters reserved except access, the application is accompanied by a Parameter Plan (see **Appendix 3**), which is submitted for approval alongside the Site access arrangements.

3.28 The parameter plan more closely defines the development area of the Site in defining:

- Areas of built development;
- Areas of retained and proposed strategic landscaping;
- Maximum building heights.

3.29 The parameter plan will set the framework against which any future planning application should be assessed and guarantees the delivery of essential design elements, such as landscape buffers and building heights. The parameter plan also forms the basis of the technical assessments which accompany the application.

3.30 In summary the parameter plan establishes that:

- Development will not exceed 2 storeys. Development at this scale to be contained on the northern and eastern boundaries of the Site to respond to the scale of existing adjacent development;
- Majority of the development area will comprise 1 storey accommodation with a room in the roof, dropping to 1 storey on the western boundary in the north and on the southern boundary;
- The maximum ridge height of the 2 storey buildings will be 12 metres; This is only along the northern boundary of the Site where the Club House will be located. Then other two storey buildings will reduce to a maximum ridge height of 9 metres;

- The parameters fix the overall maximum GEA which can be achieved across the Site and within any given development zone, to ensure the spread of development responds to the different characteristics of the Site;
- A landscape zone extends through the centre of the Site splitting the development into two development areas, east and west; and
- Existing tree planting round the boundaries of the Site will be retained and reinforced, alongside existing tree belts extending into the Site which will be complimented by new belts of planting.

3.31 The parameter plan flows from the illustrative layout (See **Appendix 4**) that accompanies the application and responds in more detail to the range of conditions and influences within the different parts of the Site. This has resulted in the creation of distinctive areas within the layout where different architectural approaches are proposed. This has the effect of creating the appearance of a development that has developed over time, rather than this being a prescribed approach and is in keeping with the wider character of Albourne.

3.32 Compared to the previously refused scheme, significant differences in the design approach which have come about following a more detailed analysis of the Site characteristics and local context. What has resulted is a development that more appropriately responds to its context. The proposals also better respond to the topography of the Site and incorporate a robust and informal structural landscape framework. As part of this more 'fine grain' design approach, the number of units on the Site has reduced from 110 to 84 (23% reduction).

#### **v) Public Consultation & Pre-Application Discussions**

3.33 The application is supported by a Statement of Community Involvement (SCI) which details in full the community engagement process undertaken. The DAS also details how the development proposals responded to the feedback received. The SCI and DAS should be referred to for the full analysis.

3.34 A key element of the public consultation included a public exhibition hosted in Albourne Village Hall on 24 & 27 November 2018. Following the exhibition, the information exhibited was also posted on-line for those unable to attend the exhibition to provide comment.

3.35 The exhibition was well attended with 79 attendees over the two days. A total of 36 feedback forms were also received. Overall the SCI reports that of those feedback forms completed, a considerable level of support was received for the development with more than half the people responding giving the development high or medium support. A considerable amount of

support was also shown for increasing housing options for older people. There was also anecdotal evidence from speaking to attendees, that some older residents saw the development as an opportunity to stay in the Village, acknowledging their existing house had got too large for them, but downsizing would currently mean leaving the Village which was not desirable.

- 3.36 Notwithstanding the positive feedback received, objections/concerns were raised by residents to the proposals. The matters which were raised most frequently included the loss of open green space, scale of development, traffic generation and congestion, building heights, impact on the character of Albourne and light pollution. These matters are addressed in this Statement and the supporting technical reports.
- 3.37 Feedback was sought on potential amenities that could be provided on the Site and those aspects of the development which were considered most important. The most popular amenity was the provision of a shop and local employment opportunities. Other suggestions included the provision of 'click and collect' facilities and electric car power points. Both of these items have since been added to the development proposals, with the 'click & collect' taking the form of a 'box' facility such as an Amazon 'drop box'. Suggestions which have not been taken forward included the provision of a children's play area and subsidy to the local bus service.
- 3.38 In addition to public engagement, pre-application advice was sought from MSDC, East Sussex County Council (as providers of landscape advice to MSDC) and West Sussex County Council Highways (WSCC).
- 3.39 Pre-application meetings were held with MSDC and East Sussex County Council in December 2018 and January 2019 respectively, the former attended by MSD planning, design and housing officers in addition to the Ward Member and the latter focussing on landscape, visual and character issues. This culminated in written advice received on 07 February 2019. The written advice confirmed that the Council's position in respect of the amended development proposals remains unchanged from the refused scheme. The Council's objections to the proposals are addressed in detail in the technical reports provided and in the Planning Assessment section of this Statement.
- 3.40 WSCC has been engaged in agreeing the Site access arrangements and off-site highway works.

## 4.0 PLANNING POLICY CONTEXT

4.1 The following section of this report identifies the relevant National and local planning policies and guidance. The proposals are assessed against the relevant policy and guidance on a topic basis in the following section.

### i) Planning and Compulsory Purchase Act 2004

4.2 Section 38 (6) of the Planning and Compulsory Purchase Act (2004) requires all applications for planning permission to be determined in accordance with the Development Plan, unless material considerations indicate otherwise.

4.3 MSDC's Development Plan comprises:

- West Sussex Joint Minerals Local Plan (July 2018);
- Site Allocations Document 2008;
- Mid Sussex District Plan 2014-2031 (March 2018);
- Mid Sussex District Plan – Policies Map (March 2018); and
- Albourne Parish Council Neighbourhood Plan 2014-2031 (September 2016) and other Neighbourhood Plans.

4.4 The 2008 Site Allocations DPD is not considered relevant to the determination of this application where it relates to the now superseded 2004 Local Plan.

4.5 MSDC is in the early stages of drafting a Site Allocations Document. An assessment of housing sites against the District Plan has been undertaken and on the 21<sup>st</sup> November 2018 the methodology for the site selection was published.

4.6 The South Downs Local Plan by the South Downs National Park Authority has been submitted for examination and is therefore at an advanced stage. However, given the Site's distance from the National Park, this Plan is not considered to be material. Notwithstanding, the potential impact of the proposed development on the National Park has been assessed, as set out in particular within the LVIA submitted in support of the planning application.

4.7 MSDC has in place a no. of SPDs. The most relevant to this application is the development Infrastructure and Contributions SPD (July 2018)

## ii) National Planning Policy Framework

- 4.8 On 19 February 2019, the revised July 2018 NPPF was superseded. The NPPF sets out the Government's planning policies for England and is a material consideration in all planning decisions.
- 4.9 The NPPF (Para 10 and 11) sets out the presumption in favour of sustainable development which has three dimensions which are mutually dependent: economic, social and environmental and are defined at Para 8 at follows:
- a) **'an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;**
  - b) **a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and**
  - c) **an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.'**

- 4.10 Further to this, Para 11 sets out the basis for the application of the presumption in favour of sustainable development. In the case of decision making, this means that proposed developments that accord with an up-to-date Development Plan should be approved without delay. In the case where there are no relevant policies or the policies that are most relevant are out of date then permission should also be granted without delay unless the harm does not outweigh the benefits or the framework provides a clear reason for refusal.

### *Delivering a Sufficient Supply of Homes*

- 4.11 The NPPF sets out an objective of significantly boosting the supply of homes with sufficient variety of land coming forward to meet the needs of groups with specific housing requirements (Para 59). Para 61 explains this as meaning a range of homes need to be planned for, for different groups in the community such as older people.



4.12 'Older People' are expressly defined as:

**'People over or approaching retirement age, including the active, newly retired through to the very frail elderly; and whose housing needs can encompass accessible, adaptable general needs housing through to the full range of retirement and specialised housing for those with support or care needs'**

4.13 The NPPF (Para 77) supports housing developments in rural areas which reflect local needs and seeks housing to be located where it will enhance or maintain the vitality of rural communities (Para 78).

#### *Building a Strong, Competitive Economy*

4.14 The NPPF (Para 83) seeks to support a prosperous rural economy. This includes the development of accessible local services and community facilities such as local shops, meeting places and open space.

4.15 Further to this the NPPF acknowledges that sites to meet local business and community needs may have to be found adjacent or beyond existing settlements and in locations that are not well served by public transport (Para 84).

#### *Promoting Healthy and Safe Communities*

4.16 The NPPF (Para 92) sets out that planning policies and decisions should seek to provide social, recreational and cultural facilities and services for the community needs, and sets out how this should be done including:

**'plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance sustainability of communities and residential environments.'**

#### *Promoting Sustainable Transport*

4.17 In assessing applications, the NPPF (Para 108) directs that appropriate opportunities are taken to promote sustainable transport; safe and accessible access is achieved for all users; and any significant highway impacts can be mitigated.

4.18 The NPPF encourages the provision and use of sustainable transport methods. Para 110 sets out that the first priority should be given to pedestrian and cycle movements. The NPPF also encourages facilitating access to public transport and sets out that developments should

address the needs of people with disabilities and reduced mobility and create places that are safe, secure and attractive.

### ***Making Effective Use of Land***

- 4.19 Section 11 of the NPPF seeks to promote the most effective use of land in meeting the need for homes and other uses, whilst safeguarding and improving the environment. In particular decisions should encourage multiple benefits from both rural and urban land *'including through mixed use schemes and taking opportunities to achieve net environmental gains...'* (para 118).

### ***Achieving Well-Designed Places***

- 4.20 The NPPF (Para 124) states that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve.
- 4.21 The NPPF (Para 127) sets out criteria that developments should achieve which includes:
- Will function well;
  - Are visually attractive;
  - Are sympathetic to local character and history;
  - Establish or maintain a strong sense of place;
  - Optimise the potential of the site; and
  - Create places that are safe, inclusive and accessible and which promote health and well-being.

### ***Meeting the Challenge of Climate Change, Flooding and Coastal Change***

- 4.22 Section 14, the NPPF sets out that new developments should be planned in a way that is proactive in mitigating the impacts of climate change, reducing greenhouse emissions and increasing the use and supply of renewable and low carbon energy.
- 4.23 Inappropriate development in areas of flood risk should be avoided (Para 155) and developments should ensure that the risk of flooding is not increased elsewhere (Para 163). Major developments should incorporate sustainable drainage systems unless there is clear evidence this will be inappropriate (Para 165).

*Conserving and Enhancing the Natural Environment*

- 4.24 The NPPF (Para 170) requires development to contribute to and enhance the natural and local environment. This should be done in a number of ways including minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
- 4.25 Para 177 advises that the presumption in favour of sustainable development does not apply where a development either alone or in combination, is likely to have a significant effect on a habitat site, unless an Appropriate Assessment has concluded that the plan or project will not adversely affect the integrity of the Site.
- 4.26 Planning decisions should ensure that a site is suitable for the proposed use, taking into account ground conditions (Para 178), pollution including noise and light (Para 180) and air quality (Para 181).

*Conserving and Enhancing the Historic Environment*

- 4.27 The NPPF (Para 192) sets out the considerations when determining applications which may affect a heritage asset.
- 4.28 The NPPF (Para 193) states that great weight should be given an asset's conservation when considering the impact of a development on its significance. Where there is harm, the NPPF (Para 194) requires there to be clear and convincing justification.
- 4.29 Where less than substantial harm is identified then the NPPF (Para 196) advises that this should be weighed against the public benefits of the proposal.
- 4.30 With regards to non-designated heritage assets, the NPPF (Para 197) sets out that the effect of a development on its significance should be taken into account and a balanced judgement will be required to the scale of any harm or loss and the significance of the heritage asset.

**iii) National Planning Practice Guidance**

- 4.31 The Planning Practice Guidance (NPPG, 29 November 2016) builds on the principles within the NPPF and provides further detailed technical guidance, to complement the NPPF, on aspects such as design, flood risk, among other planning and environmental topic areas.

- 4.32 The NPPG acknowledges that good quality design is an integral part of sustainable development and encourages planning to 'drive up standards of design across all forms of development.
- 4.33 The Housing for Older People section of the NPPG acknowledges that the need to provide housing for older people is critical given the projected increase in the number of households aged 65 and over accounts for over half of new households. It also expects Councils to support independent living, and acknowledges the way in which this helps reduce the costs to health and social services, and provides more options for older people. Moreover, that:

**Older people have a wide range of different housing needs, ranging from suitable and appropriately located market housing through to residential institutions (Use Class C2). Local planning authorities should count housing provided for older people, including residential institutions in Use Class C2, against their housing requirement. The approach taken, which may include site allocations, should be clearly set out in the Local Plan.**

**In decision-taking, evidence that development proposals for accessible and manageable homes specifically for older people will free up under-occupied local housing for other population groups is likely to demonstrate a market need that supports the approval of such homes (Ref: ID: 3-037-20150320).**

#### **iv) Local Planning Policy**

##### *West Sussex Joint Minerals Local Plan (July 2018)*

- 4.34 The Site is not located in a safeguarding area and therefore this Plan is not considered any further.

##### *Mid Sussex District Plan (March 2018)*

- 4.35 The Mid Sussex District Plan (MSDP) was adopted March 2018.
- 4.36 Within the Inspectors report on the examination of the MSDP it was noted that the OAN was increased to 876dpa for 17 years of the Plan and 1,090 dpa in the latter part of the plan period during the process of the examination.
- 4.37 In terms of five year housing land supply, the Inspector considered MSDC's approach to be sound in regards to a sufficient allocation of sites and the drafting of a Site Allocations DPD which should allow for the allocation of Use Class C2 developments.



- 4.38 The MSDP (Para 2.2) sets out that (according to the 2011 census) the District is home to 139,860 residents, 18.1% of which are retired residents (aged over 65) which is higher than the average nationally (16.4%) and in the South East (17.1%). This equates to approximately 25,314 residents over the age of 65.
- 4.39 The MSDP (Para 2.9) identifies the challenges facing the District, this includes the older population:

**'According to the 2011 Census, 18.1% of the Mid Sussex population are aged over 65 and over, and the Office of National Statistics has projected that this will increase to 21.2% by 2021. There is also a projected increase in people aged over 85 years living in Mid Sussex from 2.8% to 3.3% by 2021 and new development will need to meet the changing needs of residents;'**

- 4.40 The MSDP (Para 3.21) sets a preference that the location and nature of additional development is identified through Neighbourhood Plans. Albourne has a Neighbourhood Plan which was adopted prior to the MSDP and will be discussed further in this Statement.
- 4.41 In relation to the increase in housing need, the MSDP (Para 3.32) does not require current Neighbourhood Plans to increase housing numbers, although sets out that if Neighbourhood Plans were reviewed, less sites would need to be found in the Site Allocations DPD.
- 4.42 **Policy DP4** sets out MSDC's housing need and the method it seeks to address the need. This is set out below.

District Plan minimum Requirement	16,390
Completions 2014/15	630
Completions 2015/16	868
Completions 2016/17	912
Total Housing Commitments (including sites with planning permission, strategic development at Kings Way, Burgess Hill (DP8) and Pease Pottage (DP10) and allocations in made Neighbourhood Plans)	7,091
Strategic development north and north-west of Burgess Hill	3,500
Land north of Clayton Mills, Hassocks	500
<b>Windfall Allowance</b>	<b>450</b>
<b>Elsewhere in the District, as allocated through future Neighbourhood Plans and the Site Allocations document</b>	<b>2,439</b>

4.43 Alongside this, Policy DP4 sets out the spatial distribution of housing. This shows that in Category 3 settlements (which includes Albourne) there is a minimum requirement over the plan period of 2,200 dwellings, with a minimum residual from 2017 onwards of 311 dwellings.

4.44 Additional relevant policies are listed below, with a summary provided at **Appendix 5**.

- **Policy DP6:** Settlement Hierarchy
- **Policy DP12:** Protection and Enhancement of Countryside
- **Policy DP13:** Preventing Coalescence
- **Policy DP14:** Sustainable Rural Development and the Rural Economy
- **Policy DP15:** New Homes in the Countryside
- **Policy DP17:** Ashdown Forest Special Protection Area and Special Area of Conservation
- **Policy DP18:** Setting of the South Downs National Park
- **Policy DP19:** Sustainable Tourism
- **Policy DP20:** Securing Infrastructure
- **Policy DP21:** Transport
- **Policy DP22:** Rights of Way and Other Recreational Routes
- **Policy DP23:** Communication Infrastructure
- **Policy DP25:** Community Facilities and Local Services
- **Policy DP26:** Character and Design
- **Policy DP27:** Dwelling and Space Standards
- **Policy DP28:** Accessibility
- **Policy DP29:** Noise, Air and Light Pollution
- **Policy DP30:** Housing Mix
- **Policy DP31:** Affordable Housing
- **Policy DP34:** Listed Buildings and other Heritage Assets
- **Policy DP35:** Conservation Areas
- **Policy DP37:** Trees, woodland and hedgerow
- **Policy DP38:** Biodiversity
- **Policy DP39:** Sustainable Drainage and Construction
- **Policy DP41:** Flood Risk and Drainage
- **Policy DP42:** Water Infrastructure and the Water Environment

*Albourne Neighbourhood Plan (September 2016)*

4.45 The Albourne Parish Council Neighbourhood Plan (NP) was made in September 2016 and covers the plan period of 2014-2021. The Plan sets out a number of policies and aims as well as making designations and site allocations.

4.46 The NP (Para 2.2) identifies five strategic objectives which are:

- **Keeping the “village-feel” and sense of place;**
- **Protecting and enhancing the environment;**
- **Promoting economic vitality and diversity;**
- **Ensuring cohesive and safe communities;**
- **Supporting healthy lifestyles’.**

4.47 The relevant policies are listed below, with a summary provided at **Appendix 5**.

- **Policy ALC1:** Conserving and Enhancing the Countryside;
- **Policy ALC2:** South Downs National Park;
- **Policy ALC3:** Local gaps and Preventing Coalescence;
- **Policy ALH1:** Housing Development;
- **Policy ALE2:** Tourism.

4.48 The weight to be attached to the Neighbourhood Plan is however reduced where it conflicts with the more recently Adopted District Local Plan (2018), specifically in respect of Policy ALH1, where this has been superseded by DP6 which does not restrict development to adjoining the ‘Built Up Area Boundary’.

#### **v) South Downs Partnership Management Plan**

4.49 The South Downs National Park Partnership Management Plan (Shaping the future of your South Downs National Park) was published in 2013 and covers the period 2014 – 2019. Relevant policies include:

- **Policy 1** seeks to conserve and enhance the natural beauty and special qualities of the landscape and its setting in ways that allow it to continue to evolve and become more resilient to the impacts of climate change and other pressures;
- **Policy 3** seeks to protect and enhance tranquillity and dark night skies;
- **Policy 48** seeks to support the towns and villages in and around the National Park to enhance their vital role as social and economic hubs.

**vi) Supplementary Planning Documents (SPD)*****Development Infrastructure and Contributions***

- 4.50 The Development Infrastructure and Contributions SPD sets out the type and cost of contributions which are required from residential development. The contributions relevant to this application are considered to be Library Contributions and Total Access Demand Contribution as set out below and confirmed in pre-application advice from the Council.

**vii) Other Material Considerations*****The Housing White Paper***

- 4.51 The HWP 'Fixing our Broken Housing Market', provides guidance on the Government's intentions in relation to housing. Improving options for older people is a key aim of the HWP, with it identifying how offering older people a better choice of accommodation can help them to live independently for longer, which in turn helps to reduce costs to the social and health care system (Paragraph 4.42)



## 5.0 PLANNING ASSESSMENT

5.1 The following section of the Statement considers the proposals against relevant policies in the Development Plan and National guidance. The assessment undertaken comprises four key areas:

- 1) Establishes the development as C2, that there is a significant need for this form of specialist accommodation in the District which is not being met and its provision is supported by the Adopted Local Plan;
- 2) Considers the Council's and Albourne's housing land supply position, which the proposals can contribute to meeting;
- 3) Considers the scheme against countryside and settlement hierarchy policies, which the proposals are assessed to accord with; and
- 4) Considers the benefits of the development together with the findings of the supporting technical reports and demonstrates that the proposals secure significant benefits and are acceptable on technical grounds.

5.2 It is the outcome of the assessment that the proposals accord with the Adopted Development Plan and should be approved without delay (NPPF, Para 11c).

### i) Use Class (C2)

5.3 The development proposal is for extra care accommodation falling within Use Class C2. This approach is unchanged from the refused application which the Council considered, contrary to the assessment set out in the application, to constitute C3 development. The Applicant has clarified through the submission of draft S106 provisions (**Appendix 8**), the package of facilities the development will secure (as listed under the description of the proposals) and includes a minimum age requirement for occupancy (65 yrs), requirement for residents to be in need of care and provision of at least 2hrs of care a week to residents. Care is to be provided by a registered domiciliary care agency, which secure the same/equivalent care to that received in a care home registered for personal care.

5.4 Through pre-application discussions, the District Council remains of the view that the development constitutes C3 not C2 development. The key factor in the Council's case is that the development constitutes a C3 development due to the application of a 'front door test' which is derived from the MHCLG definitions of self-containment. This is an instrument used for the purposes for compiling data, although it should be noted that C2 accommodation can now be counted towards meeting general housing requirements (NPPG ID: 3-043-20180913). It does not go to the Use Class of any given development as is plain from the definitions below.

- 5.5 The Use Class of a development is determined by the Use Classes Order 1987 (as amended) (UCO). Use Class C2 is defined as:

**use for the provision of accommodation and care to people in need of care (other than a use within class C3 (dwelling houses)).....**

- 5.6 The UCO defines care as:

**'care' means personal care for people in need of such care by reason of old age, disablement, past or present dependence on alcohol or drugs or past or present mental disorder, and in class C2 also includes the personal care of children and medical care and treatment.**

- 5.7 There is no further definition, but personal care is one of the classes of service which by law must be registered by the Care Quality Commission (CQC). Care homes can be registered for the provision of personal care alone or additionally for provision of nursing care. Domiciliary care agencies are generally registered for the provision of personal care.

- 5.8 The UCO defines a C3 dwelling house as:

**Use as a dwellinghouse (whether or not as a sole or main residence) by—**

- (a) a single person or by people to be regarded as forming a single household;**
- (b) not more than six residents living together as a single household where care is provided for residents; or**
- (c) not more than six residents living together as a single household where no care is provided to residents (other than a use within Class C4).**

- 5.9 The above definitions do not refer to the physical characteristics of a development. It is acknowledged that the definition of a dwelling house includes a household where care is provided for residents. However, unlike development defined in C2, the provision of care is not an integral part or a primary function i.e. it is not a basic requirement but refers to a more transitory state where care might be brought in for a temporary period and therefore does not tip the dwelling house into a C2 use.

- 5.10 This is in contrast to a C2 use where the provision of care to people in need of care is an intended and permanent state. The unit of accommodation provided forms part of a larger whole/planning unit and it cannot be disaggregated from the services and facilities provided on site, this includes the provision of care and requirement to be in need of care, a pre-requisite of a C2 use. It is a requirement of this development that care is needed and required by residents, as secured in the appended S106 Draft provisions (**Appendix 8**). This is against

a backdrop that this is a purpose-built development designed solely to meet the needs of older people within a caring and supportive environment.

- 5.11 Through pre-application discussions a dossier of Appeal decisions has been provided to Officers which overwhelmingly supports the case that the development proposals constitute a C2 use. The pre-application advice received does not address this body of evidence which includes reference to a total of 19 Appeal/High Court decisions listed at **Appendix 6**.
- 5.12 In all cases the appeal proposals include units which provide all the necessary features for independent living: bedrooms, living space, bathrooms and kitchens; and in each case the separate units have their own front door. Taken individually they would have the appearance of dwelling houses and would be suitable for use as such. In each case a variety of services and facilities are provided to residents and in most cases it is clear that those services and facilities would be paid for through service charges. In some cases some or all of the services and facilities are provided within/from a care home with which the extra care/assisted living units would be co-located. All propose occupation by way of leasehold and/or private rent.
- 5.13 In all cases, the Appeal decisions demonstrate that weight is given to a range of indicators including occupancy conditions relating to age (generally 60 or 65), the need for care and the provision of care (predominantly between 1.5hr to 2hrs per person a week), which are the most significant factors. As such any development not designed and managed to provide care to people in need of care is not C2 which goes to the heart of the Use Classes Order. The role of a 'front door' is not a determinative factor. By contrast, provision of a minimum of 1.5/2hrs of personal care per week has found to be considered determinative in the majority of cases, in combination with other factors.
- 5.14 Subsequent to the dossier provided MSDC, RVD received consent by way of an allowed Appeal on 19 December 2018 for an extra care development (comprising apartments and cottages) all within Use Class C2 (App ref APP/H2265/W/18/3202040) in the Borough of Tonbridge & Malling. Use Class was a matter in dispute between RVD and the District Council at the time the Appeal was lodged. However, following the exchange of evidence which included the same dossier provided to MSDC (as referenced above), the District Council conceded that the development did in fact constitute C2 development and the reason for refusal was withdrawn. The Inspector did not dispute the Council's conclusion on this matter, which he could have done if he had disagreed with the Council's judgement. The Appeal proposals secured the same package of measures as is proposed in respect of the Albourne scheme.

- 5.15 With regards to the above, it is material to note that the District Council very recently consented a scheme classified as C2 development which is made up of units with their own front door (application ref DM/17/1521 for extra care sheltered accommodation at Longfield Lodge). The accompanying S106 secures the provision of access to a minimum of 2hrs of care and residents need to be assessed as being in need in care. Whilst a 100% affordable housing scheme, the use class classification of the units was not raised. There is no legally sound basis for the District Council to reach a different conclusion in respect of the proposals for Albourne.
- 5.16 Based on the restriction on occupations, minimum provision of care together with the total package of services and facilities provided on Site, which clearly distinguish the use of the development from any C3 use. The proposals are assessed to be a C2 use.

## **ii) Requirement to Deliver Affordable Housing**

- 5.17 Based on the above assessment, it is concluded that the development falls within Use Class C2 and MSDC Local Plan (LP) Policy DP31 which relates solely to C3 development is not triggered.

## **iii) Need for Specialist Accommodation**

### ***The Need***

- 5.18 It is a well-known fact that our society is ageing. In 2016, 18% of people in the UK were aged 65 and over, with 2.4% aged 85 and over. Moreover, the proportion of people aged 85 and over is projected to double over the next 25 years<sup>1</sup>. As acknowledged in the MSDC Adopted Local Plan 18.1% of the population is of retirement age (aged over 65). This equates to approximately 25,314 residents in the District. There is also a projected increase in people aged over 85 years living in Mid Sussex from 2.8% to 3.3% by 2021 and new development will need to meet the changing needs of residents. These trends reflect the National picture.
- 5.19 The Council, in preparing its Local Plan, prepared a Housing and Economic Development Needs Assessment (HEDNA), last updated in August 2016. The August 2016 addendum updated the Council's position in respect of the provision of accommodation for older people and recognises the 'significant housing challenge' posed by the aging National and local population. It identifies the need for Extra Care as follows:

1 House of Commons Communities and Local Government Committee Housing for older People Second Report of Session 2017–19 (published February 2018).

**Table 1: Extract from HEDNA, August 2016 Addendum**

	<b>2014 Demand</b>	<b>2014 Supply</b>	<b>Need</b>	<b>2031 Demand</b>	<b>Need (2031 demand vs 2014 Supply)</b>
<b>Extra Care</b>	<b>330</b>	<b>210</b>	<b>120 (36%)</b>	<b>555</b>	<b>345 (62%)</b>
Rent	241	154	87(36%)	405	215(62%)
Purchase	89	56	33 (37%)	149	93(62%)

- 5.20 The above assessment of need is derived from the 'LIN Shop' and the HEDNA reports that there is existing shortfalls in supply of extra care accommodation of -36% increasing to -62% with a total shortfall of at least 345 units of accommodation needed by 2031. However, as detailed in the supporting 'Needs Assessment' prepared by Contact Consulting, there are limitations to the LIN Shop tool, which depends on the current prevalence and unless adjusted it will not take into account current shortfalls in provision. As detailed below, the comprehensive assessment undertaken by Contact Consulting demonstrates that this shortfall has not been accounted for.
- 5.21 It should further be noted that whilst the HEDNA assesses the adequacy of existing supply against a benchmark level in overall terms, it does not assess the adequacy of the tenure split of existing supply. The table above uses the existing (2014) tenure split of approximately 73% rented to 27% for purchase and uses this both to assess the existing shortfall and to project forward future demand and unmet need. Since the existing tenure split is a product of a largely unplanned pattern of provision this approach should be treated with extreme caution and the HEDNA is not accepted as a definitive assessment of current or future needs.
- 5.22 The 'Needs Assessment', prepared by Contact Consulting provides a more detailed assessment of the need for specialist accommodation in Mid Sussex, taking into account the current and future projected age, tenure and health profile of the District, levels of homeownership as well as current levels of specialist accommodation provision. The table below summarises the assessment of need for Extra Care accommodation across both rent and sale units. It identifies that as of 2017 there is a total **shortfall of 492 units of accommodation** of which **75% need to be for sale (total 367 unit)**. The inversion of the tenure split compared to the HEDNA approach is an intentional move in reflection of the prevalence of owner-occupation as the current tenure preference of older people in Mid Sussex.

**Table 2: Summary of Contact Consulting's Assessment of Extra Care Need as of 2017**

		<b>Current Provision</b>	<b>Increase or Decrease</b>	<b>Resulting No. of units Needed as of 2017</b>
<b>Extra Care</b>	For rent	86	+125	211
	For sale	56	+367	423
	Total	142	<b>+492</b>	634

5.23 Based on the projected population profile of the District in 2030 comprising those 75yrs+ (see table 1 of the Need Assessment) and the assessed levels of provision per 1,000 population (see table 14 of the Need Assessment) it can be calculated that by **2030 a total of 604 extra care units** for sale will be required (+237 on the 492). Whilst the HEDNA covers a slightly different period from 2014-2031 compared to the assessment above of 2017-2030, it nonetheless clearly demonstrates that the HEDNA has significantly underestimated the current and future need for this form of accommodation, which as set out below, is a significant and growing need that will not be met and the development proposals will contribute to meeting this need.

5.24 As a further sensitively test, the table below further illustrates that the District age profile is also indicative of the more local age profile of Albourne and its immediate environment (with 4 mile radius) thereby demonstrating the need for Extra Care accommodation also exists at the very local level.

**Table 3: Population Profile of Mid Sussex District Compared to the Population Profile of Albourne and its Immediate Area (4 mile radius) as of 2017**

<b>Age Group</b>	<b>District Wide<sup>2</sup></b>	<b>4 miles of Albourne<sup>3</sup></b>
<b>65-69 yrs</b>	8,300 (28%)	3,100 (26%)
<b>70-74 yrs</b>	7,900 (26%)	3,100 (26%)
<b>75-79 yrs</b>	5,100 (17%)	2,100 (17%)
<b>80-84 yrs</b>	4,200 (13%)	1,700 (14%)
<b>85yrs +</b>	4,800 (16%)	2,000 (17%)
<b>Total</b>	<b>30,300</b>	<b>12,000</b>

<sup>2</sup> As taken from table 1 of the Needs Assessment

<sup>3</sup> Taken from Experian 2017 data

### *Meeting the Need*

- 5.25 To meet the need for Extra Care and other types of specialist accommodation, the HEDNA sets out that the market sector is expected to continue to provide such facilities (para 2.14). To secure this provision it suggests the need for policy intervention including protecting existing stock and allocating land for additional provision, with such housing being enabled where it represents sustainable development.
- 5.26 Policy interventions in the Local Plan (LP) include:
- Policy DP7: Strategic Development at Burgess Hill;
  - Policy DP10: Strategic Allocation at Pease Pottage;
  - Policy DP11: Strategic Allocation to the North of Clayton Mills, Hassocks;
  - Policy DP25: Community Facilities and Local Services; and
  - Policy DP30: Housing Mix.
- 5.27 LP Policies DP7, DP10 and DP11 relate to strategic development sites. The policies for each set out that a mix of housing should be provided, including housing for older people. The exact type and quantum of housing for older people within each development site is however undefined. In accordance with Policy DP30, at its most basic level this could include the provision of bungalows - which is not a specialist form of accommodation (as identified in the 'need' section above) and does not meet the identified need for extra care.
- 5.28 In respect of the Burgess Hill site (DP7) an outline planning application has been submitted for 3,040 dwellings including 60 extra care homes (identified as use class C3). In respect of the Hassocks site (DP11) an Outline application has been made for up to 500 new homes, which includes no reference to or commitment to providing any form of accommodation for older persons. In respect of the development at Pease Pottage (DP10) an application was approved in 2016 for 600 dwellings including a 48-bed hospice care facility together with 22 bungalows for the elderly (12%) as an element of the affordable housing provision. Whilst forming part of the wider pattern of provision of housing for older people and specialist needs, neither of these addresses the need for extra care housing.
- 5.29 It is therefore evident that the sites on which the Local Plan is wholly reliant in delivering specialist accommodation for older people will not address the identified need for specialist older persons accommodation or need for extra care accommodation specifically. In short, the problem will continue to worsen.

- 5.30 In respect of other sources of potential elderly accommodation, there are 16 Neighbourhood Plans currently 'Made' in the District, the majority of which were made before the New Local Plan came into effect with time horizons until 2031. Several of the plans seek to deliver small units of accommodation for the aging population of those settlements to downsize into. The only Neighbourhood Plans that seek elderly provision include Horsted Keynes which make a specific allocation for 8No. extra care units as an extension to an existing care home/sheltered housing facility and Haywards Heath which identifies a Site for the provision of 20 bungalows (C2 use). There are no other specific provisions or policy support for the delivery of specialist older persons accommodation.
- 5.31 What this means in terms of future supply going forward is that there are only 88 potential extra care units identified, against a need now for 492 units (as identified in the Need Assessment), leaving a residual shortfall of 404 units (72%) which will increase to 516 units by 2030. The provision of the hospice and elderly bungalows at Pease Pottage are discounted since they go towards meeting other forms of housing need for the elderly (not extra care).
- 5.32 Policy DP25 supports the provision of community services and facilities, which specifically includes the provision of specialist accommodation and care homes. In addition, it advises that need for local facilities and services will be identified through Neighbourhood Plans, (considered above) or a Site Allocation document, addressed further below.
- 5.33 Policy DP30 looks for housing development to provide for a mix and range of accommodation including meeting the needs of the elderly. However, it does not require developments to deliver any particular form of specialist accommodation and there is no identified requirement that needs to be achieved either across the District or on a site-specific basis.
- 5.34 Policy DP30 includes a statement that if there is an identified shortfall in the provision of specialist accommodation and care facilities falling within use Class C2 in the District, then to meet demand the Council will consider allocating sites through a Site Allocation Document.
- 5.35 It is noted however that it is unclear how any shortfall would in fact be identified by the Council since there is no monitoring mechanism in the Local Plan for specialist accommodation or any target/requirement for provision.
- 5.36 The Site Allocation DPD is currently in preparation in accordance with the adopted Local Plan to ensure a supply of housing. It is noted that the specific delivery or allocation of specialist accommodation does not presently form part of the site selection methodology.



- 5.37 Notwithstanding our assessment that the Council has underestimated the need for extra care housing in the District now in the future (especially units for sale), there is clearly an acknowledged and significant need to deliver specialist housing for older people including extra care accommodation within the District. The Council's HEDNA 'expects' the market to continue to provide such facilities to meet the identified need (as the Applicant is trying to do) with the support of policy interventions. There are no policies in the adopted Development Plan which quantify the need for specialist older persons accommodation or specific policies to seek to ensure that this need is met. This is further contrary to the NPPF (para 61) which requires planning policies to identify the size, type and tenure of housing for different groups of the community including older persons accommodation.
- 5.38 The development proposals will therefore contribute to meeting an identified and substantial need now, which the Council is otherwise failing to meet contrary to the NPPF (Paras 8b and 61).

### ***Benefits of Extra Care***

- 5.39 The proposal offers accommodation which allows older people who wish to downsize to purchase (or rent) a private unit and have the security of on site care which can increase as the need does. This allows the occupants to retain a sense of home which care homes do not have. Critically it provides choice (NPPF, Para 61) in the accommodation for older people to cater for varying needs and demands including facilitating couples to staying together.
- 5.40 Overall, extra care developments are generally viewed as offering a more positive choice through the social and supported environments they create, which does not result in the loss of personal spaces and which maintains the dignity of its residents who still receive care. By comparison, older persons are more likely to be put off from moving into a care or nursing home because of their institutionalised environments, leaving people to cope at home for longer which can affect their health and/or lead to social isolation.
- 5.41 In addition, the ability to provide on-site care which can develop as the need does results in a reduction in the pressure on local care facilities and healthcare, particularly given that the average person who purchases an RVD home on average comes from within an 11 mile radius of their development.
- 5.42 A further acknowledged benefit, as recognised in the NPPG (Ref: ID: 3-043-20180913) is the freeing up of family sized homes meaning that local people have the opportunity to purchase homes within the local area. This also does not necessarily result in a population increase in

the area, as households which comprise a number of generations due to affordability and availability of housing issues but will have more of an opportunity to separate into smaller units such as children moving out from their parents' homes.

- 5.43 In addition to the above, a review of other operational RVD sites has shown that the residents of these developments, due to their life experience, past careers, age and availability, provide a community benefit in that they are much more likely to participate in community groups and events helping to foster a sense of community.
- 5.44 The provision of this form of specialist accommodation not only contributes to meeting an identified need but supports the provision of healthy communities through the delivery of environments that support both the physical and mental well-being of residents (NPPF Paras 8b and 91). It will also ensure that a mix of accommodation is provided in the District contributing to the creation of mixed and balanced communities.

#### **iv) Housing Policy**

##### ***Neighbourhood Plan – Housing Policy Position***

- 5.45 Albourne Neighbourhood Plan (NP) was 'Made' in September 2016 prior to the adoption of the New MSDC Local Plan and has a time horizon until 2031. The Plan allocates a single Site for development for two houses and recognises that three other sites already benefit from planning consent for a further 13 houses (total 15 houses).
- 5.46 NP Policy ALH1 generally supports housing development where it is within or immediately adjoining the defined Built Up Area boundary and subject to meeting other criteria. Due to the compact nature of the Village and the tightly drawn Built up Boundary there is exceptionally limited or more likely no opportunity for development, especially of the scale required (see further below) to be delivered within the Built up Area boundary.
- 5.47 With respect of Sites outside but immediately adjoining the Built up Area Boundary, we have reviewed the potential for other sites to come forward having had regard to other local policy restrictions (including a Local Gap designation). It is our assessment that there are very limited opportunities for development to come forward to meet the identified minimum housing requirement for the Village, as expanded on further below.

- 5.48 It is acknowledged that in November 2018, an application was submitted to determine if Prior Approval was required for the conversion of 'Softtech House' to 8 no. 2 bed dwellings (C3 use), but this was refused due a condition attached to a previous consent limiting the building to Office use. It is further noted that there are Local Plan policies which look to protect employment sites generally and policies in the Albourne NP specifically support employment use on this site.
- 5.49 Notwithstanding the above, NP Policy ALH1 has since been superseded by those contained in the Adopted 2018 Local Plan, specifically Policy DP6. This policy does not restrict development to adjoining the Built Up Area Boundary, but requires sites to be contiguous with an existing built up area, which this Site is.
- 5.50 There are no policies that seek to address the need for older persons or specialist accommodation. There are also currently no signs of an early review of the NP to ensure sufficient land is allocated to meet its housing requirement.

### ***District Housing Policy Position***

- 5.51 To address significant issues with the 'Soundness' of the District Local Plan, amendments were made to the District's housing requirement (Policy DP4) which requires a minimum 16,390 new dwellings to be delivered of which 311 are to be in Category 3 settlements (including Albourne). The table on pg. 37 of the Plan gives clarity to the role each Neighbourhood Plan area should play in meeting the District's housing requirement. From 2017 onwards, it identifies in Albourne that there is a residual minimum requirement for 41 new homes after taking into account 16 commitments/completions (identified above). Accordingly, the Local Plan identified that Albourne's housing need was greater than the Neighbourhood Plan had allocated.
- 5.52 We are aware that 6 houses have since been consented on the London Road (see planning history section of this Statement) and a further house off Church Lane (replaced an agricultural building with a house). Of the 6 houses on the London Road, 5 benefit from previous consents<sup>4</sup>. Discounting the total consented 7 dwellings, this leaves a residual requirement of a minimum of 34 dwellings which have not been planned for, a summarised below.

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<sup>4</sup> The extent to which these may have been taken into account in the total commitments/completions is not clear but we have been discounted all 5 from the residual requirement of 41

**Table 3: Summary of Albourne Housing Requirement**

<b>Albourne Housing Requirement</b>	<b>No. House</b>
Min Housing Requirement	57
Commitments/Completions	16
Min residual from 2017 onwards	41
Commitments/completions since 2017	7
Balance Residual	34

- 5.53 In the context of the Albourne NP it is relevant to consider NPPF Para 14. In this case the Neighbourhood Plan is more than 2yrs old (criterion a). It is also our assessment that it is very unlikely that 34 units can come forward on Sites adjacent to the Built up Area Boundary and therefore the NP does not contain policies and allocations to meet its identified housing requirement (criterion b). Consequently, Para 14 is not engaged.
- 5.54 Given the NP was made prior to the adoption of the Local Plan and given the tests of Paragraph 14, it is evident that the Neighbourhood Plan is not up-to-date and conflicts with the strategic policies in the Adopted Local Plan in failing to identify sufficient sites to meet its identified housing requirement. The NP is also silent on the need to provide any form of specialist accommodation for older people contrary to Local Plan Policy DP25.

#### **v) Development in the Countryside**

- 5.55 Located outside the Built Up Area Boundary of Albourne, the proposals are considered to constitute development in the Countryside. LP Policy DP12 sets out that development will be permitted in the countryside provided it maintains or where possible enhances the quality of the rural and landscape character of the District and is either necessary for the purposes of agriculture or supported by a specific plan reference elsewhere in the Development Plan (i.e Policy DP25). The impact of the development on the landscape character of the District is addressed elsewhere in this statement and in the submitted LVIA, but in summary it is concluded that the proposals will have a neutral effect.
- 5.56 In respect of LP Policy DP25, the policy refers to 'Community Facilities and Local Services' and the preamble acknowledges the important role that community infrastructure plays to Towns and Parishes. The preamble continues that community facilitates and local services referred to in this policy include (11<sup>th</sup> bullet), '*specialist accommodation and care homes*'. The preamble to LP Policy DP30 qualifies this as accommodation/homes falling within Use Class C2. The development therefore satisfies this policy.

- 5.57 LP Policy DP25 sets out that *'the provision of or improvement of community facilities and local services that contribute to creating sustainable communities will be supported'*. As clarified in the supporting text, this includes the provision of specialist accommodation.
- 5.58 The Site is located outside the Local Gap as defined in the Albourne NP. The Site is also not assessed to result in the coalescence of settlements. The proposals therefore do not conflict LP Policy DP13.
- 5.59 On this basis, it is considered that Policy DP25 supports development of the proposed use class and accordingly the application is in accordance with the Development Plan.
- 5.60 Notwithstanding matters of use class, for thoroughness the development proposals have been assessed against LP Policy DP15, which sets out the circumstances where new homes in the countryside will be supported. New homes will be supported where they do not conflict with Policy DP12 (addressed above) and where special justification exists which includes where they provide essential agricultural accommodation; exceptional quality dwellings; affordable housing or housing requirement in LP Policy DP6 (Settlement Hierarchy).
- 5.61 One of the strategic objectives of Policy DP6 is *to 'provide the amount and type of housing that meets the needs of all sectors of the community'*. Outside the defined Built Up Area Boundaries, the expansion of settlements is supported where it meets identified local housing, employment or community needs, subject to meeting all the policy criteria addressed below.
- 5.62 Criterion 1 is that a site needs to be *'allocated in the District Plan, a Neighbourhood Plan, or subsequent Development Plan Document or where the proposed development is for fewer than 10 dwellings'*. Neither the District LP or NP allocate sites which meet the identified need for specialist accommodation, notwithstanding the local and nationally recognised critical need for such development and that Policy DP25 supports community facilities that contribute to creating sustainable communities, which includes specialist accommodation. MSDC is also only in the early stages (has not reached Reg 18) of producing a Development Plan that may allocate sites for specialist accommodation.
- 5.63 Criterion 2 requires development to be contiguous *'with an existing built up area of the settlement'*, which the Site is. It does not require development to be contiguous with the defined Built Up Area Boundary. In respect of Criterion 3, it is demonstrated in this Statement the development is sustainable, including by reference to the settlement hierarchy (see further below).

- 5.64 The above assessment returns to Policy DP15 whereby it is considered the proposals accord with this policy.

#### vi) Settlement Hierarchy

- 5.65 LP Policy DP6 (Settlement Hierarchy) sets out that the growth of settlements will be supported where it meets identified local housing, employment and community needs. In the case of development outside the defined Built Up Area boundaries there is a criterion-based approach. Criteria 1 (site is allocated or for less than 10 dwellings) and 2 (site is contiguous with an existing built up area boundary) have already been addressed and have been satisfied. With regards to criterion 3, it states that development will be supported where *'the development is demonstrated to be sustainable, including by reference to the settlement hierarchy'*.
- 5.66 As demonstrated throughout this statement, the development proposals are considered to be sustainable, satisfying all three elements of sustainability (economic, social and environmental) as identified in the NPPF (para 8).
- 5.67 With reference to the settlement hierarchy, Albourne is a category 3 settlement (medium sized Village) out of 5 categories with some development directed towards it through the LP.

**To meet the identified need for extra care, a variety of solutions are required across the District and in different locations/environments to ensure the delivery of this specialist accommodation** (NPPF, Para 59).

- 5.68 The amount of development proposed is necessary to support the range of services and facilities on the Site and to ensure management charges for residents are affordable. It is not realistic to seek to provide this form of accommodation on a much-reduced scale to meet the needs of each individual settlement. But where such a facility is provided it can meet the needs of more than one settlement, so it is not a requirement for every community. This approach falls within the ethos of category 3 settlements which the LP describes as settlements where facilities are often shared.
- 5.69 As already set out, through the Local Plan there is a residual requirement for Albourne to deliver a minimum of 34 dwellings. Although the scheme is C2, the NPPG confirms (ID: 3-043-20180913) that it should be counted towards meeting the District Council's housing requirement which will include Albourne's.

5.70 Alongside meeting the identified housing requirement, the proposals also secure the provision of a local shop, workshop/artisan units and local employment opportunities through the operation of the development. The provision of these benefits and in particular the local shop will also contribute to enhancing the sustainability of the Village as a whole.

5.71 It is therefore concluded that criterion 3 is satisfied. This is notwithstanding the support provided to the scheme by LP Policy DP25.

#### **vii) Benefits of the Development**

5.72 The table at **Appendix 7** provides full details of the benefits of the development which are considered in this assessment and are summarised below as including the provision of:

- Much needed extra care accommodation;
- A shop including a click & collect box;
- Artisan/craftsman workshops;
- Traffic calming measures;
- Electric charging points;
- Provision of employment opportunities;
- Entrance Green together with biodiversity and landscape enhancements.

5.73 The benefits of the development are judged to be significant and should be weighed in favour of the proposals.

#### **viii) Highways and Sustainability**

5.74 A Transport Statement (TS) prepared by Transport Planning Associates accompanies the application and demonstrates that, in accordance with the NPPF Para 109, the development does not result in an adverse impact on highway grounds. It further demonstrates that the development can secure a safe access into the Site from London Road. WSCC highways concurred with this view when the previous application was considered and we see no reason for this position to change, especially following the reduction in the no. of units proposed.

#### ***Off-Site Highway Works***

5.75 As detailed under the benefits of this development, the proposals will secure a comprehensive package of off-site highway works which will address concerns over road safety on the London Road, as identified in the Albourne NP.

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### ***Access to Public Transport***

- 5.76 As already identified the development will secure a number of off-site highway improvements which will address local concerns in respect of road safety as well as satisfy LP and NP Policies in this regard. As part of these measures, the development will enhance the connectivity of the Site with Albourne through the provision of new footpath connections, connecting the Site to the existing footpath along London Road to the north and providing a new connection to the south to a pedestrian crossing which connects with the footpath on the other side of the London Road. This will allow the free and safe flow of the wider Albourne community into the Site and to access the shop. It will also allow residents of the development to safely access the amenities in the Village including public transport.
- 5.77 As detailed under Section 2 of this statement there is a good level of public transport in Albourne with local bus services that provide access to a range of destinations including the local rail stations. The bus stops are accessible from the Site on foot, being located between 250m and 560 metres from the Site, via the existing and proposed footpaths. There is also a community transport service, serving the Village of Albourne and surrounding villages which facilitates access to key services and facilities and operates on a demand responsive basis. These services can be readily accessed by residents, staff and visitors. Furthermore, it is demonstrated that there are opportunities to cycle and walk with large areas of Hurstpierpoint and Hassocks being within a 15-minute cycle distance.
- 5.78 In addition to this, the TS is accompanied by a Draft Travel Plan which secures the provision of a mini bus to serve the development for the use of residents, staff and visitors. These are commonly provided on RVD sites and provide services to local destinations to access services and amenities including the railway station. They also offer organised trips/outings to events/destinations for social and recreational activities.
- 5.79 The supporting Travel Plan also includes a range of measures to support staff and residents to adopt sustainable travel patterns which includes promoting the use of public transport services and car sharing amongst other measures.
- 5.80 The development further incorporates plug in/charging points for low emissions vehicles. In accordance with the definitions in the NPPF, low and ultra-low emission vehicles contribute to sustainable transport modes. The provision of the plug in/charging points assist in promoting their use. It is proposed that they are secured via planning condition.



***On Site Facilities***

- 5.81 Given the specific nature of the development it is relevant to consider the range of services proposed on the Site which provide access to a local shop alongside social and recreational activities as well as health support and care, reducing the need for residents to travel. The need to travel is also reduced by the nature of the occupants, who at the point of purchase have an average age of 82yrs. Residents also do not need to carry out the same day to day chores/activities as those living in a housing development i.e. going to work or doing the school run, activities that increase the need to travel.
- 5.82 In the context of the type of scheme proposed, taking into account the age of residents and the service and facilities provided on site, which are tailored to meet the needs of its residents, the scheme can be considered to be sustainably located where the nature of the use itself reduces the need to travel.

***Parking***

- 5.83 Sufficient parking is also provided for staff, residents and visitors. A total of 15 spaces are available for use by staff and visitors. For residents one allocated space is provided per unit, however in reality car ownership is typically less and rapidly declines as residents become accustomed to the services and facilities provided on Site. Car ownership also declines as a development ages and those residents who initially retain a car become less able to drive.
- 5.84 There is no specific cycle parking standard for this form of development. However, given the nature of the development, cycle parking will be targeted at those working and visiting the Site. The overall level can be determined at the reserved matters stage.
- 5.85 It is concluded that the development accords with LP Policy DP21 where it does not give rise to an unacceptable impact on the highway network; it will secure the provision of off-site highway works addressing local concerns over road safety; the scheme is sustainably located; incorporates appropriate opportunities to increase use of alternative means of transport and provides adequate parking.

**ix) Landscape**

- 5.86 The application is supported by a detailed Landscape and Visual Impact Assessment (LVIA), prepared by Barton Willmore. The scope of the LVIA has previously been agreed with the ESCC Landscape Officer (as advisor to MSDC).

- 5.87 The LVIA confirms that the Site is not subject to any landscape designations and does not lie within the South Downs National Park or International Dark Skies Reserve, the nearest extents being approx. 1.2km to the south-east. Although not a landscape designation the LVIA observes that whilst the Site is outside the defined Built Up Area Boundary its boundary does not reflect the well-established extent of contiguous development. This includes the Brethren's Hall as well the existing dwelling on the Site and opposite built development to the east which extends further south and west of the Site.
- 5.88 As a result of intervening built form and vegetation, the Site is assessed to be well contained in views from all sides and typically perceived in the context of existing built form and infrastructure within Albourne. From the wider landscape views are typically densely filtered or screened by intervening vegetation.
- 5.89 The LVIA outlines in detail that in response to the baseline analysis, a number of landscape, visual opportunities, constraints and design principles have been formulated which have guided the design approach (as also detailed in the DAS) and are encompassed in the parameter plan submitted for approval which has been described elsewhere.
- 5.90 The key conclusions of the LVIA in respect of the impacts of the development are that:
- In terms of effects on landscape features, the development on balance would result in a residual beneficial effect;
  - There would be negligible, if any adverse effects on the South Downs escarpment;
  - The development will result in aspects of beneficial change, off-setting the adverse change to the openness of the Site. Residual effects are therefore neutral;
  - At the level of the wider landscape, there would, as a result of the existing and proposed structural containment be a neutral residual effect on character.
- 5.91 In the case of the night time assessment and the impact of the development on the night sky, it is assessed that there will be no effect on the character of the night sky as perceived from the South Downs. There would be a negligible residual adverse effect on the character of the night sky in the landscape to the west and south of Albourne. Owing to lighting within the existing settlement and screening effect of vegetation, there would be negligible significant of residual adverse effect in the vicinity of the Site.
- 5.92 It is therefore the conclusion of the LVIA that the development could be successfully accommodated within the settlement of Albourne, with very limited landscape and visual effects.

- 5.93 The development proposal are therefore considered to maintain the quality of the rural landscape character of the District as is required by Policy DP12 and does not conflict with DP Policies 18 and 29. Overall it is considered that the development is acceptable in landscape terms.

#### **x) Heritage**

- 5.94 The Site itself does not contain any heritage assets however within the surrounding area there are a number of Listed Buildings principally Elm House, Mole Manor, Tipnoaks and Hill Brook House (all Grade II), the Albourne Conservation Area and Spurk Barn which is considered to be a non-designated heritage asset. A Built Heritage Statement by CgMs Heritage accompanies the application and its conclusions are summarised below.
- 5.95 Elm House, Mole Manor, Tipnoaks and Hillbrook House are all Grade II Listed houses located near to the Site. They sit in a row accessed directly off London Road, and are opposite the Site to the east. The Heritage Statement addresses each property in turn and concludes:
- 5.96 Elm House is an early-nineteenth-century house of two storeys. Its significance is derived principally from the building's historical, evidential and aesthetic values as an attractive, early-nineteenth-century house designed in a Classical style. The extended setting is considered to be a minor contributor to the significance of the heritage asset and the Site is considered to make a very small positive contribution to the significance of this heritage asset as a small part of the wider setting.
- 5.97 Mole Manor is thought to date back to the eighteenth century, whilst it could be of earlier construction, it does not appear on historic mapping until 1839. It is a two storey cottage with red brick to the ground floor of the west elevation and tile hung above. The significance of this asset derives from the building's historical, evidential and aesthetic values. Much like Elm House, the wider setting is considered to be a small contributor to its significance and the Site is considered to provide a very small positive contribution to its significance.
- 5.98 Tipnoaks is a two storey house which dates to the early nineteenth century. Its significance derives principally from its historical, evidential and aesthetic values. As with the assets above, the wider setting is considered to be a small contributor to its significance and the Site is considered to provide a very small positive contribution to its significance.
- 5.99 Hillbrook House is an early-nineteenth-century house of two-storeys. The west elevation is stuccoed with rusticated ground floor and central porch. The significance of Hillbrook House derives principally from the aesthetic, evidential and historical values of its fabric. The wider

landscape, which is somewhat appreciable although not largely visible, is also considered to make a minor contribution to this listed building. The Site is considered to make a small contribution to the significance of Hillbrook House.

- 5.100 Albourne Conservation Area covers part of the village and was designated in 1989. The setting of the Albourne Conservation Area is considered to comprise the agricultural land to the south and west; twentieth-century residential development in the village of Albourne (outside of the Conservation Area) to the north, east and south; and the London Road to the east. The Site is largely unappreciable from the Conservation Area, as it is obscured even at the southern edge of the Conservation Area by mature planting and modern buildings, in particular the Brethren's Meeting Hall. The Site has no effect on the character and appearance of the asset and is, therefore, considered to make no contribution to the significance of Albourne Conservation Area.
- 5.101 Spurk Barn appears to be a partly cross-timbered barn, probably dating from the early nineteenth century. The significance of this non-designated heritage asset derives principally from its historical, evidential and aesthetic values. In spite of its proximity to Spurk Barn, the Site is completely obscured from it due to the mature trees and dense planting along the west and south sides of the Site. It is therefore considered that the Site makes no contribution to the significance of Spurk Barn. Furthermore, Spurk Barn's primary significance, which as a non-designated asset is low, lies in its surviving aesthetic, evidential and historical value, which remains to a degree embodied in the building itself. Notwithstanding, the development will result in a minor level of harm to this non-designated heritage asset.
- 5.102 It is the conclusion that the proposed development would cause no higher than a minor level of harm to the significance individually of the four listed buildings on London Road to the east of the Site. This is at the lower end of the spectrum of less than substantial harm and three of these assets will face a less than minor level of harm. As such Para 196 of the NPPF is engaged. When weighing the scheme's public benefits with the concluded harm to the significance of the small number of assets facing an impact, the aggregate level of harm should be considered to be no higher than minor within the spectrum of less than substantial harm. As set out in this statement the development is assessed as securing significant benefits which are judged to outweigh the minor harm caused by the development.
- 5.103 In regard to the one non-designated asset facing impact to its significance from the scheme, Para 197 of the NPPF is engaged. In this case the asset's low level of significance together with the minor level of harm caused to it, is outweighed by the significant benefits the development will secure.

- 5.104 Having had regard to the guidance in the NPPF and LP Policies DP34 and DP35, the harm caused by the development on the identified heritage assets is not in this case a reason for refusal when weighed against the significant benefits of the development.

**xi) Design & Layout**

- 5.105 The design of the proposed development has been completely rethought since the previous application with the result that it better responds to the character and setting of Albourne. Through the design process undertaken the number of units proposed has reduced from 110 to 84 (circa 23% reduction). We consider this to be an appropriate scale of development to the Site's setting as confirmed in the supporting technical reports.
- 5.106 Whilst this application is submitted in Outline with only the access to be approved, a parameter plan has been submitted alongside an indicative layout which demonstrates how the proposals have been significantly revised to respond to the Site's characteristics. This has resulted in a more nuanced design approach with the development made up of different character areas that respond to the Site's neighbouring environment and the character of Albourne.
- 5.107 Key considerations such as retaining and enhancing locally typical views through the centre of the Site to the National Park, providing appropriate off-sets, screening and massing relationship to heritage assets, landscape led design and better integration with the village have formed the basis for the design of the proposal and are principles secured through the submitted parameter plan to be approved.
- 5.108 We are of the view that the revised scheme is sensitive to its location and well designed in its own right, will provide a good standard of accommodation for older people as well as provide facilities for the wider community. As already set out, it is considered that the revised scheme does not have a harmful impact on the setting of heritage assets or the wider landscape. As demonstrated in the supporting DAS the proposals also deliver on the design principles set out in MDSC LP Policy DP26.
- 5.109 Whilst acknowledging that detailed layout is not a matter for determination, the proposals will accord Policies DP27, where they will exceed National Space Standards, and DP28 with all units complying with Building Regulations Part M4 (3).

**xii) Contamination**

- 5.110 A Geo-environmental and Geotechnical Assessment has been carried out by Tweedie Evans Consulting and accompanies the application. The report sets out that the Site is not within an Environment Agency Source Protection Zone and there are no reported groundwater abstraction licenses within 500m of the Site. Overall the report records that limited contamination was encountered on the Site and principally in the location of the existing residential property. Ground conditions are therefore not a constraint to development and appropriate remediation can be secured via condition. The development therefore satisfies Para 178 of NPPF.

**xiii) Archaeology**

- 5.111 The submitted archaeological desk-based assessment prepared by CGMS Heritage sets out that the Site is considered to have low potential for the presence of archaeological remains from any period of human activity prior to the late Post Medieval and Modern Periods. The Site has since experienced moderate site wide post-dispositional impacts associated with horticultural practices.
- 5.112 It is concluded that the proposed development will not impact on any designated or non-designated archaeological assets and archaeology is not a constraint to development. The proposals therefore accord with LP Policy DP34.

**xiv) Drainage**

- 5.113 The supporting Flood Risk Assessment (FRA) prepared by Quod Consulting, has been carried out in accordance with the guidance in the NPPG. It confirms that there are no watercourses within the Site but there is an off-site watercourse, off set from the Site's north-west corner. It further confirms that the Site is in flood zone 1 and is not at risk from any other sources of flooding and the proposals will not increase the risk of flooding off site. Overall it is concluded that in terms of flood risk the proposed development is acceptable. Accompanying the FRA is a drainage strategy to demonstrate that the proposals ensure that no flows into the adjacent watercourse exceed the current greenfield discharge rate.
- 5.114 It is concluded that the development proposals satisfy LP Policy DP41.

**xv) Ecology**

5.115 The Ecology Report prepared by Lloyd Bore confirms that the site is not subject to any ecological designations. Other than the vegetation on the Site boundaries and belts of vegetation extending into the Site there is little of importance on the Site in way of flora.

5.116 In respect of fauna the report confirms the following as present on the Site:

- Low population of slow worm, common lizard and grass snake;
- Hedgerow provide suitable nesting for birds;
- Possibility of hazel dormice in the site boundary hedgerows;
- Single badger sett 4m off the north-west corner of the Site with no signs of activity;
- On site house has a low suitability for roosting bats as does one tree, neither of which found to have bats in them during an emergence survey;
- The site boundaries and grassland are of moderate suitability for foraging and community bats and is of local importance; and
- The grassland and hedgerow are of suitable habitat for hedgehog.

5.117 The report confirms that the vegetation on the boundaries of the Site and the tree belts extending into the Site are the main focus for ecology and on the whole these are being retained and bolstered, particularly on the Site boundaries. The report also sets out mitigation measures which can be secured via planning condition.

5.118 The development will also secure a package of enhancement measures that have shaped the landscape strategy for the Site, as detailed in the LVIA, and informed the submitted parameter plan to ensure these are achieved. The package of measures include:

- New habitat pond in the 'entrance green';
- Expansion and reinforcement of boundary vegetation including additional understorey planting;
- Create new foraging habitats through the planting of bramble and hawthorn;
- Creation of flower rich margins;
- Creation of a wildflower meadow;
- Inclusion of log piles which provide hibernation opportunities for a range of species;
- Provision of 10 swift boxes;
- Provision of 15 bird boxes in boundary trees; and
- Provision of 6 bat boxes in boundary trees.

- 5.119 It is concluded that the proposals satisfy the requirements of LP Policy DP38.
- 5.120 The Site is located some distance from the Ashdown Forest Special Protection Area (SPA) and Special Conservation Area (SAC). In particular it is located beyond the 7km zone of influence for the SPA and therefore the impact of the development on this designation does not need to be considered further. However, the ecology report considers the impact of the development on the SAC which is affected by pollution deposition, principally through vehicle movements.
- 5.121 In accordance with Habitat Regulations, the impact of the development on the SAC has been considered in the context that the development will generate traffic movements that could pass by the SAC and therefore contribute to pollution deposition levels. In the context of the supporting Transport Statement, the Ecology Report concludes that the development is not likely to contribute to any likely significant effect upon the SAC and that any likely effects upon the SAC can be screened out at this stage without further need for assessment.
- 5.122 It is concluded that the development proposals satisfy LP Policy DP17.

#### **xvi) Trees**

- 5.123 An Arboricultural Impact Assessment (AIA) prepared by Lloyd Bore accompanies the application and confirms the Site contains no trees affected by Tree Preservation Orders (TPO) or Conservation Areas.
- 5.124 A total of 28 individual trees, 14 groups and 2 hedges were surveyed. No category A trees were identified on the Site. 13 were assessed as category B, together with 2 groups. The balance was assessed as category C. The highest quality trees are oaks growing along the western and southern boundary. Individually the trees defining the eastern boundary are of a lower grading but when viewed together warrant a B grading.
- 5.125 To facilitate development tree removals are proposed, including the loss of one hedge. The removals are concentrated at the entrance into the Site and within the Site, away from the Site boundaries which are left intact. The two trees belts extending into the Site on the western boundary also largely remain. With the exception of 1 tree, all other removals are category C. Where tree belts are to be kept these are secured through the submitted parameter plan which show these areas as being retained and reinforced. The submitted landscape proposals further include measures to reinforce the retained tree belts and secure successor planting.



- 5.126 It is the conclusion of the report that the amenity value of the trees on Site will remain largely intact as only relatively low value category C trees are marked for removal and many with a short life expectancy. The loss of trees is compensated for through additional planting and set within a managed landscape environment, the long-term management and health of the existing and proposed trees will also be secured. Having regard to the AIA, it is therefore assessed that the proposals satisfy LP Policy DP37.

**xvii) S106 Contributions**

- 5.127 In line with LP Policy DP20, it is anticipated that a S106 obligation will secure contributions towards the infrastructure and mitigation measures made necessary by the development. In accordance with pre-application advice, the S106 secures contributions towards Library provision (£27,678) and transport measures via the District Council's Total Access and Demand (TAD) contribution. However, through discussions with the County Council Highway Authority, it has been agreed that the TAD contribution can be off set against the provision of off-site highway works, which secures a specific scheme for the Village which the County Council has no plans to provide.

## **6.0 SUMMARY & CONCLUSION**

- 6.1 This planning statement is submitted in respect of an Outline application for the development of the Site for an extra care development of up to 84 units (comprising of apartments and cottages) all within Use Class C2; associated communal facilities, 2no. 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 also include the demolition of the existing bungalow on site.
- 6.2 The development proposals constitute a C2 use, by virtue of the package of measures and facilities that will be secured through a S106 Agreement, which includes an age restriction, requirement to be in need of care and provision of at least 2hrs of care per week.
- 6.3 The Site is located in the Village of Albourne, a category 3 settlement, and covers approximately 4.3ha. The Site was formerly a horticultural nursery and now comprises managed grassland, native and non-native tree belts, and built form, including a single dwelling. The Site lies outside of the defined Built Up Area boundary and as such is in the countryside, but it is contiguous with the existing built up area of the settlement.
- 6.4 The Site is not subject to any environmental or landscape designations that might restrict development. The Site does sit within the vicinity of Albourne Conservation Area and there are four listed buildings opposite the Site on London Road and a further non-designated heritage asset on the Site's south-western boundary.
- 6.5 In addition to the 84 extra care units and their associated facilities, the proposals secure the provision of a publicly accessible shop (where one does not currently exist in the Village), a click & collect box and two artisan/craft workshops. In addition, it secures a package of off-site highways works which improve the Site's connectivity with Albourne by foot as well as reducing traffic speeds to address local road safety concerns. The proposals also incorporate charging points for electric cars alongside a package of landscape and environmental enhancement measures.
- 6.6 The planning application is accompanied by a parameter plan which is submitted for approval and which establishes fixed design parameters with which any future reserved matters will have to accord. The parameter plan is supported by an illustrative layout which demonstrates how the Site could be developed in accordance with parameters to deliver a high-quality development.

- 6.7 Prior to the submission of the application, the proposals have been subject to public consultation including consultation with statutory bodies including the District and Country Councils.
- 6.8 The development proposals follow a previous refused scheme on the Site for the same type of development but with more units, totalling up to 110. The proposed development reduces the no. units proposed by circa 23%. The 4 no. reasons for refusal included:
1. Impact on the setting of heritage assets;
  2. The location of the Site and impact on the character of the area;
  3. Noncompliance with policies relating to development contributions;
  4. The Site is location in an unsustainable location.
- 6.9 Through this submission, it is demonstrated that there is a significant and identified need for this form of specialist C2 accommodation which the District Council is currently failing to meet. The situation is made worse still where the Council has significantly underestimated the need for this type of accommodation and specifically within the for sale sector.
- 6.10 To try and address this need, Local Plan Policy DP25 specifically supports the provision of this type of development. Policy DP12 seeks to restrict development in the countryside except where it maintains the quality of the rural landscape, which the proposals do, and is supported by a specific policy reference in the Local Plan, which it is (DP25).
- 6.11 It has also been relevant to consider the proposals in the context of Policy DP6. The proposals satisfy two of three criteria. The remaining criterion conflicts with Policy DP12. In this context as well as the Policy support offered by DP25, the identified significant need and wider benefits the development will secure, the benefits of the proposals and support for them in the Development Plan and national planning policy are considered to outweigh any limited conflict with policy and associated harm.
- 6.12 The planning application is supported by a comprehensive suite of technical reports, which demonstrate that the proposed development is acceptable in all other respects. However, where harm does arise, for example where the proposals impact on designated and undesignated heritage assets, this harm is only negligible to minor and although it is given great weight it is more than outweighed by the benefits of the development. It is further demonstrated, the proposals represent a sustainable form of development delivering on the three elements of sustainability (economic, social and environmental).

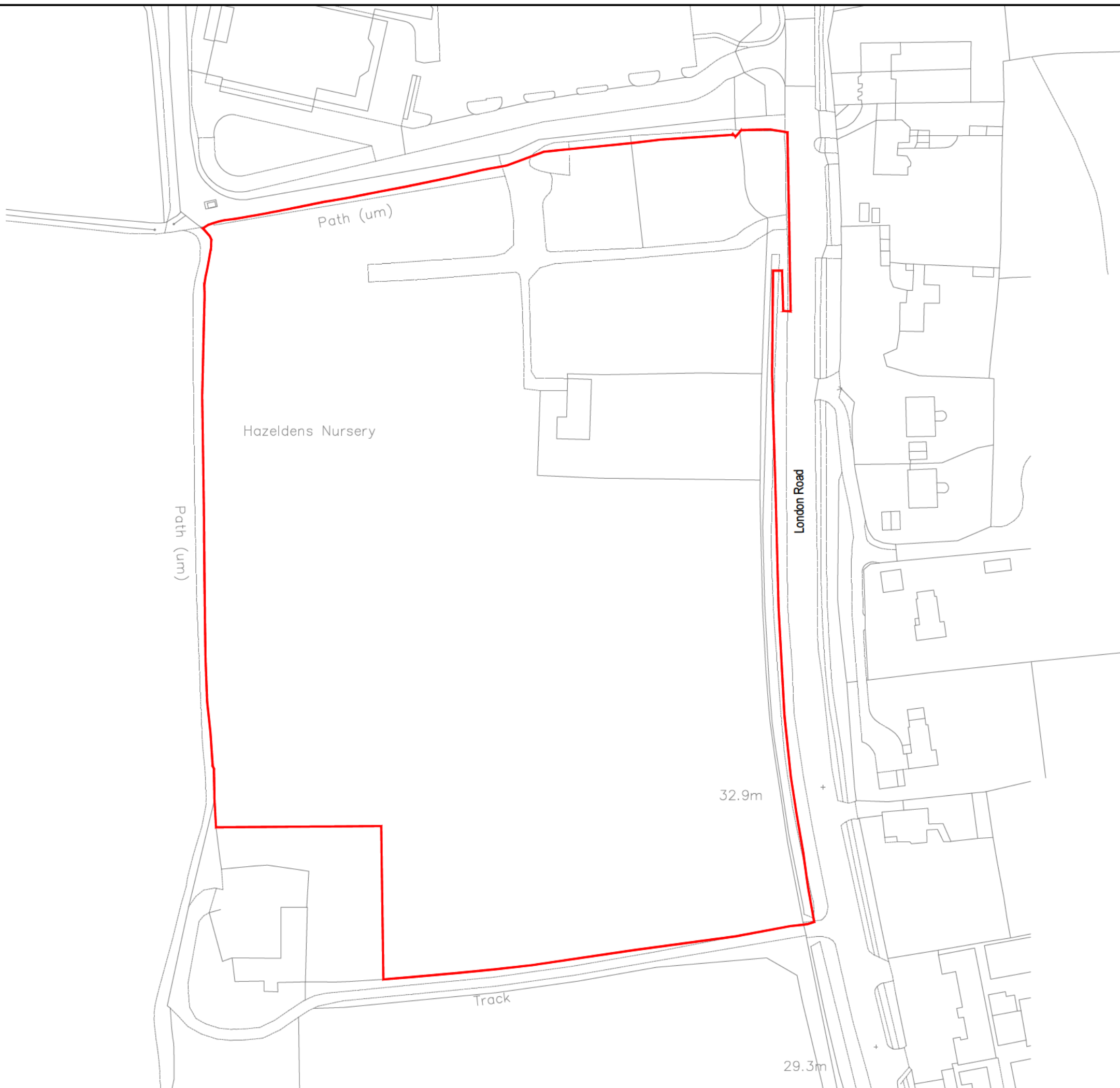
6.13 Section 38(6) of the Planning and Compulsory Purchase Act 2004 confirms that planning applications are to be determined in accordance with the Development Plan unless material circumstances dictate otherwise. It is the position of this Statement that the development proposals accord with the Development Plan and planning permission should be granted without delay (NPPF para 11c).

6.14 However, should the Council consider that the proposals do conflict with the Local Plan we consider that the benefits of the development outweigh the harm, in particular where it will:

- Deliver Extra care units now that will contribute to meeting an identified, unmet and growing need for this specialist form of accommodation;
- Will support the provision of mixed and balanced communities through the provision of specialist accommodation which will also support the health and well-being of residents;
- Will contribute to meeting the District Council's and Albourne's housing requirement, which is expressed as a 'minima';
- Provide a local shop (including a click and collect box) accessible to the wider residents of Albourne, contributing to enhancing the sustainability of the settlement;
- Provision of artisan/craft workshops to align with aspirations in the Albourne Neighbourhood Plan;
- Provision of extensive off-site highway works to address concerns over road safety along the London Road, as identified in the Albourne Neighbourhood Plan;
- Provision of local employment opportunities; and
- Provision of a package of on-site measures (including landscape and biodiversity enhancements) which enhance the sustainability of the Site and positively contribute to the character of Albourne.

## **APPENDIX 1**

### **SITE LOCATION PLAN**



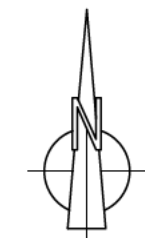
NOTES

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Where applicable this drawing is to be read in conjunction with the Consultants' drawings.

REV	DESCRIPTION	DATE	AUTH	CHK'D
A	Issued for Planning	07.03.19	MK	

KEY:

 Application Boundary



scale 1:1250



PLANNING



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PROJECT

London Road

Albourne

For: Retirement Villages

DRAWING

Location Plan

SCALE	DATE	AUTHOR	CHK'D
1:1250 @ A3	Mar 19	MK	

JOB NO.	DRAWING NO.	REV
RET1150215	LP.01	A

CLIENT REF.

**APPENDIX 2**  
**DECISION NOTICE**



RV Developments Ltd And Notcutts Ltd  
Mr Iain Warner  
Tetlow King Planning  
32 High Street  
West Malling  
ME19 6QR

**TOWN AND COUNTRY PLANNING ACT 1990**  
**TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE**  
**ENGLAND) ORDER 2015**

**REFUSAL**

**REFERENCE:** DM/17/3784

**DESCRIPTION:** OUTLINE APPLICATION FOR AN EXTRA CARE DEVELOPMENT OF UP TO 110 UNITS (COMPRISING OF APARTMENTS AND COTTAGES) ALL WITHIN USE CLASS C2; ASSOCIATED COMMUNAL FACILITIES; 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 ALSO INCLUDE THE DEMOLITION OF THE EXISTING BUNGALOW ON THE SITE.

**LOCATION:** SITE OF THE FORMER HAZELDENS NURSERY, LONDON ROAD, ALBOURNE, WEST SUSSEX

**DECISION DATE:** 23 MAR 2018

**CASE OFFICER:** [REDACTED]

The Council hereby notify you that they **REFUSE** to permit the above development as shown in the submitted application and plans.

The reasons for the Council's decision are:-

1. The development would result in an unacceptable intensification of development within the setting of the Grade II listed buildings houses (Elm House, Mole Manor, Tipnoaks and Hillbrook House) and Spurk Barn, an undesignated heritage asset. The development would also detract from the rural character of the setting of the southern part of the Albourne conservation Area. The development therefore conflicts with Policies B10 and B15 of the Mid Sussex Local Plan, policy DP32 and DP33 of the emerging District Plan Whilst the provision of up to 110 units is acknowledged, in



light of the five year housing land supply these public benefits do not outweigh the less than substantial harm to the heritage assets that has been identified so, in accordance with para 134 of the NPPF planning permission should be refused.

2. The proposed development is located within the countryside area of development restraint. It is considered that the proposal would harm the character and appearance of the locality and would not conserve the character of the area. The proposed development location would be out of keeping with the rural character of the area and fails to protect the local distinctiveness of the area by extending the settlement boundary of Albourne and eroding the rural nature of the site. The development therefore conflicts with policy C1 of the Mid Sussex Local Plan; policies DP6, DP10, DP13 and DP24 of the emerging District Plan, policies ALC1 of the Albourne Neighbourhood Plan and paragraphs and the aims of the NPPF, particularly paragraphs 7 and 14.
3. The proposal does not satisfy the requirements of policies G3 and R4 of the Mid Sussex Local Plan in respect of infrastructure requirements, including affordable housing provision as set out in Policy H4 of the Mid Sussex Local Plan and Policy DP29 of the emerging District Plan, to service the development as supplemented by the Council's Supplementary Planning Document 'Development and Infrastructure' dated February 2006.
4. The proposal is located in an unsustainable location, where occupants would be heavily reliant on the use of a private car to gain access to local services. The development therefore conflicts with Policy T4 of the Mid Sussex Local Plan, Policy DP19 of the emerging District Plan and the aims of the NPPF, particularly paragraphs 14 and 17.

## INFORMATIVES

1. In accordance with Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.


## Human Rights Implications

The planning application has been considered in light of statute and case law and any interference with an individual's human rights is considered to be proportionate to the aims sought to be realised.

## Plans Referred to in Consideration of this Application

The following plans and documents were considered when making the above decision:

Plan Type	Reference	Version	Submitted Date
Location Plan	LP.01	A	14.09.2017

  
Divisional Leader for Planning and Economy

REOUTZ

## APPEALS TO THE SECRETARY OF STATE

### Notes for Applicants

If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State for the Environment under Section 78 of the Town and Country Planning Act 1990.

If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice;

However, if

- (i) this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, and you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice; or
- (ii) an enforcement notice is subsequently served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within:
  - 28 days of the date of service of the enforcement notice, or
  - within 6 months (12 weeks in the case of a householder appeal) of the date of this notice, whichever period expires earlier.

Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>.

If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

## **APPENDIX 3**

### **PARAMETER PLAN**



A3



NOTES

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REV	DESCRIPTION	DATE	AUTHOR	CHK'D
A	Revised plan	12/12/18	DB/at	VL
B	Revised plan	15/01/19	VL/hm	VL
C	Revised plan	25/01/19	VL/hm	VL
D	Revised plan	15/02/19	VL/hm	VL
E	Revised text in key	28/02/19	VL/hm	VL
F	Revised text in key	28/02/19	VL/hm	VL
G	Revised text in key	28/02/19	VL/hm	VL

KEY

- Site Boundary
- Principle Vehicular Access
- Possible Vehicular Route
- Potential Crossing Point
- Potential Kerb Build-Out For Traffic Calming
- Approximate Widths of Green Infrastructure Zones

Built Form Zones

- 1 Storey + Accommodation in Roof Cottage Development Zone
  - 1 Storey & 1 Storey + Accommodation in Roof Apartment Villa Development Zone
  - 1 and 2 Storey Courtyards Development Zone
  - 2 Storey Courtyards Development Zone
  - 2 Storey Development Zone
- May also include green infrastructure, drainage features, pedestrian and vehicle routes and other services

Green Infrastructure Zones

- Green Infrastructure: Predominantly open space with some existing or proposed structural vegetation
  - Green Infrastructure: Predominantly existing or proposed structural vegetation
- May also include ecological mitigation, drainage features, pedestrian and vehicle routes and other services



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PROJECT  
London Road  
Albourne  
For: Retirement Villages

DRAWING  
Parameter Plan - 01

SCALE	DATE	AUTHOR	CHK'D
1:1250 @ A3	04/12/18	DB/at	-
JOB NO.	DRAWING NO.	REV	
RETI150215	PP-01	G	

Built Form Zones	Typology	Storeys	GFL to AOD Range	Max. GFL to Ridge (m)	Max. GEA
A	Cottage	1+ accommodation in roof	-0.3 - +0.3	7	3,100
B	Courtyards	1 & 1+ accommodation in roof	-0.5 - +2.0	6	1,700
C	Courtyards	1 & 2	-0.5 - +0.5	9	1,500
D	Apartment Villa	2	-0.3 - +0.3	9	2,700
E	Mixed Use Clubroom/Shop/Apartments	2	-0.3 - +0.3	12	1,800



## **APPENDIX 4**

### **ILLUSTRATIVE LAYOUT**





**NOTES**

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REV	DESCRIPTION	DATE	AUTHOR	CHK'D
A	Revised Layout	04/12/18	VJgp	VL
B	Revised Layout	05/12/18	VJswd	VL
C	Revised Layout	06/12/18	VJat	VL
D	Revised Layout	10/12/18	VJat	VL
E	Revised Redline	12/12/18	VJhm	VL
F	Layout Re-drawn	17/01/19	PM/hm	VL
G	House types Added	23/01/19	VJhm	VL
H	Revised layout	05/02/19	PM/hm	VL
J	House types removed	28/02/19	HM	-

**KEY**

- Site Boundary
- Conservation Area
- Plot Number
- Potential Crossing / Gateway Feature
- Potential Footpath to Join PROW
- Root Protection Area (RPA)
- Listed Building
- Built Form
- Existing Tree
- Proposed Tree
- Gardens
- Public Open Space
- Road
- Shared Surface
- Private Drive

**thrive.**  
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PROJECT  
**London Road**  
Albourne  
For: Retirement Villages

DRAWING  
**Sketch Layout - 04**

SCALE	DATE	AUTHOR	CHK'D
1:500 @ A1	03/12/18	PM/at	-

JOB NO.	DRAWING NO.	REV
RETI150215	SKL-04	J



## **APPENDIX 5**

### **LOCAL PLAN AND NEIGHBOURHOOD POLICIES**

**APPENDIX 5****SUMMARY OF MID SUSSEX DISTRICT PLAN (MARCH 2018) AND  
ALBOURNE NEIGHBOURHOOD PLAN (SEPTEMBER 2016) PLANNING POLICIES****i) Mid Sussex District Plan (March 2018) Planning Policies Summary**

**Policy DP6** sets out the settlement hierarchy for the District. Albourne is a Category 3 settlement which the Plan describes as:

**Medium sized villages providing essential services for the needs of their own residents and immediate surrounding communities. Whilst more limited, these can include key services such as primary schools, shops, recreation and community facilities, often shared with neighbouring settlements.**

The MSDP (Page 37) identifies Albourne as having a minimum residual housing need from 2017 onwards of **41 dwellings**.

**Policy DP12** seeks to protect and enhance the countryside in recognition of its intrinsic character and beauty. In terms of development outside of built-up area boundaries, identified on the Policies Map, development is expected to demonstrate it maintains or where possible enhances the quality of the rural and landscape character and is either necessary for the purposes of agriculture; or it is supported by a specific policy reference either elsewhere in the Plan, a Development Plan Document or relevant Neighbourhood Plan.

**Policy DP13** allows development in the countryside so long as there is no conflict with Policy DP12 and it does not result in the coalescence of settlements or have an unacceptable urbanising effect.

**Policy DP14** relates to sustainable rural development and the rural economy. It sets out circumstances where development could be acceptable outside the identified built-up areas which relate to sustainable economic development; diversification of activities on existing farm units; or the re-use and adaption of rural buildings for business or tourism use in the countryside.

**Policy DP15** states that, where there is no conflict with Policy DP12, new homes in the countryside will be permitted where special justification exists, such as that the development meets the requirements of Policy DP6 (Settlement Hierarchy).

**Policy DP17** sets out that in order to prevent adverse effects on the Ashdown Forest SPA and SAC, new development likely to have a significant effect either alone or in combination with other developments will need to demonstrate that adequate measures are put in place to avoid or mitigate adverse effects.



**Policy DP18** states that development within land that contributes to the setting of the South Downs National Park will only be permitted where it does not detract from, or cause detriment to, the visual and special qualities (including dark skies), tranquillity and essential characteristics of the National Park.

**Policy DP19** supports tourism related development in the countryside where it supports the sustainable growth of the rural economy and maintains it, or where possible enhances the quality of the rural and landscape character of the District.

**Policy DP20** sets out that MSDC will seek to secure the infrastructure and mitigation measures made necessary by development proposals through methods such as S106 agreements, on-site provision/mitigation and CIL once it has been adopted.

**Policy DP21** relates to transport and requires development to support the objectives of the West Sussex Transport Plan 2011-2026.

**Policy DP22** seeks to protect Rights of Way, Sustrans national cycle routes and recreational routes and encourages access to the countryside.

**Policy DP23** encourages the incorporation of digital infrastructure including fibre to premises and the expansion of the electronic communication network to the towns and rural areas of the District.

**Policy DP25** supports the provision or improvement of community facilities and local services that contribute to creating sustainable communities. It is stated that community facilities and local services to meet local needs will be identified through Neighbourhood Plans or a Site Allocations Development Plan Document produced by the District Council.

**Policy DP26** seeks well designed developments which reflect the distinctive character of the towns and villages while being sensitive to the countryside and sets out a number of criteria to achieve this.

**Policy DP27** sets out that the Minimum Nationally Prescribed space standards for internal floor space and storage space will be applied to all new residential development.

**Policy DP28** requires all development to meet and maintain high standards of accessibility so that all users can use them safely and easily.

**Policy DP29** seeks to protect the environment, including nationally designated environmental sites, nationally protected landscapes, areas of nature conservation or geological interest, wildlife habitats, and the quality of people's life from unacceptable levels of noise, light and air pollution.

**Policy DP30** requires a housing mix and sets out criteria for housing development to achieve to support sustainable communities including: 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.

**Policy DP31** seeks the provision of affordable housing. The supporting text clarifies that the policy only relates to C3 development.

**Policy DP34** requires development to protect listed buildings and their settings in a manner appropriate to their significance.

**Policy DP35** sets out that developments will protect the setting of the conservation area and in particular views into and out of the area.

**Policy DP37** supports the protection and enhancement of trees, woodland and hedgerows, and encourages new planting.

**Policy DP38** seeks to ensure that biodiversity will be protected and enhanced and sets out measures for this. This includes maximising opportunities to enhance and restore ecological corridors to connect natural habitats and increase coherence and resilience.

**Policy DP39** requires all development proposals to improve the sustainability of development and should where appropriate and feasible according to the type and size of development and location, incorporate a number of measures.

**Policy DP41** sets out that developments should be safe for its lifetime and not increase the risk of flooding elsewhere and requires development of 10 or more dwellings to use Sustainable Drainage Systems (SUDS) which should be sensitively designed and located to promote improved biodiversity, and enhanced landscape and good quality spaces that improve public amenities in the area, where possible.

**Policy DP42** requires all new development proposals to be in accordance with the objectives of the Water Framework Directive and accord with the findings of the Gatwick Sub Region Water Cycle Study with respect to water quality, water supply and wastewater treatment. Residential developments should meet a water consumption standard of 110 litres per person per day. Developments should connect to a public sewage treatment works.

---

**ii) Albourne Neighbourhood Plan (September 2016) Planning Policies Summary**

**Policy ALC1** sets out that development in the countryside, outside the defined Built Up Area Boundary, will be supported where it meets the criteria set out in the policy.

**Policy ALC2** supports development that enhances and does not detract from the National Park's visual qualities and essential characteristics.

**Policy ALC3** supports developments in the countryside which do not individually or cumulatively result in coalescence and loss of separate identity of neighbouring settlements or perception thereof; and provided that it does not conflict with other policies in the Plan.

**Policy ALH1** sets out that housing development will generally be supported within or immediately adjoining the Built Up Area Boundary provided that:

1. **'The development is appropriate to a village setting in terms of scale, height and massing and,**
2. **The development is demonstrated to be sustainable, having regard to the settlement hierarchy, and,**
3. **The development makes an appropriate use of a brownfield site, or**
4. **The development is infill and surrounded by existing development.'**

**Policies ALH2 and ALE1** allocate sites for housing and employment land respectively, neither of which include the Site. Policy ALH2 allocates a site for 2 houses.

**Policy ALE2: Tourism** supports small scale low impact tourism.

## **APPENDIX 6**

### **LIST OF APPEAL AND HIGH COURT DECISIONS**

**APPENDIX 6****LIST OF APPEAL/HIGH COURT DECISIONS ON C2 USE CLASS CASE**

1. Tiddington Fields, Main Street, Tiddington, CV37 7AY - APP/J3720/A/07/2037666 – (3 September 2018);
2. Land at West End Farm, Brackley Road, Buckingham MK18 1JA - APP/J0405/W/17/3181140 (5 April 2018);
3. Stable Field, Kirdford Road, Wisborough Green, RH14 0DB - APP/L3815/W/17/3180078 (18 March 2018);
4. The Knowle, Station Road, Sidmouth, Devon, EX10 8HL - APP/U1105/W/17/3177340 (22 Jan 2018);
5. Balcombes Hill, Goudhurst, Cranbrook, Kent TN17 1AT - APP/M2270/W/16/3161379 – (17 May 2017);
6. Land to the north of Alfrey Close, Southbourne, West Sussex, PO10 8ET - APP/L3815/A/13/2198103 (5 March 2014);
7. Brooklands Farm, Cheltenham Road, Evesham, Worcestershire WR11 2LW - APP/H1840/A/13/2193666 (19 August 2013);
8. Former Portishead Primary School Site, Slade Road, Portishead, BS20 6BD - APP/D0121/A/12/2168918 (9 October 2012);
9. Land off Manor Road, Stratford-upon-Avon CV37 7EA - APP/J3720/A/11/2153222 (20 June 2012);
10. Disused nurseries, junction of Steeple Road and Mill Lane, Mayland, Essex - APP/X1545/A/08/2081888 & Related High Court Judgement (10 November 2008 original decision and 30 March 2010 redetermined appeal);
11. Land at Raleigh Hill, Northam, Bideford - APP/W1145/A/09/2106479 (30 November 2009);
12. Land adjacent to Park House Court, Narberth Road, New Hedges, Tenby SA70 8JT - APP/N6845/V/08/2077860 (8 July 2009);
13. Warrens Coaches Ltd, High Street, Ticehurst, Wadhurst, East Sussex, TN5 7AN - APP/U1430/A/08/2091935 (5 June 2009);
14. Abberton Manor Nursing Home, Layer Road, Abberton, Colchester, Essex, CO5 7NL - APP/A1530/A/08/2091074 ( 27 April 2009);
15. Former hospital site, Newcastle Road, Arclid, near Sandbach - APP/B0610/A/06/2021135 (20 June 2007);
16. Abbeycrest Nursing Home, Essex Way, Kennylands Road, Sonning Common, Reading RG4 9RG - APP/Q3115/A06/2024775 (18 April 2007);
17. Former Storthes Hall Hospital, Storthes Hall Lane, Kirkburton, Huddersfield - APP/Z4718/V/06/1198039 (11 January 2007);
18. Former HMS Royal Arthur Site, Westwells, Corsham - APP/J3910/A/06/2009846 (09 November 2006);
19. Land at Bradwell Grove Hospital near Burford, Oxfordshire - APP/D3125/A/87/078923 (8 August 1989).

## **APPENDIX 7**

### **TABLE OF DEVELOPMENT BENEFITS**

**APPENDIX 7****TABLE OF DEVELOPMENT BENEFITS**

<b>Benefit</b>	<b>Details</b>
Provision of Extra Care Units	<p>The development will significantly contribute to the provision of extra care accommodation in the District, for which there is an identified need for at least 462 new units <u>now</u> of which 367 should be for sale. This need is currently not being met and is only likely to worsen.</p> <p>LP Policy DP25 specifically supports the provision of this form of specialist accommodation and the Site is being brought forward by a well-established operator which will secure its delivery.</p> <p>Through the provision of this form of accommodation it contributes to ensuring a mix of accommodation is provided in the District to meet the needs of different groups in the community (NPPF, para 61). It further aligns with the objectives of LP Policy DP30 on housing mix which supports generally the provision of accommodation that meets the needs of different groups of society including older people.</p> <p>The contribution the development will make to increasing choice in accommodation will further support the 'social' objectives of sustainable development (NPPF, Para 8), in promoting mixed, balanced and healthy communities. It will also contribute to meeting the District Council's and Albourne Parish Council's housing requirement which is expressed as a 'minima'.</p>
Shop	<p>There is currently no local shop within the Village and residents have to access facilities at Sayers Common, a short drive away. The feedback from the public exhibition showed that respondents to the event showed the highest level of support for the provision of a shop on the development which could be accessed by the wider community. Consequently, the size of the shop of the development has be 'up-scaled' compared to that usually provided on an RVG development to serve a larger community. As already set out, the shop is intended to have a 'farm shop' character and will provide day to day items as well as sell local produce, similar to the community shop at Sayers Common.</p>

Benefit	Details
	<p>The provision of the shop will therefore enhance the sustainability of the settlement reducing the need for local car trips to access local shopping facilities. It also aligns with LP Policy DP25, which specifically supports <i>'provision or improvement of community facilities and local services that contribute to creating sustainable communities.'</i> This includes the provision of local shops. It will further support the 'social' objective of sustainable development through improving access to services.</p>
Click and collect facility	<p>It was an outcome of the public exhibition that some form of 'click and collect' facility was provided in the absence of any such local facility. It is therefore proposed that an Amazon Locker or similar is provided which serves this function.</p> <p>As above, the addition of this facility contributes to increasing the sustainability of the development and Albourne and aligns with the objectives of LP Policy DP25.</p>
Artisan/craftsman workshops	<p>The Albourne NP encourages opportunities arising from the South Downs National Park as the Parish is seen as one of the 'principal' gateways into the Park which should create jobs in tourism including the provision of small craft shops, which are relevant to the National Park economy. NP Policy ALE2 supports facilities connected with tourism, associated with the National Park.</p> <p>In response, the development incorporates two artisan/craft workshops which will be available for lease to the local community. The workshops will be incorporated in the Club House on the northern boundary. This location allows the workshops to be orientated away from the proposed residential development and is on the boundary of the Site where it will not result in the loss of residential amenity to neighbouring residential properties, where they are separated by the car park serving the Brethren Hall.</p>



Benefit	Details
	<p>LP Policies DP14 and DP19 support the sustainable growth of the rural economy and tourism, which the development will contribute to meeting. It will also contribute to meeting the 'economic' aspect of sustainable development as defined in the NPPF, Para 8.</p>
Traffic Calming Measures	<p>We are aware through consultation with the local community and a review of the Albourne NP that there are significant local concerns with regards to traffic speeds along London Road and the increase usage of the road for HGVs. There are therefore existing concerns about the safety of vehicle drivers and pedestrians pulling out onto/walking or trying to cross this road. Linked to this there were concerns that the proposed development would exacerbate the existing situation through adding to traffic generation generally, and through the new junction into the Site. It is an 'Aim' of the NP that <i>'a specific scheme will be developed aimed at improving the safety of road users and pedestrians utilising the Albourne stretches of the B2118 and B2116 Roads'</i>.</p> <p>As already described, the proposals will secure new entrance features and buildouts which will reduce speeds together with the introduction of a new 30mph zone. A new pedestrian crossing point is also provided to the south of the Site entrance to allow residents of the development and wider Village to safely access the Site on foot.</p> <p>The proposals therefore also align with LP Policy DP21, which supports schemes that protect the safety of road users and pedestrians. It will further secure the delivery of a scheme of works which the County Council has no plans to provide.</p>
Electric charging points	<p>It was an outcome of the public exhibition that residents desired access to electric charging points and suggest these be included within the development. It is therefore proposed that 3 charging points are provided in the parking area to the front of the shop which residents of Albourne can also use, with a further 4 across the development.</p> <p>The provision of charging points also aligns with NPPF para 105 which seeks to ensure the provision of spaces for charging ultra-low emission vehicles as does LP Policy DP21.</p>

Benefit	Details
Provision of Employment Opportunities	<p>The development will provide circa 22 jobs in both full and part time roles in addition to supporting jobs in the care service. The Albourne NP encourages the provision of jobs in the village where it will allow people to work near their home, avoiding excessive travel. The NP also encourages access to a wider range of jobs. The development proposals will contribute to supporting that ambition. The provision of more jobs in the local area was also supported by those responding to the consultation event and seen as an opportunity to increase access to employment in the local area, particularly for the younger generations.</p> <p>The development further contributes to achieving the general objectives of Policies DP1 and DP14 where they support sustainable economic growth in the countryside and Policy DP21 where it seeks to minimise the need to travel. It will further contribute to meeting the 'economic' aspect of sustainable development as defined in the NPPF, Para 8.</p>
Entrance Green	<p>Between the London Road and Club House, an area of open space is proposed which will provide an 'Entrance Green' to complement existing Regency properties providing a positive frontage and sense of place. It also provides an opportunity for some public art.</p> <p>The submitted LVIA assesses the 'Entrance Green' as providing a positive, public-facing open space at a key nodal point in the arrival at a central area of the settlement from the south along London Road. This would reflect the positive influence of greens at Barleycroft and Hunter's Mead and would provide a more positively presented open space than at the recreation ground set back from London Road, to the rear of residential properties in the northern part of the settlement. The sense of arrival at this node in the settlement would be reinforced by the proposed traffic calming measures, including a crossing island. Reduced traffic speeds would create a more tranquil character of the roadway at this location.</p> <p>The provision of the 'Entrance Green' accords with the design principles set out in LP Policy DP26 where it includes appropriate greenspace which positively contributes to the character of the area.</p>

Benefit	Details
Biodiversity and Landscape Enhancement.	<p>The development proposals will incorporate a number of measures which will secure biodiversity enhancements which will be secured through the landscaped/open spaces proposed and strategy to reinforce existing landscape features, this includes incorporating locally characteristic vegetation in key areas, such as along the northern boundary which will serve to diminish the character influence of the Brethren Hall.</p> <p>Overall, the development proposals align with LP Policies DP37 and DB38 in respect of trees (retention &amp; enhancement and biodiversity). It will also contribute to the 'environmental' objective of sustainable development, NPPF Para 8.</p>

## **APPENDIX 8**

### **DRAFT S106 PROVISIONS**

## **RV Albourne -Draft Planning Obligations**

**Land at the former Hazeldens Nursery Site to the west of London Road, Albourne Hassocks BN6 9BL**

### **Owner Covenants**

#### **Occupation**

1. That the Extra Care Units shall be Occupied only by persons of at least 65 years of age and a spouse, or partner of such a person, irrespective of the age of such spouse or partner. For the avoidance of doubt in the event any person in Occupation of an Extra Care Unit dies or vacates such a unit, the spouse or partner of such a unit shall be entitled to remain within the unit, irrespective of whether they satisfy the age restriction.
2. That for the lifetime of the Development, that part of the Site edged red shall not be Occupied other than for an extra care development, for older people comprising of living accommodation and associated services and facilities.

#### **Health Assessment**

3. To procure that each Primary Resident undertakes a Health Assessment, prior to Occupation, in order to identify the level and type of Personal Care and other support and assistance they require.
4. To procure that the Health Assessment of each Primary Resident shall be reviewed on an annual basis, or more frequently if required, in order to determine the level and type of Personal Care and other support and assistance for each resident.

#### **Personal Care**

5. To provide, as part of the Basic Care Package, either on its own or separately through the procurement of the services of a partner Care Agency in accordance with clause 7 below or through a combination of services to be provided by both the Owner and its partner Care Agency, such elements of Personal Care and other support and or assistance as may be determined by the Health Assessment.
6. To make available, following a review of the Health Assessment in accordance with clause 4 above, such additional Personal Care, support and assistance as may be required over and above the Basic Care Package, either on its own or through its partner Care Agency or through a combination of services to be provided by both the Owner and its partner Care Agency, subject to the payment of additional fees by that Primary Resident on commercial terms to be agreed and further subject to the right of that resident to choose to procure such additional Personal Care, care and support from providers other than the Owner and its partner Care Agency.

#### **Care Agency**

7. To procure, on or before the first Occupation of the Development, the services of a Care Agency, in order to provide either separately or in conjunction with the Owner such elements of Personal Care as may be determined by the Health Assessment.

#### **Basic Care Package**

8. To procure that the Basic Care Package is purchased by the Primary Resident of the Extra Care Units on an annual basis for the period of their Occupation of such units, the fee for which will be collected through the service charge for the Extra Care Units.

### **Communal Facilities**

9. Following the first Occupation of the Development to permit;
  - a) residents of the Development and their guests access to and the use of the Communal Facilities throughout their Occupation of the Development
  - b) Non Residents to use the Shop and the Collection Facility

subject to any conditions and /or restrictions that may be imposed by the Management Company from time to time,

### **Management Company**

10. To establish the Management Company prior to Occupation of the Development.
11. To procure that the Communal Facilities and the Workshops will be operated by the Management Company on a not for profit basis, provided that the Management Company shall be entitled at all times to contract out the services in relation to the operation of the Communal Facilities or part thereof and the Workshops on such terms or on such commercial arrangements as they may determine.
12. To procure that any profit received by the Management Company in each annual accounting period from the operation of the Communal Facilities and the Workshops shall be placed into a bank account held by the Management Company and used to offset against the level of service charge payable each year by the individual owner/occupier or lessee of each Extra Care Unit.

### **Mini Bus Provisions**

13. The Owner shall on Occupation of the Development provide a dedicated mini bus for use by residents, and their guests on a planned outing/event, GP or other health related appointment and by employees of the Development in accordance with the Travel Plan and subject to the payment of subsidised charges and fees where applicable, for the lifetime of the Development.

### **Library Contribution**

14. To pay to the Council the Library Contribution prior to Occupation of the Development.

### **Workshops**

15. The Owner shall prior to Occupation of the Development:
  - a) construct or procure the construction of the Workshops to Shell and Core and
  - b) subject to any fees, conditions and /or restrictions that may be imposed or levied by the Management Company from time to time make available the Workshops for use by
    - i. residents of the Development and/or
    - ii. Local craftsman/ artisans

### **Highway Works**

16. Prior to Commencement of Development the Owner shall enter into a Section 278 Agreement with the County Council to secure the carrying out of the Highway Works and payment of the County Council's proper and reasonable legal costs relating to the Section 278 Agreement.



17. The Owner shall not Commence Development until it has entered into a Section 278 Agreement with the County Council to secure the carrying out of the Highway Works and payment of the County Council's proper and reasonable legal costs relating to the Section 278 Agreement.
18. Prior to Occupation of the Development the Owner shall complete the Highway Works in accordance with the provisions of the Section 278 Agreement.
19. The Owner shall not Occupy or cause or allow the Occupation of the Development until it has completed the Highway Works in accordance with the provisions of the Section 278 Agreement

## **Definitions**

**Basic Care Package** - means a package of care services comprising:

- (a) 24 hour monitored emergency call system within each Extra Care Unit providing access to specialist trained operators;
- (b) security measures, including controlled access to common areas and private areas through the use of lock systems and/or entry phones or other similar measures, CCTV cameras to the main entrance to the Property and communal areas and adequate lighting to internal and external common areas;
- (c) regular cleaning and management of communal areas;
- (d) a minimum of 2 hours of Personal Care a week;
- (e) a staffed reception / management suite and office to provide day to day assistance for residents and to coordinate and organise the provision of Personal Care to each Primary Resident; including liaison with the Care Agency
- (f) access to the Communal Facilities
- (g) periodic review of the Health Assessment.

**Care Agency** – means a domiciliary care agency registered with the Care Quality Commission

**Care Quality Commission** – means the independent regulator of health and social care services in England or any successor body or organisation;

**Communal Facilities** means the clubhouse including guest suite, restaurant, bar, lounge, toilets, library, therapy/exercise room, hair salon, meeting and function rooms, the Shop and Collection Facility as well as the communal grounds to be provided as part of the Development

**Development** means the development of the Site for an extra care development of up to 84 units (comprising of apartments and cottages) all within Use Class C2; associated communal facilities; 2 no. workshops, provision of vehicular and cycle parking together with all necessary internal roads and footpaths; provision of open space and associated landscape works; ancillary works and structures and works to include the demolition of the existing building on the Site

**Health Assessment**- means

- i) an initial health questionnaire to be reviewed by an appropriately qualified person on behalf of the Owner and

- ii) any further health assessment, to be undertaken by the Care Agency, if required, following a review of the health questionnaire,

to determine the level and type of Personal Care required by the Primary Resident, taking into account the resident's individual medical history, including a review of any current medication /treatment and /or recommendations/advice from the resident's GP or consultant;

**Management Company** means the management company to be established by the Owner as a non-profit making entity to manage the Development including but not limited to the management and operation of the Development including the Communal Facilities; and the Workshops

**Occupation** means occupation of the Development or part thereof (except for the purposes of construction, fitting out, decoration, security, or marketing) and the terms "Occupy" or "Occupied", or "Occupancy" shall where the context so requires have the same meaning

**Personal Care** – means one or more of the following services to be provided either by the Owner, or the Care Agency or a combination of both the Owner and the Care Agency:

- (a) delivery of prepared meals from the clubhouse;
- (b) assistance with personal hygiene; including washing, shaving, toileting;
- (c) assistance with dressing and undressing;
- (d) assistance with getting in or out of bed;
- (e) assistance with the planning and preparation of meals in order to support residents in maintaining a healthy diet
- (f) assistance with feeding and drinking;
- (g) assistance with the ordering and collection of prescriptions, and ensuring the taking of prescribed medication;
- (h) assistance with technology to facilitate internet shopping for home delivery for residents with impaired mobility and/or impaired sight, payment of bills, keeping in contact with family members, the pursuit of hobbies and for organising social activities for residents,
- (i) assistance with organising GP/hospital/consultancy visits for medical appointments including accompanying residents to such visits and the provision of emotional and psychological support and physical care following any hospital discharge;
- (j) collection and parking of vehicles within the Site for residents of impaired mobility in order to support mobility, activity levels, social interaction and maintain independence;
- (k) assistance to residents to enable them to access all facilities within the Development and any social activities either organised within the Development or off site, including accompanying any resident who has impaired mobility to such facilities/activities and/or providing support to any resident who due to age or medical needs requires assistance to use or participate in such facilities/activities;
- (l) assistance with arranging visitor access and overnight stays in order to maintain contact with family members and friends, and to encourage social interaction to maintain the mental wellbeing of residents and facilitate independent living; and
- (m) assistance for residents with impaired mobility or medical needs or who may otherwise require such assistance due to age or ability with general household chores and errands including assistance with cleaning and laundry and assistance with the delivery and collection of post/parcels to maintain contact with family members and/ or to pay bills etc. and to facilitate independent living



**Primary Resident** means a person who is in need of at least 2 hours of Personal Care a week and who is aged 65 years or older on the date of taking up Occupation of an Extra Care Unit

**Extra Care Units** means the residential units to be provided as part of the Development

**Site** means the land shown edged red on Plan 1 and known as land at the former Hazeldens Nursery site to the west of London Road, Albourne Hassocks BN6 9BL and registered at HM Land Registry under title numbers WSX137005 and WSX341564

**Library Contribution** means the sum of £27,678 (twenty-seven thousand, six hundred and seventy-eight pounds (calculated in accordance with the formula set out in Appendix 3 of the Development Infrastructure and Contributions SPD) for the Library Contribution Purposes.

**Library Contribution Purposes** means the provision of additional library services to meet the needs of the Development

**Highway Works** means the highway works to London Road as shown on the Highway Works Drawing comprising:

- (a) Two pinch point road narrowing features (one to the north and one to the south) reducing to a carriageway width of 6.1m together with a 30mph speed limit roundel and contrasting surfacing colour, as well as reflective bollards on the kerb build-outs for each feature
- (b) An extended section of reduced carriageway width (to 6.1m) leading past the Site access, again with reflective bollards on the kerb build-outs.
- (c) An informal crossing point to the south of the site access, with a contrasting surfacing colour and white wooden lattice fence panels on the southern side as a 'gateway' feature.
- (d) A reduced speed limit to 30mph between the two pinch point features
- (e) New refuge island

**Highway Works Drawing** means Figure 4.1 attached to this Deed

**Development Infrastructure and Contributions SPD** means the supplementary planning document adopted by the Council in July 2018 entitled Development Infrastructure and Contributions Supplementary Planning Document

**Workshops** means the 2 workshops to be provided as part of the Development

**Local artisans/craftsman** means local artisans/craftsman living within the administrative area of Mid Sussex

**Shop** means the shop to be provided as part of the Communal Facilities

**Shell and Core** means accommodation constructed to shell and core finish as that expression is understood in the commercial development industry together with all statutory services supplied to the accommodation, capped tested and separately metered and all drainage installed and connected

**Non-Residents** means those persons who are not residents in the Extra Care Units

**Section 278 Agreement** means an agreement entered into with the County Council and made under section 278 of the 1980 Act to secure the carrying out of the Highway Works;

**1980 Act** means the Highways Act 1980

**Travel Plan** means the travel plan submitted with the Application dated March 2019

**Collection Facility** means the “click and collect box” to be provided within the vicinity of the Shop for the collection of and storage of any goods awaiting collection

**8 March 2019**

**Aardvark Planning Law**

DRAFT

## **APPENDIX 4**

### **Assessment of Site Against the Site Selection Methodology Paper**

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**ASSESSMENT OF HAZELDEN NURSERY AGAINST THE:**  
**SITE SELECTION PAPER 2 – METHODOLOGY FOR SITE SELECTION**

1.1 As set out above, the Site Selections Paper 2 sets out a methodology for assessing the suitability of proposed development sites against the criteria assessed below.

1. AONB;
2. Flood Risk;
3. Ancient Woodland;
4. SSSI/Local Wildlife Sites/Local Nature Reserves;
5. Heritage – Listed Building;
6. Heritage – Conservation Area;
7. Archaeology;
8. Landscape Capacity/Suitability (for sites not in AONB);
9. Trees/Tree Preservation Orders (for sites not affected by Ancient Woodland);
10. Highways/ Strategic Road Network;
11. Local Road Network/Access to site;
12. Developability;
13. Infrastructure;
14. Education – Distance to Primary Schools;
15. Health – Distance to GP Surgery;
16. Services – Distance to Town/Village Centre;
17. Public Transport.

1.2 Hazelden Nursery is assessed against this criterion in detail below in line with the Council's methodology, whilst taking into account the nature of the development proposed (C2, extra care) and drawing on the technical reports, submitted in support of application. DM/19/1001.

**i) AONB**

1.3 The Site is not within an AONB nor is it adjoining an AONB. The AONB Unit raised no objections to the proposed development. It is therefore assessed as N/A in accordance with the Council's criterion.

**ii) Flood Risk**

- 1.4 The Site is not within or adjoining Flood Zones 2 and 3. The closest area of flooding is the banks of Cutlers Brook to the south of the Site beyond woodland. Therefore, it is considered that the Site is unaffected by flood risk.

**iii) Ancient Woodland**

- 1.5 There are no areas of Ancient Woodland close to the Site. Therefore, the Site is unaffected by this criterion.

**iv) SSSI/Local Wildlife Sites/Local Nature Reserves**

- 1.6 The Site is not within and does not adjoin a SSSI, Local Wildlife Site or Local Nature Reserves. Therefore, the Site passes this criterion.

**v) Heritage – Listed Building**

- 1.7 There are Listed Buildings opposite the Site. The Heritage Assessment submitted in support of the application assessed the proposals for the development of the Site would cause no greater than a “minor level of harm” to the significance of the assets. Based on the Council’s criterion, the level of harm is assessed as low.

**vi) Heritage – Conservation Area**

- 1.8 There is a Conservation Area in Albourne, however the Site lies outside the Conservation Area and does not directly adjoin the boundary.
- 1.9 The Heritage Assessment submitted in support of the application, assesses the proposals would not result in any harm to the Conservation Area.

**vii) Archaeology**

- 1.10 A desk-based assessment has been undertaken which sets out that the Site is considered to have low potential for the presence of archaeological assets from all periods prior to the establishment of a nursery on the Site in the twentieth century.

- 1.11 The District Council's Archaeological Officer raised no objections to the planning application for the development of the Site in this regard.

**viii) Landscape Capacity/Suitability (for sites not in AONB)**

- 1.12 Based on the Council's assessment, the Site is assessed by LUC to have medium (in the north) and medium/low potential (in the south) for development in landscape terms with a 'medium yield' in both areas. We have not provided comment on this assessment specifically. However, this doesn't take into account the potential for mitigation and sensitive high-quality design.
- 1.13 A very detailed and thorough Landscape and Visual Impact Assessment was submitted in support of the application which assesses the proposed development's impact on the landscape and on views. The assessment included for the proposed sitting, massing and height of the development, together with the proposed structural landscape framework, as well as the potential for secondary mitigation including using the strong local vernacular of built form. As a consequence of this, the landscape and visual impact of the development would be limited and the Site would have medium/high potential in landscape and visual terms, subject to this sensitive design approach.

**2.0 Trees/Tree Preservation Orders (for sites not affected by Ancient Woodland)**

- 2.1 There are no TPOs impacting the Site and no concerns were raised during the determine of the application in respect of trees.

**3.0 Highways/ Strategic Road Network**

- 1.15 No strategic highway constraints were identified through the Planning application for the Site.

**4.0 Local Road Network/Access to site**

- 1.16 No local network or access constraints were identified through the Planning application for the Site.

**5.0 Developability**

- 1.17 It is considered that the Site is developable, a conclusion which is supported by MSDC's own SHELAA assessment of the Site. Therefore, it is considered that the Site passes this criterion.

## **6.0 Infrastructure**

- 1.18 Through the assessment of the development proposals via a Planning application, there are no known infrastructure constraints to the development other than contributing to library provision off-site.

## **7.0 Education – Distance from Primary Schools**

- 1.19 Due to nature of the use proposed this criterion is not applicable.

## **8.0 Health – Distance to GP surgery**

- 1.20 The nearest healthcare centre with a GP surgery is in Hurstpierpoint and is approximately 3.2km from the Site, which is greater than a 20 min walk. However, the development will provide access to care services on Site, which will minimise the need to travel to the nearest GP. Whilst a new GP surgery will not be provided on Site, residents will have regular access to care services. As such the assessment has been weighted accordingly, and a 10-15 minute walk applied (if a GP surgery is provided on Site the Council's assessment weights this as a >10min walk).

## **9.0 Services – Distance to Town/Village Centre**

- 1.21 The Site is closely located to the village centre, approximately 800 metres (within a 10 min walk) when using the Village Hall as the centre. Albourne does not have a local shop, but one is proposed as part of the development and will also be accessible to the wider residents of Albourne. Other services and facilities will also be provided as part of the development to support the health and social wellbeing of residents.
- 1.22 Due to the services and facilities that are provided on Site, as part of the development, which will support the day to day needs of residents, access to such facilities is assessed as being within less than 10 minutes and the assessment weighted accordingly.

## **10.0 Public Transport**

- 1.23 The accessibility of public transport from the Site has been rated into accordance with the Council's methodology shown below.



Bus Service		Distance			
		400m	600m	800m	800+m
Frequency	Excellent (4+/hour)	<i>Excellent</i>	<i>Good</i>	<i>Good</i>	<i>Fair</i>
	Good (2+/hour)	<i>Good</i>	<i>Good</i>	<i>Fair</i>	<i>Fair</i>
	Fair (<2/hour)	<i>Good</i>	<i>Fair</i>	<i>Fair</i>	<i>Poor</i>
	Poor (Infrequent)	<i>Fair</i>	<i>Fair</i>	<i>Poor</i>	<i>Poor</i>

Train Service		Distance			
		<800m	<1.2km	<1.6km	>1.6km
		<i>Excellent</i>	<i>Good</i>	<i>Fair</i>	<i>Poor</i>

Overall Assessment		Train Service			
		Excellent	Good	Fair	Poor
Bus Service	Excellent	<i>Excellent</i>	<i>Good</i>	<i>Good</i>	<i>Fair</i>
	Good	<i>Good</i>	<i>Good</i>	<i>Fair</i>	<i>Fair</i>
	Fair	<i>Good</i>	<i>Fair</i>	<i>Fair</i>	<i>Poor</i>
	Poor	<i>Fair</i>	<i>Fair</i>	<i>Poor</i>	<i>Poor</i>

- 1.24 The nearest bus stop is located approximately 85 metres (for the north bound service) and 250 metres (for the south bound) of the Site on the London Road. The buses serving these stops have a frequency of 1 bus an hr. There are further bus stops located 560 metres to the north of the Site, also on the London Road. These have a maximum frequency of 1 bus every 120 minutes. Based on the above table and the closet bus stop, accessibility to bus services is assessed as 'good'.
- 1.25 However, the Council's assessment approach fails to take into account the form of development proposed will have access to its own mini-bus service which will be for the use of staff, residents and visitors. The overall assessment of accessibility to bus services is therefore upgraded to "excellent", where this will provide an "on-demand" service.
- 1.26 The nearest rail station to the Site is Hassocks, Railway Station, approximately 5km from the Site. Accessibility to train services is therefore assessed a "poor".
- 1.27 Based on the Council's assessment approach, the overall assessment of the accessibility of the Site is therefore rated as "fair".

### ***Conclusion***

- 1.28 The table below summarises the above assessment, based on the Council's colour coding, as identified in the methodology. Overall it demonstrates that the Site and development proposals perform very well against this criteria.

Summary of Site Selection Criteria	Summary of Assessment
AONB	N/A
Flood Risk	
Ancient Woodland	
SSSI/Local Wildlife Sites/Local Nature Reserves	
Heritage – Listed Building	
Heritage – Conservation Area	
Archaeology	
Landscape Capacity/Suitability (for sites not in AONB)	
Trees/Tree Preservation Orders (for sites not affected by Ancient Woodland)	
Highways/ Strategic Road Network	
Local Road Network/Access to site	
Developability	
Infrastructure	
Infrastructure Education – distance to Primary Schools	N/A
Health – Distance to GP Surgery	
Services – Distance to Town/Village Centre	
Public Transport	

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TOWN PLANNING  
MASTERPLANNING & URBAN DESIGN  
ARCHITECTURE  
LANDSCAPE PLANNING & DESIGN  
ENVIRONMENTAL PLANNING  
HERITAGE  
GRAPHIC COMMUNICATION  
PUBLIC ENGAGEMENT  
DEVELOPMENT ECONOMICS

## **APPENDIX 4**

### **Need Assessment**



**Needs report in support of  
the proposed development of  
84 Extra Care Apartments by  
Retirement Villages at the  
site of the Former  
Hazeldens Nursery  
Albourne, West Sussex**

**Appeal Ref:  
APP/D3830/W/19/3241644  
LPA Ref: DM/19/1001**

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# **1 Executive Summary**

## **Contextual information**

1.1 This report provides an account of the evolution of the current range of provision of accommodation and care for older people, providing a context for the consideration of Extra Care and its place within that range of provision.

1.2 The development of the Extra Care model, how it is to be understood and its contribution to supporting older people in a way that meets their needs for care whilst offering a better quality of life than traditional institutional care settings is briefly explained.

## **The context in policy and guidance**

1.3 West Sussex County Council in their role as the Welfare Authority have promoted the development of Extra Care Housing, in part as a preferable form of provision to continued increases in the provision of bed spaces in Registered Care Homes. The approach of Mid-Sussex District Council does not appear entirely congruent with that policy context.

1.4 National strategies in health, housing and social care favour the development of housing-based solutions to meet the needs of an ageing population for care and support. These intentions are brought into planning sphere through National Planning Practice Guidance, most comprehensively in the NPPG of June 2019.

1.5 The body of evidence that those moving into Extra Care Housing mitigates the demand that individuals make upon the local health and social care economy is growing and has been accepted under examination by Parliamentary Select Committee and is set out in a subsequent section.

## **The approach adopted to estimating need**

1.6 The methodology adopted in this report follows best practice as commended in NPPG June 2019: it sets out the population data, considers the indicators of need for specialised accommodation and care within that population, considers current supply, reflects the national and local policy drivers which lead to a projected pattern of provision to meet current and future need.

## **An aged and ageing population**

1.7 In relation to the age of its population the profile of Mid-Sussex sits above the national average, those sixty-five years of age and over will continue to increase both in absolute terms and as a proportion of the total population. Those



in the oldest cohorts will increase significantly through the period with an impact on demand for both specialised accommodation and care services.

1.8 The proportion of the older population in Mid-Sussex is projected to increase most significantly within those aged eighty-five and above which will lead to an impact upon the demand for specialised accommodation and care services.

1.9 The older population in Mid-Sussex is projected to increase at a fairly uniform rate, the numbers of all those 65 years of age and over will increase by around 47% by 2035. In terms of impact of demand for care services the projected increase in those eighty-five years and above, at around 77% above their current number by 2035, is more significant.

### **Indicators of need within that population**

1.10 The total number of those in Mid-Sussex 65 years of age and over who cannot manage at least one mobility activity is estimated at 6,033, rising by 48% to 8,954 by 2035.

1.11 There are projected to be more than 6,000 people 65 years of age and over living in Mid-Sussex who live alone. This number is expected to rise to approaching 9,400 by 2035.

1.12 The number of those 65 years of age and over in Mid-Sussex living with a depressive illness is estimated to be 2,730 in 2020, rising to 3,729 by 2035, an increase of around 36%.

1.13 Between 2020 and 2035 the number of those 65 years of age and over in Mid-Sussex experiencing difficulties with domestic tasks is projected to increase by around 43%, a total of 3,985 additional older people with needs that require support.

1.14 Those 65 years of age and over living with a long-term limiting illness that affects their ability to deal with the activities of day-to-day living a lot are estimated at 4,901 in 2020, rising to 7,248 by 2035.

1.15 The number of those 65 years of age and over in Mid-Sussex who will be unable to manage at least one personal care task will increase by about 42% from 9,163 in 2020 to around 13,051 by 2035.

1.16 Mid-Sussex has a predicted rise in those aged over 65 that have dementia through the period 2020 to 2035 of around 53%, compared with around 48% increase across England as a whole over the same period.

## **Tenure**

1.17 Mid-Sussex exceeds the national trend toward owner-occupation as the dominant tenure for older people. Levels of owner-occupation among older people in Mid-Sussex are significant at nearly 85%% for those between 65 and 74 years of age. In the oldest age group the level of home ownership may be depressed by lack of options for owner-occupation in specialised accommodation but remains significant at around 76%.

## **Current supply**

1.18 Taking tenures together and comparing with the whole population of older people it would appear that levels of provision of specialised housing for older people are above national averages.

1.19 The provision of leasehold retirement housing is far short of requirements to achieve equity of options between tenures. For those older people who are owner-occupiers the ratio of provision for retirement housing for sale per thousand is 72.87. Whilst for those older people who are renters the comparable ratio per thousand is 338.08. Expressed in this way, as a standardised ratio, it is clear that older homeowners in Mid-Sussex are very significantly disadvantaged in securing the specialised accommodation they need.

1.20 There is a substantial deficit in the provision of Extra Care units that would provide appropriate and attractive options for older people in all tenures and more nearly match the policy imperatives articulated by national government and by the Welfare Authority.

1.21 Projecting the current and future need for Extra Care in Mid Sussex it is clear that without the active encouragement of developments such as that proposed for Albourne the present gap in provision will widen as the number of those within the population of older people continues to increase.

## **Conclusion**

1.22 The evidence provided in this report, and the context in national and local policy and guidance, supports the further development of Extra Care which should be available across tenures. This report shows that this option is not currently available to older home-owners in Mid-Sussex and allowing this development to proceed would make a significant contribution to addressing the identified deficit.

1.23 The provision of a more adequate supply of Extra Care Housing for homeowners to purchase on long-lease will provide an environment of choice in which independence can be sustained. The range of facilities and services to be

offered in the proposed scheme is sufficiently robust to support older people at the higher levels of frailty.

1.24 The research evidence set out in this report shows that there will be significant and quantifiable benefits to the local Health Care economy arising from this development. It also suggests that by offering an appropriate and attractive option to older homeowners currently occupying larger properties a more efficient use of the existing general housing stock may be achieved.

1.25 In the absence of appropriate accommodation options pressures will increase on higher-end services, such as Registered Care Homes providing Personal Care and Registered Care Homes providing Nursing Care.

1.26 Whilst the 2016 Addendum to the HEDNA reports a clear shortfall in provision of Extra Care units for both sale and rent limitations in the application of the SHOP@ Tool which was used to make the calculations has provided a marked under-estimate. On our modelling there is a current shortfall of nearly five hundred Extra Care units to meet needs in the District.

1.27 The increase in the numbers of those 75 years of age and over within the local population by the end of the Plan period would extend that requirement

1.28 The provision of a more adequate supply of Extra Care housing for homeowners to purchase on long-lease will provide an environment of choice in which independence can be sustained. This development, proposed by Retirement Villages for Albourne in Mid Sussex, makes a substantial contribution toward the availability of a more adequate level of provision for older homeowners looking for an environment in which their changing needs can be met.

## 2 An evolving pattern for the provision of accommodation and care to meet the needs of older people.

2.1 The traditional accommodation and care pathway for those passing through old age took shape in the 1950s with the advent of the welfare state, as the health and social care reforms of 1940s that shaped health and social care were matched by developments in specialised accommodation for older people. It matched contemporary expectations in the mid-20<sup>th</sup> century as well as contemporary demographics.

2.2 This traditional pathway started with those living in general housing, moves through sheltered housing and then crosses the threshold of institutional care provision into residential care and then nursing home care. Beyond this might lie long-term hospital care but this was largely removed from the range of provision with the closure of long-stay geriatric hospital wards in the 1970s.

3.3 The linkage between accommodation context and a “blanket” pattern of care in the traditional pattern of accommodation and care services is shown in Figure A

**Figure A The “traditional configuration” of accommodation and care for older people (pre-1990)**

Accommodation Context	Characteristics
General Housing	Community personal social care. Community medical, nursing and para-medical services. Meals on wheels. Provision on demand according to need.
Sheltered Housing	As above but with support from a “warden”, generally resident on site. Provision on demand according to need.
Residential Care	Intensive personal social care. Community medical and para-medical services. All meals provided. “Blanket” provision.
Nursing Homes	Intensive nursing and personal social care. Special arrangements for medical and para-medical services. All meals provided. “Blanket” provision.

2.4 Progression through these categories of provision was prompted by assessment of functional deficit or deterioration of health and marked by a regressional trade-off between access to care and quality of living conditions. Thus those who needed care could only access it by surrendering the space,

privacy and independence of general or sheltered housing for the bed space, locker and shared facilities of residential or nursing care.

2.5 Through the 1970s and 1980s the main focus in making provision for older people was through the development of sheltered housing, originally, and predominantly, for social rent. In the 1980s pioneer private developers began to produce a very similar model of retirement housing for sale by long lease to older home owners.

2.6 From the peak of its popularity in the late 1970s public sector sheltered housing for rent has experienced something of a reversal in fortunes. Some schemes have proved difficult to let and in others existing facilities and patterns of service have been found to have limitations in coping with the needs of an ageing and increasingly frail tenant population.

2.7 Through the 1990s policy and public investment decisions at national and local levels began to be influenced by the general perception that in most parts of the country there was a sufficient supply of conventional sheltered housing for rent from social landlords but that opportunities existed to add to the stock of Very Sheltered, or Extra Care Housing<sup>1</sup>.

2.8 This was substantiated in McCafferty's 1994 study for the Department of the Environment<sup>2</sup> that concluded that there was "a significant unmet need for very sheltered housing and a potential over-provision of ordinary sheltered housing". Little new sheltered housing for rent has been built in the past thirty years although demand for retirement housing for sale has continued to be strong with that majority of older people who are now home<sup>3</sup>-owners.<sup>4</sup>

2.9 The suggestion that whilst the need for sheltered housing for rent might be met the need and demand for a similar style of accommodation for older homeowners to buy was under provided has been borne out by comparison of provision against existing tenure. In almost all parts of the country, including Mid-Sussex older homeowners continue to have limited access to retirement housing in the tenure of their choice.

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<sup>1</sup> Very Sheltered Housing was a term originally developed to describe enhanced forms of sheltered housing, some adopted it to describe the more developed model that is now generally referred to as Extra Care. Some policy documents, such as those produced by Wolverhampton MBC, use the term Very Sheltered interchangeably with Extra Care Housing.

<sup>2</sup> McCafferty P 1994 Living Independently: a Study of the Housing Needs of Elderly and Disabled People, HMSO

<sup>3</sup> I use this term to include the purchasers of long term leases within specialist accommodation. This term is essentially a marketing one to encourage the illusion of independence since in reality a resident will "live" in their flat and the communal parts of the specialist accommodation.

<sup>4</sup> A national average of 75% of households with a head 65 years of age or over according to the 2011 Census.

2.10 One consequence of rising expectations among social renters and financial pressures on providers has been the re-purposing or re-designation of some older sheltered stock, especially that which may not meet current standards for accessibility. A significant proportion of formerly “sheltered” housing may now be designated as “Age Restricted” or “Age Exclusive” housing which may have the means of calling for assistance in an emergency but will not provide other dedicated support services.

2.11 Alongside this rise and partial decline in the popularity of sheltered housing for rent, at least in the social rented sector, there has been a similar rise and fall in the fortunes of Residential Care. The roots of residential care in the public sector may be traced beyond the 1948 National Assistance Act<sup>5</sup> to Poor Law provisions stretching back into the nineteenth century such as the workhouse and ‘Parish assistance’.

2.12 Much of the oldest provision was replaced in the 1960s and 1970s with subsequent legislation and practice leading to substantial improvements in standards. The introduction of new regulatory regimes from 2002 with the requirement to meet new standards both for services and facilities has re-shaped the pattern of provision. However, many commentators would see this style of provision as a dated model for care that places over-emphasis upon dependency.

2.13 Residential care in the private sector also has a long history. Until the 1980s much of the residential care provided in the private sector was for those able to meet their own care costs. The unintended consequence of changes in regulations in the early 1980s, so that financial support from public funds was available to those cared for in private residential care homes, was an enormous increase in the sector. Some homes are almost wholly dependent upon residents funded by the local authority and most would say that their fee levels are heavily influenced by local authority levels, as a result recent years have seen something of a decline in such provision.

2.14 Some contraction continues to be apparent in parts of the residential care home sector. Evidence presented to Parliament in October 2016 by the Care Quality Commission is the most recent to draw attention to the difficulties faced by the operators of private care homes and the consequent contraction in provision at a time when demand is rising. The Commission draws attention to the connection between these difficulties in all areas of the provision of social care and pressures experienced in Secondary Health Care, including avoidable hospital admissions and bed blocking.

2.15 Most local authorities have withdrawn from the direct provision of residential care, once a major element in the pattern of provision. Whilst some

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<sup>5</sup> National Assistance Act 1948, section 21.

have sold homes to private sector operators or to voluntary sector organisations others have deliberately reduced capacity by closing homes. There has been a marked reduction in provision by very small operators providing less than twenty beds, generally in converted dwelling houses. Capacity within the care home sector is generally now being maintained by the development of larger, purpose-built care homes that meet modern standards and operate at a level that supports their viability.

2.16 Like private residential care, private nursing homes have been in existence for many years but only in the last thirty years have they been generally accessible to people needing public funding to meet the cost of their care. The growth of this sector was promoted by two principal factors:

- The availability of public funds to support care costs.
- The general withdrawal of provision for in-patient chronic care of older people within the NHS.

2.17 Some larger nursing homes were developed specifically as re-provision following the closure of long-stay wards in NHS hospitals. These closures have followed upon a concentration within NHS hospitals on acute care and the conviction that a hospital ward did not provide an appropriate setting for long term care. Nursing Homes generally provide for those who have some need for frequent nursing attention in addition to social care, but a level of care that does not require the constant supervision of a medically qualified person.

2.18 Changes in regulation for both residential and nursing homes in the Care Standards Act (2000) introduced a single registration of Registered Care Home, with the distinction that beds might be registered for the provision of personal care or for the provision of nursing care. Public funding for those allocated to Registered Care Home places is increasingly restricted to those experiencing extreme physical frailty or living with some level of confusional states<sup>6</sup> such as dementia.

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<sup>6</sup> Delirium, or acute confusional state, is an organically caused decline from a previously attained baseline level of cognitive function. It is typified by fluctuating course, attentional deficits and generalized severe disorganization of behaviour.



### **3 The emergence of the Extra Care model**

3.1 The “Very Sheltered” model of retirement housing began to be developed in the late 1980s and emerged as a consequence of convergence between challenges to housing providers and challenges for commissioners.

3.2 As mentioned in paragraph 2.6 above, providers of specialised accommodation for older people were challenged by the limitations of traditional sheltered housing in supporting an ageing, and increasingly frail, tenant population. Not only were existing tenants ageing, new tenants entering sheltered housing were, on average, older. As the average age of tenant populations moved toward the late seventies frailty levels increased. The established patterns of “oversight” and limited informal support were no longer adequate.

3.3 Increasing numbers of tenants were being “moved on” to residential care homes and some older potential tenants recognised that sheltered housing might not prove the “home for life” they had envisaged and decided to stay in their existing accommodation until their needs were such that they moved directly to residential or nursing home care.

3.5 For commissioners of services for older people the costs of residential care placements were rising and, with ageing populations, the prospect of rapidly escalating costs stimulated the search for a more cost effective solution.

3.6 In early developments traditional sheltered housing was “enhanced” by providing “brokerage” services to facilitate access to care and provision of pre-prepared meals in chill cabinets.

3.7 By the mid-1990s a new model was emerging and gaining wide acceptance. Although there were, and continue to be, a range of variations in what is meant by the term “Extra Care Housing” began to be a recognised model. Central Government was keen to encourage its adoption because of the potential to divert demand from rising numbers of older people away from residential care.

3.8 In August 2003 the Department of Health invited bids from local authorities with social service responsibilities for funds to subsidise the development of Extra Care schemes, the first of successive tranches of funding for this purpose. Outline good practice guidance followed in January 2004.<sup>7</sup>

3.9 The advantages of the emerging Extra Care model were seen to be in maintaining an ‘independent’ life for residents for as long as possible, as well as

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<sup>7</sup> Appleton N: Extra Care Housing for Older people – an introduction for commissioners, January 2004, DoH

reducing the cost to public funds. Where, in the case of those not able to fund their own costs, the whole cost of placement in residential care fell upon the social service authority the costs in Extra Care were disaggregated: housing costs might be supported by Housing Benefit, living costs were met out of normal pensioner income and only the direct costs of care provision fell to be met by social services funding.

3.10 The definition of the Extra Care model was still in flux, as indeed it has continued to be, reflecting different priorities among those commissioning it. Fundamentally there are two schools of thought:

- Those whose main driving criterion is the capacity of Extra Care to provide a direct alternative to Residential Care.
- Those whose aspiration is more toward the development of a model that enhances the lifestyle of older people with the capacity to deliver care blended into the background.

3.11 Those who promote the first school of thought feel that allocation to Extra Care should only be available to those with care needs that would otherwise be sufficient to merit placement in residential care. In describing Extra Care their emphasis is upon those facilities that will support the delivery of social care and possibly primary health care: assisted bathing facilities, treatment rooms and so on. In staffing the emphasis is upon on-site care teams as the pre-eminent requirement.

3.12 This “high care need” model seems to lie behind the approach of Mid-Sussex to estimating future need for Extra Care provision, equating it directly with Registered Care Home provision offering Personal Care (formerly known as “Residential Care”). This approach does not reflect the aspirations of policy at both national and County level where the desirability of diverting increasing demand from Registered Care Homes to Extra Care is endorsed.

3.13 Those who take the alternative stance emphasise the need to make Extra Care a good place to live, think in terms of a balanced community in relation to care needs, and give prominence to facilities that support an active and positive lifestyle. These can include not only facilities for the delivery of care and a restaurant or bistro to meet basic needs but also an exercise suite and spa bath, a coffee bar, dedicated facilities for arts and crafts and more; all supported by appropriate staffing. Whilst they include, as a basic and defining feature care facilities and staffing they are matched by these lifestyle requirements if the scheme is to be considered as truly Extra Care.

3.14 Whilst declining to offer a definitive description of Extra Care the Department of Health has offered the description quoted below and promoted the development of Extra Care schemes, not least through successive programmes

of capital grant. The purpose has been to provide an alternative for those who would otherwise require a place in Registered Care through a model that has predominantly been consistent with the description set out in the preceding paragraph.

“A type of specialised housing that provides independence and choice to adults with varying care needs and enables them to remain in their own home. Extra Care Housing should be able to provide most residents if they so desire, with a home for the remainder of their life regardless of changes in their care needs. Services are provided in a purpose-built, housing environment with care and support delivered to meet the individual resident’s needs. This type of housing provides 24hour support, meals, domestic help, leisure and recreation facilities and a genuinely safe environment to its residents”<sup>8</sup>

3.15 In addition to offering older people the opportunity to receive the care they need in an environment that stresses their remaining capacity, rather than increasing incapacity this model has substantial benefits to the public purse. Whilst levels of space and of privacy are improved over the allocation of a bed space and a locker in the traditional residential care home costs to the public purse are moderated. In the Extra Care model costs are disaggregated with the cost of accommodation, food and housekeeping costs, and care costs can be separated.

3.16 As with traditional sheltered housing where the voluntary sector had innovated to provide for those requiring a rented solution the private sector followed with provision of Extra Care developments for sale. The market has become more strongly developed and diversified to offer options for older people in all tenures and a wide range of financial and personal circumstances.

3.17 In the case of a private Extra Care development the accommodation element is provided by the resident’s purchase of a long lease. For the resident this has the benefit of retaining their equity in the property that can either be deployed subsequently to meet their care needs, left to legatees or used to finance an aspirational retirement lifestyle.

3.18 Private developers have drawn on models developed in North America and Australia, reflecting also on the requirements of the particular market segments that they seek to address. In relation to providing care and supporting residents into advanced frailty and high levels of need for care private developers have responded in a variety of ways.

3.19 Some have adopted the “Continuing Care Retirement Community” variant of Extra Care that offers a Care Home on the same campus as “Assisted Living”

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<sup>8</sup> Department of Health “Extra Care Housing”, 2009

apartments to provide continuity of care for those needing advanced nursing care.

3.20 Others have maintained a limit on the levels of care they will aim to provide on-site. Others still will offer a care team with the capacity to support residents in their apartment which will have features<sup>9</sup> that facilitate the delivery of advanced personal care and nursing.

3.21 The increasing availability of Extra Care schemes assisted their adoption by older people as an attractive option for life in older age. The emerging evidence base demonstrates that quality of life and well-being will be enhanced, many of the risks associated with living in general housing in advanced old age mitigated and care will be available when needed through flexible, robust and sustainable service provision.

3.22 The Extra Care model is now reaching maturity with a range of developments in both social rented and private sectors. From schemes created by the re-provisioning of existing rented sheltered schemes to retirement villages there are now options for older people in all tenures, financial and personal circumstances. They provide a robust model of accommodation and care, capable of offering the majority of those who move to them a “home for life” to an extent that more traditional forms of sheltered and retirement housing, even in their “enhanced” versions, do not.

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<sup>9</sup> In addition to “wet floor” bathrooms and generous space standards this may include, for example, demountable wall panels to allow hoisted access between bedroom and bathroom.

## 4 The context in local policy

4.1 Some of the policy documents are now beyond their original term but provide a baseline for understanding the intentions of the local authority in relation to an ageing population over an extended period.

### **A Housing Strategy for Mid Sussex 2009-2014<sup>10</sup>**

4.2 The 2009 to 2014 Housing Strategy [CD7/19] drew attention to the ageing of the population of Mid-Sussex:

“Of particular note with regard to the Housing Strategy are the implications of the ageing population for housing related care and support. Increasingly the national policy emphasis has been on enabling people to stay in their own homes, which means that lower-level housing-related support needs are likely to increase on a similar scale. This also means promoting the building of new housing, which is capable of meeting the changing needs of households throughout their lifetimes”.

4.3 The role of appropriate housing and housing related services to achieving positive outcomes in relation to independence and well-being are recognised:

“Suitable housing underpins people’s ability to meet their full potential, to live independently and to integrate with the community. This objective acknowledges the trend in housing related support for vulnerable groups of allowing more people to be supported in their own homes and greater empowerment for people to make their own decisions. It is also about having safe and attractive neighbourhoods in which to live by building inclusive communities. This means working to tackle such issues as community safety, worklessness and financial inclusion.”

4.4 In relation to Older People the need to align the approaches of housing, health and social care is acknowledged and reflected in the preparation of the Housing Strategy:

“Mid Sussex is predicted to have an increasingly ageing population with a 50% increase in the 65+ age group by 2026. The Council has developed Older Persons’ Housing Strategy in partnership with West Sussex County Council Adult Services and with input from the local health sector.”

4.5 The Strategy reviews the existing pattern of provision but appears to focus only on need in the affordable sector:

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<sup>10</sup> [http://www.midsussex.gov.uk/media/2934/housing\\_strategy\\_2009-14\\_final\\_october\\_20091.pdf](http://www.midsussex.gov.uk/media/2934/housing_strategy_2009-14_final_october_20091.pdf)

“Currently we have a broad range of sheltered housing for older people across the district. There is at least one sheltered scheme in virtually every parish, which is particularly important in rural areas so that people are able to remain within their community. We have both basic sheltered accommodation with on site or visiting scheme manager providing support and also four extra care schemes where there is on site care delivered to frail older people.”

## **Mid Sussex District Council Refreshed Housing Strategy 2012-2014<sup>11</sup>**

4.6 As the Introduction to the document [CD7/20] makes clear this is not a new housing strategy but a refreshed version of the 2009-2014 Housing Strategy, benefiting from reflection on the existing Strategy as it reached its mid-point.

4.7 Among the factors that are recognised as achieving greater prominence is the aspiration to make better use of the existing housing stock by encouraging those who may be under-occupying to move to more appropriate accommodation. The focus to date appears to have been exclusively on tenants of social rented stock but the same issues arise across tenures: “right-sizing” requires alternatives that are both appropriate and attractive.

“Progress has also been made in tackling under-occupation in social housing across the District through the “Does your Home fit you” campaign. Under-occupiers tend to be older people and the scheme has been run with Affinity Sutton and Age UK. It has targeted under-occupying Affinity Sutton tenants to move and free up badly needed family size accommodation. It also promoted help to move for older people, working with Age UK, who provide a support service called “Your home- your choice”.

4.8 Among the challenges embraced in this refreshing of the Housing Strategy is a commitment to deliver the Older Persons Strategy and encourage building to Lifetime Homes Standards.

4.9 The challenge of modernising the stock of specialised housing for older people is acknowledged but, again, the focus is heavily upon tenants of social rented properties although the same needs arise among that majority of older people that are home owners:

“We are working with providers to review their sheltered/retirement properties which are not fit for purpose for the future because they are not accessible to people with limited mobility or those who are wheelchair

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<sup>11</sup> <https://www.midsussex.gov.uk/media/1262/refreshed-housing-strategy-2012-2014.pdf>

users, or because they provide studio accommodation which is not popular. We are encouraging the provision of new housing for older people which is attractive, flexible and fully wheelchair accessible and which provides both 1 and 2 bed units. Such accommodation will be fit for the future as people's needs change and will enable their care and support needs to be met at home".

## **Mid Sussex District Council Housing and Economic Development Needs Assessment (HEDNA) February 2015<sup>12</sup>**

4.10 The 2015 Housing and Economic Development Needs Assessment [CD7/21] points to the ageing of the local population as a major consideration in projecting future needs:

"Changing demographics are a key driver of change in the housing market and are a key influence on housing demand, both now and in the future." (Para 4.110)

"The age profile set out in Figure 26 indicates that although there is growth in a number of the young and middle age brackets, the age profile of Mid Sussex is ageing. It is expected that for the period to 2031, there will be significant general growth in the age groups 65+, male and female." (Para 4.114)

"The population of those aged 60+ (females) and 65+ (males), is expected to increase by 44% or about 14,400 persons, from 32,509 persons at 2014 to 46,921 persons at 2031. This is proportionally much more than the forecasts of overall population increase, which indicates an increase of 13.5%, or about 19,360 persons from 142,890 to 162,250 persons and outstrips the growth of those considered to be of an economically active age, which are expected to increase only by 3.8%, or about 2,980 persons, from 79,110 persons to 82,093 persons." (Para 4.116)

4.11 From this analysis the conclusion is that appropriate accommodation to meet the needs of older people, including that majority that are home owners, will be a major factor in future requirements:

"An ageing population is a national issue which poses a significant housing challenge and the ageing population structure in Northern West Sussex, including Mid Sussex, is likely to be a significant influence on future housing needs and requirements." (Para 4.143)

"Analysis of future need at 2031 arising from population and household estimates highlights that the majority of need arising in Mid Sussex over

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<sup>12</sup> [https://www.midsussex.gov.uk/media/3155/hedna-march\\_2015.pdf](https://www.midsussex.gov.uk/media/3155/hedna-march_2015.pdf)

the plan period will be for elderly persons (75+) with the majority of such households being 1 or 2 person households.” (Para 4.144)

4.12 Referring to the findings of the 2009 SHMA the authors conclude:

“Research undertaken for this document continues to indicate a significantly ageing population in Mid Sussex, and supports the conclusions reached by the 2009 SHMA. As indicated, the needs of the older age groups are more specialised and fragmented than the general market needs of younger age groups and there is increasing emphasis on independent living; therefore it is beyond just suggesting an uplift to the supply of the stock of smaller ‘general houses and apartments’. However, it is likely that an element of increased supply of smaller ‘general housing’ for this group is required, and when combined with the need for such sized dwellings with other groups, this adds to the overall significant need for such smaller properties, paying attention to ensuring that they are suitable and adaptable toward future needs, and including the provision of bungalows where possible.” (Para 4.148)

**Mid Sussex District Council Housing and Economic Development Needs Assessment (HEDNA) Addendum, August 2016**

4.13 This document [CD7/2], in addition to evaluating the significance of the 2014-based Household Projections offers more detailed treatment of the need for specialised accommodation for older people and may be read as continuing the consideration quoted in the immediately preceding paragraphs.

“This section is an addendum to the Mid Sussex Housing and Economic Needs Assessment (HEDNA) published February 2015 and updated November 2015 on the matter of housing for older people, provision of specialist accommodation or care. It should be read in conjunction with these documents.” (Para 2.1)

4.14 It goes on to rehearse the projections showing the ageing of the local population, provides a limited description of the types of specialised accommodation to be considered and makes assertion about the appropriate Use Class to be allocated to each of the models it describes. In doing it shows the danger of conflating accommodation described as “Enhanced Sheltered Housing” and “Extra Care”, concluding that both should generally be seen as falling into Use Class C3. “Enhanced Sheltered Housing” generally differs from Sheltered or Retirement Housing only by the provision of limited additional facilities and services which rarely, if ever, provide a robust context for an increasingly frail population. Such developments may therefore fall into Use Class C3: Dwellings. Extra Care developments, on the other hand, in meeting the generally adopted definitions of this model will by their design and the provision



of onsite care services offer a more robust model which is increasingly accepted as falling into Use Class C2: Care.

4.15 The Addendum reports the application of the SHOP@ Tool produced by the Housing Learning and Improvement Network (Housing LIN), one of the tools recommended in NPPG 2016 for the estimation of future need. The caveat to be entered in reviewing the use of this tool is that it depends upon the assumptions entered into it. Unless adjusted appropriately it depends heavily upon current prevalence: thus if there is a current under-supply it will, unless adjusted, perpetuate that level of under provision.

4.16 The results reported in the Addendum show a shortfall (the Table at paragraph 2.15 terms this “Need”, being the difference between “Need and Supply”) in Extra Care for purchase of 33 in 2014, rising to 93 by 2031. We believe this to be a substantial under estimate. The driver for that under estimate is clearly a failure to adjust the settings of the SHOP@ Tool to reflect the actual tenure balance among older people in Mid Sussex.

4.17 Even a cursory examination of the “Need” / Shortfall shown in the Table at Paragraph 2.15 shows that tenure among older people has not been adequately factored into this calculation. For the 15% of older people who are in tenures other than home ownership<sup>13</sup> it projects a “Demand” / Need for 241 units in 2014, rising to 405 by 2031. For the 85% of older people who are homeowners it projects a “Demand” / Need for 89 units in 2014, rising to 149 by 2031.

4.18 Further evidence of the inadequate calibration of the SHOP@ Tool is found in the projections for “Demand” / Need for Registered Care beds where the settings of the Tool should have been adjusted to take account of policy imperatives. Policy direction and commissioning behaviours both indicate a reduction in reliance upon Registered Care beds providing Personal Care, with Extra Care units being seen as a preferable alternative<sup>14</sup>. This is balanced by a steadily increasing reliance upon Registered Care beds providing Nursing Care for those with the highest levels of physical and mental frailty. The projections shown in the table perversely suggest an increase in Personal Care beds and a reduction in those registered for Nursing Care.

4.19 Taken together the limitations of the calculations of future requirements for specialised accommodation to meet the needs of an ageing population in Mid Sussex contained in the Addendum show that cannot be considered as sufficiently robust. Current supply of Extra Care accommodation for older homeowners in particular falls even further short of requirements, both now and in the future, than the Addendum suggests.

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<sup>13</sup> See Table Eleven in Section Six following

<sup>14</sup> See, for example “Needs Analysis for Supported Housing in West Sussex” cited below, para 3.29 and following.

## **West Sussex Strategic Housing Market Assessment District Summaries: Mid Sussex May 2009<sup>15</sup>**

4.20 The 2009 Strategic Housing Market Assessment [CD7/22] draws attention to the rate at which the older cohorts within the population of Mid Sussex are projected to increase:

“Between 2006 and 2026 Mid Sussex is predicted to have the most significant increase in the population aged 65 and over, with a 50% increase in that age group expected over the next 20 years. There is also expected to be a substantial increase in those aged over 85 years (31%) over this time period.” (Para 6.2)

4.21 The implications of this trend for housing provision are spelt out:

“It will be important to provide an appropriate choice of housing for older people. This should include both specialist accommodation, particularly in the form of extra care housing as an alternative to residential care, which should be considered at an early stage in planning for larger strategic developments.” (Para 6.2 cont)

## **Northern West Sussex – Mid Sussex Strategic Housing Market Assessment Update October 2012 [CD7/23]<sup>16</sup>**

4.22 The growth of older single person households is identified with the opportunity, by providing appropriate housing options, to improve the effective use of the current housing stock:

“The majority of household growth is expected to result from increasing single person households. However a high proportion of these are existing older households who already have housing. There is some, albeit limited, potential to support older households to downsize, releasing supply of larger housing for other groups. We recommend that the Northern West Sussex Housing Market local authorities establish specific policies that support provision of flexible and specialist housing appropriate for older persons, through both public and private sector provision. This will help to release supply of larger housing for younger households and improve use of the existing stock.” (Para 5.22)

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<sup>15</sup> [http://www.midsussex.gov.uk/media/3471/mid\\_sussex\\_district\\_summary\\_may\\_2009\\_\\_2\\_.pdf](http://www.midsussex.gov.uk/media/3471/mid_sussex_district_summary_may_2009__2_.pdf)

<sup>16</sup> [http://www.midsussex.gov.uk/media/3472/nws\\_shma\\_report\\_mid\\_sussex\\_final.pdf](http://www.midsussex.gov.uk/media/3472/nws_shma_report_mid_sussex_final.pdf)

## **Mid Sussex District Plan 2014 – 2031 Adopted March 2018<sup>17</sup>**

4.23 The ageing of its population is prominent in the challenges facing Mid Sussex cited in the Local Plan **[CD5/1]**:

“According to the 2011 Census, 18.1% of the Mid Sussex population are aged 65 and over, and the Office of National Statistics has projected that this will increase to 21.2% by 2021. There is also a projected increase in people aged over 85 years living in Mid Sussex from 2.8% to 3.3% by 2021 and new development will need to meet the changing needs of residents.”

4.24 Citing the North West Sussex SHMA Update the Local Plan sets out the complexity of assessing the need for additional smaller units of housing and the influence upon these calculations of existing households of older people choosing to “right-size”:

“The North West Sussex Strategic Housing Market Assessment Update (2012) sets out that the majority of household growth is expected to result from increasing single person households within the area. Whilst a high proportion of these are existing older households who already have housing, there will be a significant need for smaller dwelling types over the plan period, with the majority of new households forming (70%) being one or two person households with a very high proportion of need arising for elderly persons (aged 75 years and over), with the majority of such households also being one or two persons.”

4.25 The Local Plan documents the commitment of the Authority to a broad and cross-tenure approach to meeting the needs of older people:

“The Council supports the provision of flexible general market housing and specialist accommodation or care appropriate for older persons through both public and private sector provision. Providing suitable and alternative housing for older people can free up houses that are otherwise under occupied.”

4.26 There is a welcome recognition of the lesser impact that C2 schemes, , will have on local communities:

“Whilst more attention may need to be paid towards matters of design, neighbouring land uses and security, schemes falling within Use Class C2 are considered to usually have a lesser impact on existing communities, for instance through lower vehicle usage levels and reduced parking

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<sup>17</sup> <https://www.midsussex.gov.uk/media/3406/mid-sussex-district-plan.pdf>

requirements. For this reason, provided the scheme makes efficient use of land, any site considered appropriate for housing development would be positively considered for such older person accommodation through the decision making process.”

4.27 The Authority commits to site allocations to meet the need for Specialised Accommodation for older people:

“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.”

### **Mid Sussex Sustainable Communities Strategy<sup>18</sup>**

4.28 Prominent among the challenges identified in the Sustainable Communities Strategy [CD7/24] is that presented by an ageing population:

“The needs of an ageing population need to be given particular consideration. Between 2011 and 2021 the proportion of the local population who are over 65 is predicted to rise from 18.2% to 21.2%, or 32,000 people.”

### **Needs Analysis for Supported Housing in West Sussex. Version 1<sup>19</sup>**

4.29 West Sussex County Council, as the Welfare Authority [CD7/25] sets out a clear position in relation to Residential Care:

“Residential care does meet peoples care needs and considerable improvements have been made in recent years to improve the quality of life for customers. However, it does have significant draw backs. The loss of personal space can be almost institutionalising and encourage people to group in the communal space. It can also mean they are less encouraged to do things they used to do or to learn new skills. There is a natural rhythm to care homes and it is difficult for customers to live at their own pace.” (Para 2.7)

4.30 The relative inflexibility of institutional forms of care is a particular concern:

“One important aspect is that it is much harder for customers to tailor their care to meet their own personal needs. It is very much a one size fits all

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<sup>18</sup> [https://www.midsussex.gov.uk/media/3094/ep3\\_sustcommstrategy17.pdf](https://www.midsussex.gov.uk/media/3094/ep3_sustcommstrategy17.pdf)

<sup>19</sup> <http://www2.westsussex.gov.uk/ds/mis/080409as22a.pdf>

approach. Also, if the customer is unhappy with their care then they have no alternative but to move to another residential care provider.” (Para 2.8)

4.31 The ability to disaggregate the various categories of need and the general flexibility of housing based models is to be preferred:

“With supported housing there is a different approach. The customers housing needs are separated from their care needs and one does not financially subsidise the other. The customer has a property which meets their needs whether these be physical (i.e. it is a wheelchair adapted property), support in terms of undertaking everyday tasks and emotional or behavioural support. Usually the property will be more than just a bedroom, having a bathroom, kitchen and personal living space. The customer will have a tenancy of that property and will therefore have the legal right to grant or refuse entry, to claim benefits such as housing benefit and to live there for as long as they meet the terms of the tenancy.” (Para 2.9)

“The separation of the housing needs from the care needs means the customer has greater choice over how their care needs are met. Whilst there will often be a basic package of support all residents contribute to (e.g. to cover night support) they can shape the rest of their support. Importantly they can change their provider without losing their home. The psychological impact of this change in setting is significant and customers do feel that they are living a more independent life. For all these reasons our research and National Research shows that Supported Housing is very popular with customers.” (Para 2.10)

4.32 Attention is drawn to the ageing of the population of West Sussex and Mid-Sussex is one of the District highlighted as having a rate of ageing at the upper end of the range within the County:

“West Sussex already has a relatively old age profile with 20% of the population aged 65 or more, compared with 16% for England as a whole (ONS estimates, mid-2007). This pattern is expected to persist over the coming years. The population of people over 65 in West Sussex is set to increase by 11% by 2016 and in some Districts (Horsham and Mid Sussex) the change is closer to 25%.” (Para 4.1)

4.33 The impact on need for support of an increase among those in the highest age cohorts is noted:

“The most significant change is the increase in people over 85 as these people are likely to have greater support needs..... It should also be noted that the increase in over 85s is projected to be highest between 2006 and

2016, whereas the increase in overall 75+ population is projected between 2016 and 2026 as “baby boomers” enter older age.” (Para 4.2)

4.34 The basis of the Council’s strategic approach is that the majority of older people will remain in their existing home and may require enhanced services to ensure that this option is sustainable as their needs change:

“The vast majority of older people in West Sussex live in their own homes and a key plank of the County Councils Accommodation Strategy is to increase the support available to older people to help them continue to live at home.” (Para 4.6)

4.35 The two principal models of specialised accommodation for older people are explained in the following terms:

“There are two other main forms of accommodation used by older people. Sheltered Housing Schemes (or retirement schemes) are collections of flats for older people supported by a Scheme Manager who is either residential or, more often these days, operates on a floating basis. The Scheme Manager will not provide personal care but will act effectively as a good neighbour and facilitator. There are 305 sheltered housing schemes in West Sussex.” (Para 4.7)

“The other model is extra care schemes where again the older person has a flat in a block which often has communal facilities attached. In an extra care scheme however personal care and support is available. The level of care varies according to the individuals needs from little or no support almost to the level of support provided in a nursing home.” (Para 4.7 cont.)

4.36 The need for Local Development Frameworks to make provision for private developments of Extra Care that will be available to self-funders (general older homeowners) if the predicted levels of need are to be met, is clearly spelt out:

“However, if self-funders are to have a choice between residential care and extra care some level of private care should be planned for in Local Development Frameworks.” (Para 4.18)

4.37 Attention is drawn to the need to reflect the tenure mix among older people if the whole population of older people is to have access to this preferred model of provision:

“It is important when the future Extra Care Schemes are planned for that a range of tenure types should be provided. Nationally only 15% of extra care housing is owner occupied and this is not in line with the aspirations

of older people particularly in a relatively affluent county like West Sussex.” (Para 4.28)

**Health and Wellbeing Board Start well, Live well, Age well West Sussex  
Joint Health and Wellbeing Strategy 2019 - 2024 Consultation Draft<sup>20</sup>**

4.38 The Strategy [CD7/26] affirms the aged profile of the population of the county and the increase in life expectancy which is higher than both regional and national levels:

“The county has an older age structure compared with SE and England, 22% of residents are 65+ years compared with 19% in South East and 18% in England)  
Male and female life expectancy has increased and remains above regional and national levels.”

4.39 That the majority of older people are in reasonable health and contribute to their communities is a welcome affirmation of positive messages about the ageing of the community:

“Overall older people in the county are relatively healthy and find the county a great place to live. They play a vital role in contributing to the life of their communities and there is an increase in the numbers continuing in paid employment well past the "traditional" retirement age. Around one in seven provide unpaid care to a family member or friends.”

4.40 The challenges that will arise from chronic health conditions and other risks are also recognised:

“However, with age comes the increased likelihood of living with one or more long term health conditions such as diabetes and arthritis, or sensory impairment, older people are also at increased risk of a fall. In terms of mental wellbeing, although there is an understandable focus on dementia and the increased support people with dementia need, large numbers of older people suffer from depression. All of these result in a reduced quality of life and increased use of services.”

4.41 Loneliness and social isolation are identified as having a negative impact on the well-being of older people:

**“Our goals**

There is a reduction in the number of older people experiencing loneliness and social isolation

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**What we mean**

Good social relationships and engagement in community life are necessary for good mental health, and may offer protection in adversity or where there is exposure to stressors. Anyone can experience social isolation and loneliness.

We know that no single sector can tackle social isolation comprehensively if acting alone: efforts to reduce social isolation require working across all West Sussex organisations and government departments. We will work to ensure joined up service's and use asset-based approaches to support individuals, families, friends and communities.”

4.42 Facilitating the provision of support for those recovering from some experience of ill-health or trauma of some kind, including bereavement, is also seen to be a priority:

**“Our goals**

Older adults stay healthier, happier and independent for longer

**What we mean**

Older people value having choice and control over their lives. We will ensure long and short term support is provided to older people and their carers to maximise independence. In the event of a crisis we will aim to provide enough support to get people ‘back on their feet’ as soon as possible.

Over the longer term there is a need to utilise friends, family and community assets. In every case it is about enabling older people to maximise their quality of life.”

4.43 The opportunities for both formal and informal social engagement, together with good design, appropriate facilities and flexible care and support arrangements which characterise the development proposed by Retirement Villages will help deliver these vital goals.



## **5 The case for the development in national policy and guidance**

5.1 National policy guidance has been consistent through successive administrations and reconfirmed in the 2017 Housing White Paper. The headlines of this consensus have been to encourage the maintenance of independence for older people for as long as possible, retaining them in homes of their own where possible. Where a move is required to meet care needs the preference has been for Extra Care rather than increasing dependency on registered care homes.

### **Laying the Foundations: A Housing Strategy for England, 2011, DCLG<sup>21</sup>**

5.2 Half of all households in England are older 'established homeowners'. Some 42 per cent are retired and 66 per cent own their own home outright. As life expectancy increases, more of these households will need support to remain in their homes in later life. Limited choice in the housing market makes it difficult for older households to find homes that fully meet their needs.

5.3 The Government is committed to ensuring that housing and planning policies positively reflect the wide range of circumstances and lifestyles of older people, who already occupy nearly a third of all homes. Nearly two thirds (60 per cent) of the projected increase in the number of households from 2008–33 will be headed by someone aged 65 or over.

5.4 Planning homes and communities that enable older people to remain economically active, involved with their families, friends and community and able to choose where and how they live not only makes financial sense but also results in a better, more inclusive society.

5.5 Good housing for older people can enable them to live healthy, independent lives and reduces pressure on working families in caring for older relatives. It can also prevent costs to the NHS and social care. For some older people a move to a smaller, more accessible and manageable home can also free up much-needed local family housing.

5.6 New housing developments also need to make suitable provision for our ageing population in the long term. Ensuring a mix of property types, including Lifetime Homes, will help to provide the diversity and choice needed to support longer term independent living. The Lifetime Homes standard is widely adopted in mainstream housing developments and incorporates a range of features which

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<sup>21</sup> [www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/7532/2033676.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/7532/2033676.pdf) (Accessed 11/01/2017)

Laying the Foundations: A Housing Strategy for England, 2011, DCLG. Page 2. Para. 3. Page 48. Para's 6-8. Page 49. Para 8.

makes homes more accessible and easily adaptable. Future needs will vary considerably at a local level and the number of Lifetime Homes within each development should be determined at a local level, in proportion to local need and aligned with other local housing support and information services. Although an essential contribution to moving the housing stock in the direction of being “Age-Proofed” this can only be one in the wide range of responses required to meet the diversity of need and circumstance among the older population.

### **Funding Initiative to stimulate provision and modernization of Specialised Housing for older people.**

October, 2012<sup>22</sup>

5.7 In October, 2012 Care and Support Minister Norman Lamb announced a renewal of funding to encourage the provision, or modernisation, of specialised accommodation for older people. Local authorities were encouraged to bid for part of a £300 million pot of money which will boost the supported housing market and help people grow old in their own homes. The aspiration of the initiative was that it should help create thousands of extra houses and flats specially designed for the needs of disabled and older people who need extra support. The Minister recognised that high quality, innovative housing can help people stay independent for longer by allowing them to receive care and practical help in their own home, reducing the need for them to go into care homes. Specialised housing available for owner occupation or shared ownership was a particular target for this initiative.

5.8 The broader benefit of freeing family sized housing in all sectors was endorsed by the recognition that specially designed housing of this kind can give people the option to downsize from a larger home to a more manageable property designed for their needs.

### **National Planning Policy Framework, July 2018<sup>23</sup>**

5.9 The Government updated the National Planning Policy Framework published in 2012 with the publication of a new Framework Document in July 2018, (and subsequently updated further and most recently published in February 2019. In relation to the needs of older people it has little directly to say, beyond including them in the list of those whose particular accommodation needs should be taken into consideration in forming local plans.

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<sup>22</sup> [www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/377023/care\\_and-support\\_specialised\\_housing\\_fund\\_prospectus.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/377023/care_and-support_specialised_housing_fund_prospectus.pdf) (Accessed 11/01/2017). **Care and Support Specialised Housing Fund Prospectus**. October 2012. Department of Health, Homes & Communities Agency.

<sup>23</sup> National Planning Policy Framework, Ministry of Housing, Communities and Local Government, July 2018, Cm 9680

“Within this context, 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**<sup>24</sup>, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes).” (Para 61)

5.10 The volume, location and characteristics of new homes to be provided, including those intended for occupation by older people, has to be assessed, using one of the methodologies identified in guidance:

“To determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance – unless exceptional circumstances justify an alternative approach which also reflects current and future demographic trends and market signals. In addition to the local housing need figure, any needs that cannot be met within neighbouring areas should also be taken into account in establishing the amount of housing to be planned for.” (Para 60)

5.11 Alongside the economic and environmental objectives of the planning process the introduction to the Framework identifies a “social objective”

“b) **a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being;” (Para 8 b)

## **Planning Practice Guidance, June 2019<sup>25</sup>**

5.12 This guidance seeks to assist Local Planning Authorities in preparing planning policies on housing for older and disabled people. It sets out the reasoning behind drawing particular attention to the needs of older and disabled people:

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<sup>24</sup> The Glossary to the NPPF provides the following definition for “Older People” within the Framework and Guidance:

“**Older people:** People over or approaching retirement age, including the active, newly-retired through to the very frail elderly; and whose housing needs can encompass accessible, adaptable general needs housing through to the full range of retirement and specialised housing for those with support or care needs.”

<sup>25</sup> <https://www.gov.uk/guidance/housing-for-older-and-disabled-people>

“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.”

5.13 The guidance recognises that this is a diverse population with a diversity of needs and aspirations which will change as they move through old age:

“The National Planning Policy Framework glossary provides definitions of older people and people with disabilities for planning purposes, which recognise the diverse range of needs that exist. The health and lifestyles of older people will differ greatly, as will their housing needs, which can range from accessible and adaptable general needs housing to specialist housing with high levels of care and support. For plan-making purposes, strategic policy-making 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.”

5.14 The Guidance suggests that population data is the starting point for estimating future needs for a range of accommodation and housing related services to meet the needs of older people. It makes reference to a range of methodologies (which includes the methodology adopted in the preparation of this report) but specifically references only the SHOP@ Tool. The SHOP@ tool, like others, requires judgement concerning the assumptions that guide its set-up. None of the methodologies are neutral as all are influenced by the policy and other assumptions used. The Guidance makes only passing reference to the need for Registered Care Homes when most Adult Social Care authorities will wish to depress the expansion of Registered Care Homes in favour of increasing capacity in housing-based models:

“The age profile of the population can be drawn from Census data. Projections of population and households by age group can also be used. The future need for specialist accommodation for older people broken down by tenure and type (e.g. sheltered housing, extra care) may need to be assessed and can be obtained from a number of online tool kits provided by the sector, for example SHOP@ (Strategic Housing for Older People Analysis Tool), which is a tool for forecasting the housing and care needs of older people. Evidence from Joint Strategic Needs Assessments prepared by Health and Wellbeing Boards can also be useful. The

assessment of need can also set out the level of need for residential care homes.”

5.15 The Guidance sets out a condensed range of categories of specialised provision for older people which, in some circumstances, could be unhelpful, blurring as it does the gradations that exist in the capacity of different models to offer a robust response to increasing levels of need. The authors acknowledge the limitations of what is provided:

“There is a significant amount of variability in the types of specialist housing for older people. The list above provides an indication of the different types of housing available, but is not definitive. Any single development may contain a range of different types of specialist housing.”

5.16 The Guidance makes it clear that Local Plans should respond to evidence of need by facilitating appropriate provision:

“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.”

5.17 The requirement for specialised accommodation is rightly set within a context of ensuring that general housing is also sensitive to the needs of an ageing population:

“Many older people may not want or need specialist accommodation or care and may wish to stay or move to general housing that is already suitable, such as bungalows, or homes which can be adapted to meet a change in their needs. Plan-makers will therefore need to identify the role that general housing may play as part of their assessment.”

This rubric should not however be seen as an encouragement to “talk-down” the need for specialised accommodation.

5.18 Clearly the emphasis is upon ensuring that older people have choice within a range of options:

“Plan-makers will need to consider the size, location and quality of dwellings needed in the future for older people in order to allow them to live independently and safely in their own home for as long as possible, or to move to more suitable accommodation if they so wish”.

5.19 The Guidance takes a neutral stance on the issue of allocating sites for specialised housing for older people but sets out some possible criteria for site selection. The thinking behind these seems to be limited as some larger

developments will be viable and attractive options for older people without the proximity to some existing local facilities the Guidance suggests:

“It is up to the plan-making body to decide whether to allocate sites for specialist housing for older people. Allocating sites can provide greater certainty for developers and encourage the provision of sites in suitable locations. This may be appropriate where there is an identified unmet need for specialist housing. The location of housing is a key consideration for older people who may be considering whether to move (including moving to more suitable forms of accommodation). Factors to consider include the proximity of sites to good public transport, local amenities, health services and town centres.”

5.20 The Guidance offers a strong steer toward the meeting of unmet need for specialised accommodation for older people:

“Where there is an identified unmet need for specialist housing, local authorities should take a positive approach to schemes that propose to address this need.”

### **Care Act, 2014<sup>26</sup>**

5.21 The Care Act 2014 sought to set a new baseline in relation to the provision of social care for adults. It re-defines roles, responsibilities and boundaries, setting out arrangements for the new world of personal budgets.

5.22 A priority within the Act was promoting inter-agency collaboration, both between Adult Social Care and Health and with other agencies, such as housing, in statutory, commercial and third sectors. It places a strong emphasis on services that contribute to well-being and delay or divert the requirement for more intensive forms of care.

### **Fixing our broken housing market. February 2017<sup>27</sup>**

5.23 In relation to the assessing of housing requirements the White Paper asserts that the current system is complex and lacks transparency. The need for a more consistent approach and one that takes account of the needs of particular groups within each community with older people being particularly mentioned:

“The current approach to identifying housing requirements is particularly complex and lacks transparency. The National Planning Policy Framework

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<sup>26</sup> [www.legislation.gov.uk/ukpga/2014/23/contents/enacted](http://www.legislation.gov.uk/ukpga/2014/23/contents/enacted) (Accessed 11/01/2017) **Care Act 2014**

<sup>27</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/590464/Fixing\\_our\\_broken\\_housing\\_market\\_-\\_print\\_ready\\_version.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/590464/Fixing_our_broken_housing_market_-_print_ready_version.pdf)

(NPPF) sets out clear criteria but is silent on how this should be done. The lack of a standard methodology for doing this makes the process opaque for local people and may mean that the number of homes needed is not fully recognised. It has also led to lengthy debate during local plan examinations about the validity of the particular methodology used, causing unnecessary delay and wasting taxpayers' money. The Government believes that a more standardised approach would provide a more transparent and more consistent basis for plan production, one which is more realistic about the current and future housing pressures in each place and is consistent with our modern Industrial Strategy. This would include the importance of taking account of the needs of different groups, for example older people". (Para 1.2)

5.24 In a subsequent section further reference is made to the need to take account of the needs of an ageing society

"Whatever the methodology for assessing overall housing requirements, we know that more people are living for longer. We propose to strengthen national policy so that local planning authorities are expected to have clear policies for addressing the housing requirements of groups with particular needs, such as older and disabled people." (Para 1.16)

5.25 The White Paper embraces the proposition that an appropriate range of options in accommodation for older people not only supports a better quality of life for older people it also offers benefits to the health and social care systems:

"Offering older people a better choice of accommodation can help them to live independently for longer and help reduce costs to the social care and health systems. We have already put in place a framework linking planning policy and building regulations to improve delivery of accessible housing. To ensure that there is more consistent delivery of accessible housing, the Government is introducing a new statutory duty through the Neighbourhood Planning Bill on the Secretary of State to produce guidance for local planning authorities on how their local development documents should meet the housing needs of older and disabled people. Guidance produced under this duty will place clearer expectations about planning to meet the needs of older people, including supporting the development of such homes near local services. It will also set a clear expectation that all planning authorities should set policies using the Optional Building Regulations to bring forward an adequate supply of accessible housing to meet local need. In addition, we will explore ways to stimulate the market to deliver new homes for older people". (Para 4.42)

5.26 In the following paragraph the benefit of encouraging older people to move and release under-occupied property back into the market is also recognised as a worthwhile goal:

“Helping older people to move at the right time and in the right way could also help their quality of life at the same time as freeing up more homes for other buyers. However there are many barriers to people moving out of family homes that they may have lived in for decades. There are costs, such as fees, and the moving process can be difficult. And they may have a strong emotional attachment to their home which means that where they are moving to needs to be very attractive to them and suitable for their needs over a twenty to thirty year period. There is also often a desire to be close to friends and family, so the issues are not straightforward”. (Para 4.43)

5.27 In addition to setting out plans to consult with a wide range of stakeholders to bring forward new ideas in relation to the housing and support of older people, the White Paper contains a commitment that the Government will go on funding the various forms of specialised housing for older people:

“These (*stakeholder consultations*) will sit alongside the Government commitments to fund and develop supported housing, including sheltered, step down and extra care housing, ensuring that the new supported housing funding model continues to provide the means for older people to live independently for longer while relieving pressure on the adult social care system”. (Para 4.44)

## **Section Summary**

5.28 There is a sustained direction in legislation and guidance, supported by research evidence, that aspires to allow a higher proportion of older people to remain in their existing homes or, where that is either not desirable or practicable, for them to be supported in a “home-like” environment.

5.29 If the aspiration is to reduce dependence upon institutional care then housing based solutions become pivotal, explaining the centrality of models like Extra Care in government thinking.

5.30 The 2014 Care Act establishes the strategic obligations of the local authority in relation to ensuring that a range of provision is available to meet those needs which it has a statutory obligation to assess.

5.31 Planning Practice Guidance issued in June 2019 sets out the obligation of Local Planning Authorities to take into consideration the needs of an ageing population.



## **6 The benefits to the health and social care economy arising from specialised accommodation for older people**

6.1 Whilst the benefits to older people of moving to Extra Care have been asserted since the model began to be developed, research to quantify that benefit over a range of domains has been slower to emerge. More recently the focus of research has widened from examining the beneficial impact on the health and well-being of the individual residents to the impact such developments may have on health and social care services.

6.2 The recent report of the Communities and Local Government Select Committee on the future of housing for older people<sup>28</sup> cites evidence of benefit, not only to individuals, but also to the Health and Social Care economy. The report asserts:

“There is a significant body of evidence on the health and wellbeing benefits to older people of living in specialist housing and the resultant savings to the NHS and social care. This is particularly the case for extra care housing, which has onsite care and support and communal facilities. In addition, this type of housing helps family and carers finding it challenging to provide enough care and support”. (Para 87)

6.3 The Committee sets out its conclusions in unambiguous terms:

“Specialist housing, and particularly extra care housing, can promote the health and wellbeing of older people and their carers, leading to savings in spending on health and social care.” (Para 91)

### **The Value of Sheltered Housing, 2017<sup>29</sup>**

6.4 The most wide ranging of the recent reviews of the benefits to the health of residents of Sheltered or Retirement housing, and the consequent impact on the health and social care economy, was published by the National Housing Federation in January 2017. In this the author, James Berrington, sets out summary of twelve identified benefits:

1. provide peace of mind, safety and security for vulnerable older people
2. support and maintain independence
3. better individual physical and mental health
4. maintain and develop links with the community
5. maximise incomes of older people and reduce fuel poverty#
6. facilitate downsizing to more suitable housing (freeing up larger homes)

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<sup>28</sup> House of Commons Communities and Local Government Committee Housing for older people Second Report of Session 2017–19 Report, together with formal minutes relating to the report Ordered by the House of Commons to be printed 5 February 2018

<sup>29</sup> Berrington J, The Value of Sheltered Housing, National Housing Federation, 2017

7. delay and reduce the need for primary care and social care interventions including
8. admission to long term care settings
9. prevent hospital admissions
10. enable timely discharge from hospital and prevent re-admissions to hospital
11. enable rapid recovery from periods of ill-health or planned admissions.
12. lower care costs.

6.5 The report quotes a study undertaken by the International Longevity Centre<sup>30</sup> that reported:

“ Routine GP appointments for extra care residents fell by 46% after a year.  
Falls rates in extra care housing measured at 31% compared to 49% in general housing.”

6.6 Research<sup>31</sup> into private sheltered housing concluded that residents receiving inpatient care remained in hospital for under half the average amongst general population of people aged 75+. The costs of not creating these savings are substantial:

Average cost of a fall requiring A&E attendance	£2,000
Fall at home leading to hip fracture costs the state (average)	£28,665
Postponing entry to residential care by one year saves	£28,020
Average annual cost of weekly 10 hour care package	£18,408
Average cost of delayed discharge from hospital	£1,065
Average cost of non-elective hospital admission	£1,674

(Source: Buck et al<sup>32</sup>)

<sup>30</sup> Kneale, D., (2011). Establishing the Extra in Extra Care. London: International Longevity Centre.  
[www.ilcuk.org.uk/index.php/publications/publication\\_details/establishing\\_the\\_extra\\_in\\_extra\\_care\\_perspectives\\_from\\_three\\_extra\\_care\\_hou](http://www.ilcuk.org.uk/index.php/publications/publication_details/establishing_the_extra_in_extra_care_perspectives_from_three_extra_care_hou)

<sup>31</sup> Wood, C., & Salter, J., (2016). Building companionship: how better design can combat loneliness in later life. London: Demos.  
[www.demos.co.uk/wp-content/uploads/2016/04/Building-Companionship-Report.pdf](http://www.demos.co.uk/wp-content/uploads/2016/04/Building-Companionship-Report.pdf)

<sup>32</sup> Buck, D., Simpson, M., & Ross, S., (2016). The economics of housing and health: The role of housing associations. London: The Kings Fund & New NHS Alliance.  
[www.kingsfund.org.uk/sites/files/kf/field/field\\_publication\\_file/Economics\\_housing\\_and\\_health\\_Kings\\_Fund\\_Sep\\_2016.pdf](http://www.kingsfund.org.uk/sites/files/kf/field/field_publication_file/Economics_housing_and_health_Kings_Fund_Sep_2016.pdf)

## **The Final Report: Collaborative research between the Aston Research Centre for Healthy Ageing and the Extra Care Charitable Trust, 2015**

6.6 The most substantial evaluation of the benefits to the health and social care economy of Extra Care was published in April 2015 by the Aston Research Centre for Healthy Ageing at Aston University, Birmingham<sup>33</sup>.

6.7 This 3 year longitudinal study sought to compare changes over time in care needs and care costs of new ExtraCare residents with those of a control sample in the community. It also sought to examine the effects of this integrated approach on perceived health and well-being, cognition, social functioning and independence over time.

6.8 Among the Key Findings of the research, undertaken in collaboration with the Extra Care Charitable Trust, were the following that are relevant to the benefits to the wider health and social care economy:

- The ExtraCare Charitable Trust model can result in significant savings for NHS budgets – over a 12 month period costs total NHS costs (including GP visits, practice and district nurse visits and hospital appointments and admissions) reduce by 38% for ExtraCare residents who were in the sample across the period.
- NHS costs for 'frail' residents had reduced by 51.5% after 12 months.
- There is a significant reduction in pressure on local GP surgeries, with a 46% reduction in residents' routine or regular GP appointments in year one, supporting the drop-in model.
- The ExtraCare model is associated with a significant reduction in the duration of unplanned hospital stays, from an average of 8-14 days to 1-2 days.
- The ExtraCare model is likely to offer significant potential savings in the cost of social care for local authority commissioners.
- The cost of providing lower level social care using the ExtraCare model was £1,222 less per person (17.8% less) per year than providing the same level of care in the wider community (on average, with variation by local authority) and the cost of higher level social care was £4,556 less (26% less) per person per year).

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<sup>33</sup> <http://www.aston.ac.uk/lhs/research/centres-facilities/archa/extracare-project/>

- Frailty, and especially pre-frail states are malleable - a significant number (19%) of ExtraCare residents designated as 'pre-frail' at baseline had returned to a 'resilient' state 18 months later.
- A frail person's average annual care costs were £4720.96 at the 12 month point, as compared to £61.40 for a pre-frail resident (most receiving no formal care), underlying the importance of preventative interventions to reduce the likelihood of a person becoming frail.
- At baseline new residents had more difficulties with cognitive functions, independence, health perceptions, depression and anxiety than controls, but after 3 months these differences have reduced and some have disappeared, with significant improvements in psychological well-being, memory and social interaction for ExtraCare residents.
- After 18 months ExtraCare residents in general showed a reduction in depression – and those with low mobility, showed the greatest improvement (from their lower initial levels). At the end of this period serious depression can no longer be predicted by a person's mobility; those whose mobility reduced over period did not generally become significantly more depressed, but the overall relationships between mood and mobility were maintained, suggesting positive findings, but still room for more to be done.
- Social interaction, for residents of ExtraCare, is not significantly related to mobility difficulties after 12-18 months of residence.
- The model seems to 'level the playing field' by successfully removing differences in self-perceived health differences which are initially related to social class.

**Identifying the Healthcare System benefits of Housing with Care, Strezlecka D, Copeman I, Hastings R & Beech L, August 2019, Southampton City Council and Housing LIN**

6.9 This more recent study was undertaken in a collaboration between the Housing Learning and Improvement Network (Housing LIN) and Southampton City Council. Drawing on an extensive review of the literature the authors seek to quantify the financial benefits that arise when older people are accommodated

in housing with care<sup>34</sup>. They model those benefits to the current and planned population of older people living in Extra Care accommodation in Southampton.

6.10 The authors summarise the benefits to the Health Care system they have established through their review under five headings before setting out the evidence they cite to substantiate each of these benefits:

“While the body of research available that identifies the health impacts of housing with care has been relatively limited, all the identified evidence suggested positive impacts on the health care economy, which included:

- Reductions in the number of GP visits (by housing with care residents).
- Reductions in the number of community health nurse visits (amongst housing with care residents).
- Reductions in the number of non-elective admissions to hospital (by housing with care residents).
- Reductions in length of stay and delayed discharges from hospital (amongst housing with care residents).
- Reductions in ambulance call outs, typically linked to reduced incidence of falls (amongst housing with care residents).

6.11 Turning first to the reduction in the demand made upon GP services they cite research that established the average number of GP attendances per annum by men and women 65 years of age and over:

“Polisson (2011)<sup>35</sup> found the average number of annual visits to a GP in England was 7.4 for women aged 65 and over, and 6.7 for older men.”

6.12 In addition to the Aston University study reviewed above they cite two further studies:

“Research by the International Longevity Centre identifies that lonely people use health services more frequently and are 1.8 times more likely to visit the GP; their research found that a housing with care resident experiences half the amount of loneliness (12.17%) than those people living in the wider community (22.83%), which suggests that living in

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<sup>34</sup> The authors use the term “housing with care” throughout their report which we take to be a synonym for Extra Care Housing, which is the term we have generally adopted throughout this report.

<sup>35</sup> Polisson, M. (2011). Do waiting times matter in primary care? GP visits and list sizes in England.

housing with care reduces the likelihood of residents using GP services due to loneliness.”<sup>36</sup>

“Research for McCarthy and Stone found that on average, their residents reported that they had made 4 visits to their GP in the last 12 months.<sup>37</sup> Across the nine McCarthy and Stone schemes where research was conducted, residents had made 67 fewer visits to their GP in the previous 12 months compared with the 12 months before they moved into the scheme; or 0.66 fewer visits per resident.”

6.13 The authors point up the contrast between the increased demand on GP services that might be expected from a group of older people with complex needs and the reality established by research that in fact demand is less than in the general population where the incidence of complex needs will be less concentrated:

“Typically residents of housing with care will include people with more complex health and social care needs so it is particularly significant that there is evidence to indicate that housing with care can be effective in reducing the use of GP services amongst this cohort. Overall this indicates that there is evidence to suggest that housing with care can have a positive impact in terms of reducing the number of GP visits made by housing with care residents.”

6.14 Turning next to the demands made of the community nursing service they draw attention to the benefits that arise from the design, range of facilities and on-site care staff included in Extra Care schemes:

“Despite the limited research evidence available, there is evidence that housing with care can reduce the use of community nursing services by its residents as a result of the provision of on-site care staff, providing a living space that is designed to be better suited to age related needs, and the provision of nutritious food through an on-site restaurant. Several research studies have found in these circumstances that the use of community nursing services by housing with care residents has reduced.”

6.15 In addition to the Aston University Study reviewed above they cite a further research paper from The Joseph Rowntree Foundation:

“Bäumker and colleagues (2008)<sup>38</sup> presented comprehensive evidence from twenty-two residents of an extra care scheme that showed the cost of

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<sup>36</sup> Wood, C. (2017). The Social Value of Sheltered Housing: Demos Briefing Paper.

<sup>37</sup> McCarthy and Stone (2014). McCarthy and Stone Local area economic impact assessment.

<sup>38</sup> Bäumker, T., Netten, A. & Darton, R. (2008) Costs and Outcomes of an Housing with care Scheme in Bradford. Joseph Rowntree Foundation.

health care dropped substantially with the single largest component drop being in nurse consultations.”

6.16 On the basis of the Aston University and Joseph Rowntree Foundation studies they conclude:

“Overall this indicates that there is evidence to suggest that housing with care can have a positive impact in terms of reducing the number of community nursing service visits to housing with care residents.”

6.17 The third issue they address is the impact of residence in an Extra Care scheme on the likelihood of a non-elective admission to hospital:

“Unplanned emergency re-admissions to hospital have been a growing issue in the NHS in recent years.<sup>39</sup> 80 per cent of emergency admissions for more than two weeks are patients aged over 65. Falls are one of the most common (as well as costly) reasons for non-elective admissions among older people. Unsuitable home conditions can directly cause or at least contribute to a hospital admission, often via a fall. If individuals are discharged to unsuitable accommodation after their hospital stay, they may have further complications and return to hospital.”

6.18 The authors cite two relevant studies:

“A longitudinal study by Kneale from 2002 to 2010 covering 1,400 to 1,600 housing with care properties,<sup>40</sup> reported that housing with care residents were less likely to be admitted to hospital initially than those in unsupported housing in the community and were more likely to be admitted only once a serious condition had developed. The incidence of annual hospitalisation was 4.8 nights per year per person amongst those aged 80+ compared to 5.8 nights for those matched and living in the community.”

“Research conducted for McCarthy and Stone<sup>41</sup> identified that there were a total of 13 fewer admissions in previous year, or 0.13 fewer admissions per resident per year in their new housing with care scheme than previously.”

6.19 These reductions in rates of non-elective admission are attributed by the authors to the combination of design, facilities and services available in Extra Care schemes:

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<sup>39</sup> Blunt, I., Bardsley, M., Dixon, J. (2010). Trends in emergency admissions in England 2004-2009: is greater efficiency breeding inefficiency? The Nuffield Trust.

<sup>40</sup> Kneale D. (2011) Establishing the extra in Extra Care: Perspectives from three Housing with care Providers. ILCUK.

<sup>41</sup> McCarthy and Stone (2014). McCarthy and Stone Local area economic impact assessment.

(The) “particular nature of the living environment in housing with care, coupled with the provision of onsite 24/7 staffing, which provides both general support to residents as well as direct and rapid assistance in an emergency, helps to reduce the likelihood and incidence of non-elective hospital admissions.”

6.20 Difficulties in achieving timely discharge of patients from hospital when active clinical interventions are complete is a widely recognised issue and here too Extra care Housing is seen to offer better outcomes. The authors introduce the issue as follows:

“Delayed transfers of care can be costly to both an individual’s health as well as to the NHS. There are currently many older people in hospitals who are ready to be discharged, but where their discharge is delayed the estimated cost to the NHS is around £820 million<sup>42</sup>. Some of the primary reasons associated with older people experiencing delayed transfers of care include waiting for a care package in their own home, awaiting a place in a nursing or residential home or awaiting further assessment.<sup>43</sup> A lot of the difficulties associated with that could be mitigated successfully in the housing with care setting due to its unique characteristics.”

6.21 Once again the Aston University study reviewed above provides data on reduction in non-elective or unplanned hospital admissions with a further study also cited:

“There is some research evidence that has found that the nature of the service provided by housing with care, particularly the availability of onsite care, enables people to avoid delays in hospital discharge.

Research for McCarthy & Stone found that whilst a higher percentage of those in housing with care might receive an inpatient episode, they remained in hospital for only half the time of those not living in retirement housing.<sup>44</sup>

Research by Aston University<sup>45</sup> found that the housing with care model is associated with a reduction in the duration of (unplanned) hospital stays, from an average of 8-14 days to 1-2 days. The duration of (unplanned)

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<sup>42</sup> National Audit Office (2016). Discharging older patients from hospital. Available at: <https://www.nao.org.uk/report/discharging-older-patients-from-hospital/>

<sup>43</sup> Housing Learning and Improvement Network (2017). Home from hospital: How housing services are relieving pressure on the NHS. Available at: <https://www.housinglin.org.uk/Topics/type/Home-from-hospital-How-housing-services-are-relieving-pressure-on-the-NHS/>

<sup>44</sup> ORB (2004). A Better Life: Private Sheltered Housing and Independent Living for Older People

<sup>45</sup> Ibid



hospital stays reduced from a median of 5-7 days at baseline, to 1-2 days thereafter.”

6.22 Turning finally to the need for an ambulance among older people living in Extra Care Housing and older people in the general population the authors find that the research literature suggests a strong convergence between the incidence of falls among older people and their use of emergency ambulances:

“Often for older people, the incident that leaves them needing an ambulance is a fall. Research by Demos in relation to older people’s housing, ‘*The Value of Sheltered Housing*’<sup>46</sup> identifies a clear link between the incidence of falls amongst older people and ambulance call outs.”

6.23 The scale of the issue is illustrated from the Demos research report:

“The research by Demos estimates that 600,000 older people attend A&E following a fall each year (about 17% of all falls), and around a third are then admitted to hospital. This research estimated that 91,940 falls are prevented by people living in older people’s housing, which is estimated to prevent 15,629 ambulance call outs and A&E attendances.”

6.24 Clearly mitigating the risk of a fall will have a positive effect on the need for ambulance services and in addition to evidence from the Aston University study cited above the authors quote Kneale’s study:

“Research by Kneale<sup>47</sup> identified a reduced likelihood of falling in housing with care; falls rates were measured at 31% compared to 49% in general housing.”

6.25 The authors therefore conclude:

“Overall this indicates that there is evidence to suggest that housing with care can have a positive impact in terms of reducing the number of ambulance call outs for residents, particularly associated with a decreased likelihood of falling and/or staff being available onsite to assist directly a resident who has had a fall.”

6.26 By combining the reduction in the incidence of various demands made upon Health Care services for each resident of Extra Care Housing as indicated in the research literature and quantifying the cost saved by that reduction in demand for services, the authors arrive at a headline figure for the savings achieved by the provision of Extra care places:

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<sup>46</sup> Wood, C. (2017). The Social Value of Sheltered Housing: Demos Briefing Paper. Available at: <https://www.demos.co.uk/wp-content/uploads/2017/06/Sheltered-Housing-paper-June-2017.pdf>

<sup>47</sup> Kneale D. (2011) Establishing the extra in Extra Care: Perspectives from three Housing with care Providers. ILCUK.

“When quantified, it was possible to estimate that for each person living in the housing with care settings, the financial benefit to NHS was approximately £2,000 per person per annum (calculated as a costs benefit to the health care system).”

6.27 Applying this saving per resident to the current and planned provision of Extra Care accommodation in Southampton they set out a notional cost benefit to the local health care economy:

“When compared with the volume of the housing with care market in Southampton, it was possible to estimate that Southampton’s current provision of housing with care (circa 170 units) has been producing a cost benefit to the health care economy of over £334,000 per year. This figure is estimated to increase to almost £890,000 per year once Southampton delivers on its ambition to grow its supply to about 450 units of housing with care.”

#### Section Summary

6.28 When compared with the current dominant option of a place in a Registered Care Home the medium to long-term risk of residents using up their financial resources and becoming dependent upon statutory financial support in an Extra Care setting are much reduced. This is a consequence of the differential levels of cost and the cost models.

6.29 We direct attention to the conclusions drawn by the CLG Select Committee, that there are both benefits to individual residents and to the local Health and Social Care economy through provision of the option of Extra Care for older people in Canterbury.

## **7 Methodology**

7.1 The NPPG 2014 encouraged use of the various “toolkits” that had emerged in the preceding five or six years whilst making the valid point that projecting the need for specialised accommodation for older people was an imprecise science.

7.2 In part the challenge lies in the fact that almost all older people moving to specialised accommodation will already be part of an existing household, whilst some may be forming new households through relationship breakdown in post-retirement years this is not the main driver and the majority will move from a dwelling within the catchment of the scheme.

7.3 The updated guidance in 2019 again made reference to a number of potential toolkits it added a reference to the SHOP@ Tool which was available on-line, but without endorsing this above others or dismissing alternative approaches.

### **What the methodologies have in common**

7.4 All the toolkits for estimating the future need for specialised accommodation begin with projections of the population of older people within the area; generally within the district council area. Using ONS projections they then identify both the rate of projected increase and the increase in absolute numbers.

7.5 Whilst all begin from conventional retirement age of 65 years most pay greater attention to the number of those 75 years and over. The current proportion of people 85 years and over who are in Registered Care Homes makes that age threshold one which is also given attention.

7.6 All toolkits will then provide data on indicators of need, although because many individual older people will experience multiple morbidities, these do not lead easily to an unambiguous number who may be in need of specialised accommodation.

7.7 Most toolkits will also look at tenure among older people although the degree to which they seek to shadow the tenure pattern of older people in general housing in their projections of tenure specific need in specialised housing will vary.

7.8 All will then look at current supply of the various categories of provision and from this identify variations between projected need and current provision.

7.9 At some stage in the modelling all toolkits move from evidence to assumption about the proportion of those identified as showing evidence of need

for whom provision should actually be made. It is from these assumptions that variations in projected need generally arise.

### **The Department for Communities and Local Government Model**

7.10 Although not published until 2015<sup>48</sup> this model was provided to *Supporting People* lead officers from 2009 and formed the basis of calculation of future need for Extra Care.

7.11 Its focus is upon diversion from allocation to Residential Care and it seeks to model need for Extra Care within a section of the older population rather than the whole.

7.12 The population it is seeking to identify can be seen from the allocation policies that reflect it, this for example from Devon County Council's Extra Care Commissioning Strategy of 2010<sup>49</sup>:

“In Devon, allocations into extra care housing will be made on the basis of 50% of residents having high care and support needs (over 10 hours per week), 30% of residents have medium care and support needs (between 5 – 10 hours per week) and 20% having lower care and support needs (up to 5 hours per week).”<sup>50</sup>

7.13 The methodology starts with the population of the local authority area that is seventy-five years of age or more; reduces that number by excluding those who are not predicted to have a long-term limiting illness; and then reduces the number further by excluding those who do not live alone. Thus, using the incidence of “Limiting Long-term Illness” among people 75+ who are living alone as a “marker” to identify their target population.

7.14 Having arrived at this estimate of the vulnerable population they hypothecate the ratio of those within that population who may move to Extra Care at 65 per thousand.

7.15 The limitation to this approach is that it generates an estimate of need relevant only to the model of Extra Care with the dependency profile adopted, for example, by Devon County Council and its district and city partner authorities. Whilst appropriate to the policy priorities they were seeking to deliver it does not offer a basis for strategic planning for a model of Extra Care with a profile of dependency that may include some who make a pre-emptive move before they

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<sup>48</sup> The Impact on the Need for Supporting People Services arising from Population Growth in the Four Sustainable Community Growth Areas

<sup>49</sup> Devon County Council was an “early adopter” and promoter of Extra Care as an alternative to allocating older people to Care Home beds.

<sup>50</sup> Devon County Council Commissioning Strategy for Extra Care Housing March 2010

have an immediate need of care and where the proportions of those with different levels of care need are more evenly spread.

7.16 This appears to have strongly influenced the approach adopted in the HEDNA Addendum, referred to in Section Four above, leading to the same limitation to its applicability to estimating the wider need for Extra Care in the whole population of older people..

### **More Choice: Greater Voice**

7.17 This toolkit was commissioned in 2007 by the Care Services Improvement Partnership, CSIP, (an agency of the Department of Health) and the Department for Communities and Local Government and published in February 2008 [CD7/4]. It was commissioned to support the Government's National Housing Strategy for an Ageing Society and the programme of funding for Extra Care provided by the Department of Health. This provided Local Authorities with a capital grant of £80 for the years 2008 to 2010.

7.18 The publication offers Good Practice Guidance for commissioners and providers to enable them to produce accommodation and care strategies for older people. It offers advice on the structure and execution of a local study with checklists, worked examples, sample text and a methodology for arriving at the estimated need for various types of specialised accommodation for older people, including Extra Care.

7.19 The methodology uses the current population of older people within the local authority area and the projected increase in those numbers over the succeeding twenty-five years as its starting point.

7.20 It then looks at housing circumstances looking at tenure, and contextual information such as poor housing, average house prices and volumes of sale. Particular attention is drawn to the growth in home ownership among older people.

7.21 The toolkit then moves on to indicators of potential need, looking at the incidence of difficulties with personal care tasks, mobility problems, difficulties with domestic tasks, problems arising from cognitive impairment and sensory impairment. As there is a high level of multiple morbidity these figures cannot be conflated to give a single number for those in need. The figures that emerge from the examination of these indicators of potential need are offered as "indicative" of levels of need.

7.22 The methodology next examines existing provision of specialised accommodation within the area under study and compares these with national ratios of provision.

7.23 The guidance diverts into the need to take account of National and Local policies that may impact on the identification of need and delivery of new supply of specialised accommodation and care.

7.24 In the penultimate section the guidance sets out a set of ratios or “norms”, fenced round by a number of caveats about their application in any particular local authority area, for the provision of the various categories of specialised housing. These total 180 places per thousand of the whole local population who are seventy-five years of age or more.

7.25 The ratios were arrived at by an examination of the current ratios of provision (the Royal Commission on Long-term care had established that there were 136 units of sheltered accommodation per thousand of those seventy-five years of age and above) adjusted to reflect policy aspirations. Thus, the desire to divert people from residential care to the emerging forms of Extra Care was driving the insertion of a target for this new form and the tenure imbalance in the availability of sheltered or retirement housing indicated an increase in leasehold retirement housing.

### **The Strategic Housing for Older People (SHOP) toolkit**

7.26 This toolkit was originally developed for the Housing Learning and Improvement Network and the Housing Network of the Association of Directors of Adult Social services by the Institute for Public Care at Brookes University and published in December 2011. It offers a comprehensive suite of materials that explore the philosophy and practice of social care and housing to meet the needs of older people, alongside a methodology for estimating the need for specific accommodation and care services.

7.27 It sets out as “Key Facts” data on Demography, population distribution, Wealth, Housing, Health and the costs to the Public Purse of an ageing population.

7.28 The focus of much of the material included is specific to the development and operation of Extra Care. It looks for example at issues of building design, scheme management, allocation policies for socially rented property, charging policies, marketing and competences required of staff.

7.29 The authors are frank about the limitations of any methodology for estimating future demand for particular types of housing, speaking of it as “as much an art as a science”.

7.30 Two approaches are identified: modelling through care home demand and modelling from population data. The authors then re-produce the estimates of demand per thousand of the population seventy-five years of age or more that have been shared with them from, what was then, the forthcoming publication

“Housing in Later Life” which projects a ratio of 251 units of specialised accommodation of all types per thousand of the population seventy-five years of age or more, of which 45 would be Extra Care for sale or rent.

7.31 The SHOP toolkit posits a range of questions about local services, including those that support older people in general housing, and the local market for provision. It draws attention to the sources of local information. This begins with sources for “baseline data” on population, and a range of locally generated information such as that included in Joint Strategic Needs Assessments, Regional Health Observatories and the Projecting Older People’s Population Information System and Housing Market Assessments, among many others.

7.32 The toolkit provides helpful guidance on the design and facilitation of consultative engagements with local people, particularly those in the pre-retirement age group.

7.33 The guidance sets out a template for an older person’s accommodation strategy that considers local and national guidance, seeks to estimate demand and sets this against an analysis of current supply.<sup>51</sup>

7.34 Although more comprehensive in its scope in considering a wider range of services and with in-depth consideration of the policy context and a wealth of information sources and references the nub of the calculation of future need is similar to that established in More Choice: Greater Voice, but with the upward revision of ratios of future provision.

7.35 The tools for estimating demand were made available on-line and the materials have been updated on a number of occasions since their original publication. In July 2016 the Housing LIN undertook a consultation on the ways in which the SHOP Tool might be modified to reflect the changing environment for developing new schemes and other changes in policy and practice.

7.36 Strongly influenced by constraints in the capital funding of new Extra Care schemes into the social rented sector the SHOP Tool downgraded the ratios of provision to population used at the time of the 2011 publication.

7.37 The review of the SHOP model also took a view on the distribution of targets for specialised accommodation for older people between tenures with an implicit assumption that such accommodation will be proportionately less attractive to older home owners than to tenants of social rented property.

7.38 Taken together these assumptions and adjustments tend to depress projections for leasehold Retirement and Extra Care developments which is

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<sup>51</sup> Summary data was formerly available on the Elderly Accommodation Counsel website but must now either be computed from individual listings or is available from EAC for a fee.

contra-indicated by continuing strong demand in most areas of the country. Funding constraints for the development of social rented Retirement and Extra Care accommodation seem to be driving down assumptions about need and demand in the baseline assumptions behind the current iteration of the SHOP tool.

7.39 The Housing LIN make the point that the default settings of the SHOP@ on-line tool are intended to illustrate the information that needs to be loaded rather than recommending a level of prevalence or tenure split. The Director of the Housing LIN, Jeremy Porteous is quite clear:<sup>52</sup> the tool is intended to facilitate discussion at a local level rather than to provide pre-processed results without the weighting of local data, policies and priorities. Further, he states that the Housing LIN does not endorse any particular prevalence rate, recommending that this is determined locally and that all are equally valid. The Housing LIN's intention is that the tool should support their aspiration to be a "Market Shaper", working alongside colleagues in commissioning roles in Adult Social Care.

7.40 Where the SHOP@ tool is used in a mechanistic way, without regard to the caveats offered by the Housing LIN, the outcome may be misleading, particularly where the adoption of "achievable" rates of provision for social rented accommodation have the consequence of depressing projections of need for accommodation available to older homeowners.

7.41 The negative impact of this use of the SHOP@ Tool led the Housing LIN, in July 2019 to make changes to the way in which the tool could be accessed and to re-affirm that the organisation did not endorse any particular rate at which the need for Extra Care should be projected relative to the local population.

## **Housing in Later Life**

7.42 "Housing in Later Life: planning ahead for specialist housing for older people", [CD7/9] published in 2012 was intended as an update for More Choice: Greater Voice. This was a publication facilitated by the Department for Communities and Local Government but funded by McCarthy & Stone and provided by a range of "trade related" organisations: The National Housing Federation, The Housing Learning and Improvement Network, Contact Consulting and Tetlow King who each provided expertise and authorship.

7.43 It offers information to "set the scene" in relation to the ageing of the population and the provision of specialised housing and rehearses the benefits of building specialised housing for older people.

7.44 In Section Five the toolkit sets out a methodology schematically that amplifies that offered in More Choice: Greater Voice, adding sections on

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<sup>52</sup> Telephone interview with Jeremy Porteous 24<sup>th</sup> January 2019.



sensitivity to the culture of minority populations of older people and data on wealth as suggesting potential tenure split in provision. In essentials the method rests on projection of population of older people, data on functional incapacity set against current supply and tenure of current provision.

7.45 The suggested ratios of provision have been modified to reflect trends observed between 2008 and 2012: the lack of investment in alternative forms and general shortages of specialised housing are seen to have led to a slower decline in conventional sheltered housing than predicted in 2008. Continuing high demand for leasehold retirement housing leads to a modification in that target and increasing provision and acceptance of Extra Care, especially in the private sector, are reflected in increased targets.

7.46 These increases are seen against a background of a steep decline in residential care places.

7.47 These are the target ratios reflected in the 2011 iteration of the SHOP Toolkit, as mentioned above, but subsequently reduced in subsequent iterations of the SHOP@ tool to achieve a better match to what was believed to be achievable.

7.48 If the current on-line SHOP@ tool is strongly influenced by a desire to address the priorities of those looking to provide specialised accommodation on the basis of social renting, it may be argued that Housing in Later Life is heavily influenced by the judgement of private sector providers about market potential among older home owners.

7.49 The targets presented in Housing in Later Life are avowedly “aspirational” in that they intend to make the benefits of Extra care more widely available to older people in a wide range of personal circumstances and across all tenures. They are not shaped by low levels of past provision nor by the difficulties that may be foreseen in attracting funding to meet them. They are shaped by policy aspirations to reduce the rate of increasing reliance on Registered Care Home beds as populations age and the desire to offer equity of access to specialised accommodation regardless of current tenure.

## **Section Summary**

7.50 Current National Planning Policy Guidance does not favour one methodology above another but it would be true to say that the SHOP@ Tool has been widely adopted by local authorities and those advising them. The reasons for this are, in part its accessibility as an on-line resource and also the standing of the Housing Learning and Improvement Network who own and promote the tool. The Housing LIN is rightly seen as an organisation of reference in relation to specialised housing for older people in general and Extra Care Housing in particular.

7.51 The adoption of an approach that seeks only to identify those with high care needs has rightly been seen as unduly restrictive and not reflective of wider policy priorities which seek to widen choice and to divert demand away from an ever increasing supply of Care Home beds.

7.52 The methodology used by Contact Consulting is that set out in the publication “Housing in Later Life” which is in turn rooted in the methodology set out in “More Choice: Greater Voice” with the projected rates of prevalence adjusted to reflect market signals and policy priorities. The targets that are generated by this methodology reflect the demographic trend, the indicators of need and the aspirations of policy to provide an indicative pattern for provision.

7.53 If a sustainable pattern of accommodation and care is to be achieved for our ageing population then, as recognised in national policy and supported by the research literature, a shift is required to a more robust form than traditional sheltered housing that is also more flexible and affordable than traditional Registered Care Homes can provide.

7.54 The methodology adopted here proposes a ratio of 45 units per thousand of the population 75 years of age and over, divided one third/two-thirds between social rented and ownership tenures. When we set that alongside the current national average which sees 91 people per thousand 75 years of age or over in Registered Care Homes it seems a modest aspiration.

## 8 The demography of the older population of Mid-Sussex

8.1 The total population of Mid-Sussex, over 65 years of age is projected to rise by around 36.76% over the years to 2035. Within this overall growth the steeper rates of increase are to be found within the older cohorts of the population.

**Table One Population aged 65 and over, projected to 2035 Mid-Sussex**

	<b>2020</b>	<b>2025</b>	<b>2030</b>	<b>2035</b>
People aged 65-69	7,986	8,679	10,138	10,578
People aged 70-74	8,408	7,645	8,361	9,797
People aged 75-79	6,120	7,752	7,113	7,844
People aged 80-84	4,344	5,360	6,851	6,371
People aged 85-89	3,029	3,382	4,244	5,495
People aged 90 and over	1,939	2,236	2,663	3,441
<b>Total population 65 and over</b>	<b>31,826</b>	<b>35,054</b>	<b>39,370</b>	<b>43,526</b>

(Source: Office of National Statistics Taken from NOMIS 05.01.2020)

8.2 In the period to 2035 the second cohort, those aged between 70 and 74 initially declines, eventually showing the smallest increase over the whole period at 16.52%. Those in each of the following five-year cohorts increase significantly with the oldest group, those ninety years of age and over, increasing by just over 77.46%. Table Two plots the percentage increase in each age band from the 2020 base.

**Table Two Population aged 65 and over, projected to 2035 Mid-Sussex % Change**

	<b>2020</b>	<b>2025</b>	<b>2030</b>	<b>2035</b>
People aged 65-69	0	+8.68	+26.95	+32.46
People aged 70-74	0	-9.12	-0.52	+16.52
People aged 75-79	0	+26.67	+16.23	+28.17
People aged 80-84	0	+23.39	+57.71	+46.67
People aged 85-89	0	+11.65	+40.11	+81.41
People aged 90 and over	0	+15.32	+37.34	+77.46
<b>Total population 65 and over</b>	<b>0</b>	<b>+10.14</b>	<b>+23.70</b>	<b>+36.76</b>

(Source: Office of National Statistics Taken from NOMIS 05.01.2020)

8.3 Table Three shows the projected increase in the total population for Mid-Sussex from 152,810 in 2020 to 168,894 in 2035, set against the increase in the numbers of people who are over sixty-five years of age and over eighty-five years of age. These two threshold ages are used because sixty-five represents the general point of exit from paid employment and eighty-five is, as will be shown in the next section, a significant threshold for needing specialised accommodation and services.

8.4 The proportions of people sixty-five years of age or over within the total population is above the national average for England, whilst those aged 85 years and over are significantly above the national average for England through the period 2020 to 2035. The disparity widens to the national average over this period.

**Table Three**                      **Total population, population aged 65 and over and population aged 85 and over as a number and as a percentage of the total population, projected to 2035 Mid-Sussex**

	<b>2020</b>	<b>2025</b>	<b>2030</b>	<b>2035</b>
Total population	152,810	159,253	164,473	168,894
Population aged 65 and over	31,826	35,054	39,370	43,526
Population aged 85 and over	4,968	5,618	6,907	8,936
Population aged 65 and over as a proportion of the total population	20.83%	22.01%	23.94%	25.77%
Population aged 85 and over as a proportion of the total population	3.25%	3.53%	4.20%	5.29%

(Source: Office of National Statistics Taken from NOMIS 05.01.2020 Formatted by Contact Consulting)

8.5 Table Four gives the numbers and percentages for England to provide a comparison.

**Table Four Total population, population aged 65 and over and population aged 85 and over as a number and as age of the total population, projected to 2040 – England**

	<b>2020</b>	<b>2025</b>	<b>2030</b>	<b>2035</b>
Total population	56,704,700	58,224,900	59,548,800	60,691,400
Population aged 65 and over	10,527,200	11,550,300	12,897,300	14,116,600
Population aged 85 and over	1,421,000	1,623,700	1,930,400	2,460,300
Population aged 65 and over as a proportion of the total population	18.56%	19.84%	21.66%	23.26%
Population aged 85 and over as a proportion of the total population	2.51%	2.79%	3.24%	4.05%

(Figures may not sum due to rounding. Office of National Statistics Crown copyright 2016)

8.6 The significance of these threshold ages is to be found in the convergence of dependency and chronological age. At age sixty-five the lifetime risk of developing a need for care services to assist with personal care tasks is 65% for men and 85% for women<sup>53</sup>. The incidence of need for assistance increases substantially with age and is highest for those eighty-five years of age and above. As the following tables modelling levels of dependency and need for service demonstrate this increase in the ageing of the population has a direct impact on the need for care and support services and appropriate accommodation.

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<sup>53</sup> David Behan, Director General for Adult Social Care, Department of Health, presentation to a King's Fund Seminar 21<sup>st</sup> July 2009

## **Section summary**

8.7 In relation to the age of its population the profile of Mid-Sussex sits above the national average, those sixty-five years of age and over will continue to increase both in absolute terms and as a proportion of the total population. Those in the oldest cohorts will increase significantly through the period with an impact on demand for both specialised accommodation and care services.

8.8 The proportion of the older population in Mid-Sussex is projected to increase most significantly within those aged eighty-five and above which will lead to an impact upon the demand for specialised accommodation and care services.

8.9 The older population in Mid-Sussex is projected to increase at a fairly uniform rate, the numbers of all those 65 years of age and over will increase by around 47% by 2035. In terms of impact of demand for care services the projected increase in those eighty-five years and above, at around 77% above their current number by 2035, is more significant.

8.10 In the absence of appropriate accommodation options pressures will further increase on higher-end services, such as Registered Care Homes providing Personal Care and Registered Care Homes providing Nursing Care.

## 9 Relating the profile of need to specialised accommodation

9.1 Different styles of specialised accommodation for older people respond to differing levels of functional incapacity, to differing health status and to a range of social needs. As a baseline all modern specialised accommodation for older people will adopt good standards of space and accessibility, within individual living units, in communal facilities and in external areas responding to the mobility difficulties which many people experience in old age. Table Six projects the numbers of older people living in Mid-Sussex facing issues related to their mobility:

**Table Six**                      **People aged 65 and over unable to manage at least one mobility activity on their own, by age, projected to 2035 - Mid-Sussex**

	<i>2020</i>	<i>2025</i>	<i>2030</i>	<i>2035</i>
People aged 65-69 unable to manage at least one activity on their own	681	741	868	902
People aged 70-74 unable to manage at least one activity on their own	1,120	1,000	1,094	1,286
People aged 75-79 unable to manage at least one activity on their own	1,029	1,302	1,194	1,314
People aged 80-84 unable to manage at least one activity on their own	1,038	1,302	1,660	1,537
People aged 85 and over unable to manage at least one activity on their own	2,165	2,455	3,015	3,915
Total population aged 65 and over unable to manage at least one activity on their own	6,033	6,800	7,831	8,954

Source: <http://www.poppi.org.uk> Office of National Statistics Crown copyright 2018. Activities include: going out of doors and walking down the road; getting up and down stairs; getting around the house on the level; getting to the toilet; getting in and out of bed

9.2 The total number of those in Mid-Sussex 65 years of age and over who cannot manage at least one of these activities is estimated at 6,033, rising by 48% to 8,954 by 2035. Whilst many will cope with these difficulties within their existing dwelling or may be able to effect adaptations for others a move into specialised accommodation will offer a more satisfactory option.

9.3 Increasing attention is being directed toward the mental well-being of older people as a factor influencing their overall health status and, in particular,

the impact of loneliness, isolation and exclusion. Table Seven details the numbers of those 65 years of age and over in Mid-Sussex living alone and Table Eight the projections for the number experiencing depression.

**Table Seven**                      ***People aged 65 and over living alone, by age and gender, projected to 2035 – Mid-Sussex***

	<b>2020</b>	<b>2025</b>	<b>2030</b>	<b>2035</b>
Males aged 65-74 predicted to live alone	1,580	1,560	1,780	1,980
Males aged 75 and over predicted to live alone	1,914	2,378	2,697	3,016
Females aged 65-74 predicted to live alone	2,494	2,465	2,784	3,045
Females aged 75 and over predicted to live alone	4,350	5,250	5,800	6,400
Total population aged 65-74 predicted to live alone	4,074	4,025	4,564	5,025
Total population aged 75 and over predicted to live alone	6,264	7,628	8,497	9,416

Source: <http://www.poppi.org.uk> Office of National Statistics Crown copyright 2018

9.4 Whilst not every older person who lives alone is lonely, and there are many factors involved in the onset of depressive illness these are indicators of life circumstances which may be improved by a move to the congregate living context of specialised accommodation.

9.5 Table Eight sets out the projections for those in Mid-Sussex 65 years of age or over who are experiencing depression. Between 2020 and 2035 the number is expected to rise from 2,730 to 3,729, an increase of around 36%.



**Table Eight                      People aged 65 and over predicted to have depression,  
by age and gender, projected to 2035 – Mid-Sussex**

	<b>2020</b>	<b>2025</b>	<b>2030</b>	<b>2035</b>
People aged 65-69 predicted to have depression	673	734	857	890
People aged 70-74 predicted to have depression	704	628	687	809
People aged 75-79 predicted to have depression	518	656	601	662
People aged 80-84 predicted to have depression	405	509	650	603
People aged 85 and over predicted to have depression	430	484	592	765
Total population aged 65 and over predicted to have depression	2,730	3,011	3,387	3,729

Source: <http://www.poppi.org.uk> (Prevalence figures are taken from McDougall et al, Prevalence of depression in older people in England and Wales: the MRC CFA Study in Psychological Medicine, 2007, 37, 1787–1795)

9.6 When we turn to consider specialised accommodation that provides support to residents then the capacity to manage “domestic tasks” becomes relevant. Table Nine shows the modelling of those older people who are likely to experience difficulty with at least one task necessary to maintain their independence. As is clearly seen the incidence of difficulty rises sharply with age and is projected to increase over time as the population of those in the highest age groups increases.

**Table Nine**

**People aged 65 and over unable to manage at least one domestic task on their own, by age group projected to 2035 – Mid-Sussex**

	2020	2025	2030	2035
Males aged 65-69 who need help with at least one domestic task	585	630	750	780
Males aged 70-74 who need help with at least one domestic task	760	684	741	893
Males aged 75-79 who need help with at least one domestic task	756	945	891	972
Males aged 80 and over who need help with at least one domestic task	1,254	1,551	1,980	2,244
Females aged 65-69 who need help with at least one domestic task	779	855	988	1,026
Females aged 70-74 who need help with at least one domestic task	1,035	920	1,012	1,173
Females aged 75-79 who need help with at least one domestic task	1,122	1,428	1,292	1,428
Females aged 80 and over who need help with at least one domestic task	2,970	3,465	4,290	4,730
Total population aged 65 and over who need help with at least one domestic task	9,261	10,478	11,944	13,246

Figures may not sum due to rounding. Source: <http://www.poppi.org.uk> Office of National Statistics Crown copyright 2018

Tasks include: Instrumental Activities of Daily Living (IADLs) are activities which, while not fundamental to functioning, are important aspects of living independently: Doing routine housework or laundry. shopping for food, getting out of the house and doing paperwork or paying bills.

9.7 Between 2020 and 2035 the number of those experiencing such difficulties is projected to increase by around 43%, a total of 3,985 additional older people with needs that require support. For many these needs will be met by family members, friends or other informal carers but for some specialized accommodation offering support will be an option that supports their continuing independence.

9.8 Those with needs that are appropriately responded to in settings that offer not just support, but also personal care are predominantly, but not exclusively, in the oldest age cohorts, the section of the older population of Mid-Sussex that is

growing most rapidly. Indicators of need for care include health status and the ability to manage self-care activities without assistance.

**Table Ten**                      **People aged 65 and over with a limiting long-term illness, by age, projected to 2035 Mid-Sussex**

	<b>2020</b>	<b>2025</b>	<b>2030</b>	<b>2035</b>
People aged 65-74 whose day-to-day activities are limited a little	2,899	2,881	3,270	3,606
People aged 75-84 whose day-to-day activities are limited a little	3,194	4,054	4,300	4,361
People aged 85 and over whose day-to-day activities are limited a little	1,421	1,591	1,960	2,529
<b>Total population aged 65 and over with a limiting long term illness whose day-to-day activities are limited a little</b>	<b>7,514</b>	<b>8,526</b>	<b>9,530</b>	<b>10,496</b>
People aged 65-74 whose day-to-day activities are limited a lot	1,272	1,264	1,434	1,582
People aged 75-84 whose day-to-day activities are limited a lot	1,915	2,431	2,578	2,615
People aged 85 and over whose day-to-day activities are limited a lot	1,714	1,920	2,365	3,051
<b>Total population aged 65 and over with a limiting long term illness whose day-to-day activities are limited a lot</b>	<b>4,901</b>	<b>5,614</b>	<b>6,378</b>	<b>7,248</b>

Figures may not sum due to rounding. Source: <http://www.poppi.org.uk> Office of National Statistics Crown copyright 2018

9.9 An increase in the proportion of the population living into advanced old age also impacts on the demands made upon health services. Table Ten projects an increase in the numbers of those experiencing a long-term limiting illness and is broken down in to two sections; whose day to day activities are limited a lot and whose day to day activities are limited a little. The table shows a higher rate of increase in the higher age cohorts (those 85 years of age and over) of around 48% for those whose day-to-day activities are limited a lot.

9.10 Some of those whose day-to-day activities are limited a lot by their limiting long-term illness will need to receive care in a Nursing Home, others can receive care in an alternative setting, such as Extra Care.

9.11 There is a similar picture when we turn to the projections for those who will be experiencing difficulties with the various tasks of personal care. Where this is

not combined with a health condition that needs continuous access to nursing care then Extra Care may provide an appropriate setting in which care needs can be met whilst maintaining the best achievable quality of life, social engagement and personal independence. Table Eleven suggests that the number of those who will be unable to manage at least one personal care task will also increase by about 42% to around 13,051 by 2035.

**Table Eleven**                      **People aged 65 and over unable to manage at least one self-care task on their own, by age group projected to 2035 – Mid-Sussex**

	2020	2025	2030	2035
Males aged 65-69 who need help with at least one self-care activity	624	672	800	832
Males aged 70-74 who need help with at least one self-care activity	840	756	819	987
Males aged 75-79 who need help with at least one self-care activity	784	980	924	1,008
Males aged 80 and over who need help with at least one self-care activity	1,330	1,645	2,100	2,380
Females aged 65-69 who need help with at least one self-care activity	902	990	1,144	1,188
Females aged 70-74 who need help with at least one self-care activity	1,080	960	1,056	1,224
Females aged 75-79 who need help with at least one self-care activity	957	1,218	1,102	1,218
Females aged 80 and over who need help with at least one self-care activity	2,646	3,087	3,822	4,214
Total population aged 65 and over who need help with at least one self-care activity	9,163	10,308	11,767	13,051

Figures may not sum due to rounding. Source: <http://www.poppi.org.uk> Office of National Statistics Crown copyright 2018

Tasks include: Activities of Daily Living (ADLs) are activities relating to personal care and mobility about the home that are basic to daily living: Having a bath or shower, using the toilet, getting up and down stairs, getting around indoors, dressing or undressing, getting in and out of bed, washing face and hands, eating, including cutting up food, and taking medicine

9.12 Mid-Sussex has a predicted rise in those aged over 65 that have dementia through the period 2020 to 2035 of around 53%, compared with around 51% increase across England as a whole over the same period. Table Twelve shows

throughout all age cohorts there is predicted to be an increase in those with dementia, with more significant increases shown in the older age cohorts. This overall increase is likely to have an impact on the type of accommodation and care services required to meet this potential demand.

**Table Twelve          People aged 65 and over predicted to have dementia, by age and gender, projected to 2035 – Mid-Sussex**

	<b>2020</b>	<b>2025</b>	<b>2030</b>	<b>2035</b>
People aged 65-69 predicted to have dementia	132	144	169	175
People aged 70-74 predicted to have dementia	259	232	253	299
People aged 75-79 predicted to have dementia	366	463	426	468
People aged 80-84 predicted to have dementia	477	598	764	708
People aged 85-89 predicted to have dementia	560	615	757	989
People aged 90 and over predicted to have dementia	625	707	825	1,061
Total population aged 65 and over predicted to have dementia	2,419	2,759	3,193	3,699

Figures may not sum due to rounding. Source: <http://www.poppi.org.uk> Crown copyright 2018

## **Section summary**

9.13 The total number of those in Mid-Sussex 65 years of age and over who cannot manage at least one mobility activity is estimated at 6,033, rising by 48% to 8,954 by 2035.

9.14 There are projected to be more than 6,000 people 65 years of age and over living in Mid-Sussex who live alone. This number is expected to rise to approaching 9,400 by 2035.

9.15 The number of those 65 years of age and over in Mid-Sussex living with a depressive illness is estimated to be 2,730 in 2020, rising to 3,729 by 2035, an increase of around 36%.

9.16 Between 2020 and 2035 the number of those 65 years of age and over in Mid-Sussex experiencing difficulties with domestic tasks is projected to increase by around 43%, a total of 3,985 additional older people with needs that require support.

9.17 Those 65 years of age and over living with a long-term limiting illness that affects their ability to deal with the activities of day-to-day living a lot are estimated at 4,901 in 2020, rising to 7,248 by 2035.

9.18 The number of those 65 years of age and over in Mid-Sussex who will be unable to manage at least one personal care task will increase by about 42% from 9,163 in 2020 to around 13,051 by 2035.

9.19 Mid-Sussex has a predicted rise in those aged over 65 that have dementia through the period 2020 to 2035 of around 53%, compared with around 48% increase across England as a whole over the same period.

9.20 A failure to manage many of these domestic and personal care tasks often persuades older people, or their relatives, of the need to move to a high care setting when their needs would be better met in specialised accommodation, such as that proposed in this application.

9.21 The development proposed for Aldbourne, will provide an environment within which the risks arising from some of these functional difficulties may be mitigated and their detrimental impact on the capacity for independence reduced. Such developments offer a positive and affirming context for maintaining an active, engaged and independent lifestyle in old age.

## 10 The tenure profile of the older population

10.1 Next to demographic trends toward an ageing of society the most significant factor shaping the future of provision for older people is the shift in tenure pattern. Owner-occupation has become the tenure of the majority of older people.

10.2 Traditionally local authorities have been primarily focused on the provision of social rented housing. Although the past two decades have seen a shift away from direct provision by local authorities concerns for this sector have tended to dominate thinking and resources.

10.3 There has been an implicit assumption that older people who are homeowners can, through the deployment of the equity represented by their current home, make provision themselves for their accommodation in old age.

10.4 Table Thirteen demonstrates the high levels of owner occupation now to be found among older people in Mid-Sussex. In those approaching old age and in early old age less than one fifth are in tenures other than home ownership.

10.5 The fall in ownership in the older cohorts is explained partly through inheritance: when these people were younger home ownership was not at its current level of prevalence, and partly that homeowners in these cohorts who have needed to find specialist accommodation and care have not had options available to them that allowed them to maintain their tenure.

**Table Thirteen      Proportion of population by age cohort and by tenure, year 2011 – Mid-Sussex**

	<b>People aged 65-74</b>	<b>People aged 75-84</b>	<b>People aged 85 and over</b>
Owned	84.99%	84.03%	75.77%
Rented from council	0.44%	0.64%	0.60%
Other social rented	8.90%	10.40%	16.18%
Private rented or living rent free	5.68%	4.94%	7.45%

Figures may not sum due to rounding. . Office of National Statistics Crown copyright 2016

10.6 For Mid-Sussex the proportions for home ownership among older people are above those for the country as a whole. Table Twelve gives the average levels for England. The difference to the national figures is maintained across the cohorts and is still above four fifths of the population in the seventy five to eighty-four age group, a key cohort in relation to moving from general needs to specialised housing.

**Table Fourteen      Proportion of population aged 65 and over by age and tenure, i.e., owned, rented from council, other social rented, private rented or living rent free, year 2011 – England**

	<b>People aged 65-74</b>	<b>People aged 75-84</b>	<b>People aged 85 and over</b>
Owned	76.34%	74.84%	68.20%
Rented from council	9.54%	10.42%	11.99%
Other social rented	7.75%	8.79%	11.66%
Private rented or living rent free	6.36%	5.95%	8.14%

Figures may not sum due to rounding. . Office of National Statistics Crown copyright 2018

10.7 The overwhelming tenure of choice for older people in Mid-Sussex is home ownership, a tenure the majority will wish to maintain in accommodation and care facilities available to them in that tenure.

### **Section Summary**

10.8 Mid-Sussex sits significantly above the national trend toward owner-occupation as the dominant tenure for older people. Levels of owner-occupation among older people in Mid-Sussex are high at nearly 85% for those between 65 and 74 years of age. In the oldest age-group the level of home ownership may be depressed by lack of options for owner-occupation in specialised accommodation but remains significant at around 76%.

10.9 The development proposed by Retirement Villages at Albourne, Mid-Sussex, will make a substantial contribution in responding to the needs and aspirations of older owner-occupiers within the area.



## **11 The current supply of specialised accommodation for older people**

11.1 Mid-Sussex has a supply of specialist accommodation provided for older people in sheltered housing for rent below the national average in relation to the total older population of the district. The supply of retirement housing for leasehold sale is above the national average but this supply is far from proportionate to the tenure profile of older people in the area. These proportions, measured against the total older population and set out in Table Fifteen, obscure significant under-supply to respond to the levels of owner-occupation among older people in Mid-Sussex.

11.2 Taking the various forms of sheltered and retirement housing offered either to rent or to buy there appear to be currently approximately 1,887 units of accommodation. To achieve comparability this supply has been expressed as a ratio to the size of the population of older people in the borough.

11.3 Various thresholds have been used but that which is generally recognised as having the greatest relevance is that for the number of people seventy-five years of age or older. There are around 122.28 units in any tenure per thousand of the population in this age category in Mid-Sussex.

11.4 This compares with benchmark figures derived from the data base of the Elderly Accommodation Counsel, which is the source relied upon by the Department for Communities and Local Government. These provide a national average ratio of provision of 118.4 per thousand of those 75 years of age and over.

11.5 There is a very marked disparity in the availability of specialised housing for older homeowners compared with the supply available to older people in other tenures.

11.6 With 915 units of retirement housing for sale for a population of home owners of seventy five years of age or more of approximately 12,557 the ratio of provision for retirement housing for sale per thousand is 72.87.<sup>54</sup>

11.7 The comparative ratio per thousand for those seventy five years of age or more who are in rented tenures is 338.08 (972 units for approximately 2,875 persons seventy five years of age or more in tenures other than home ownership).

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<sup>54</sup> Among persons 75-84: 10,464 persons, 84.03% are home owners + persons 85+: 4,968 persons, 75.77% are home owners = 12,557 home owners 75+. Note also that supply figure includes Extra Care Housing

11.8 This suggests that the current rate of provision favours those in tenures other than home ownership with more than four times as many units available to them in sheltered, retirement and Extra Care housing than are currently available for their peers who are home owners.

11.9 It is clear from the levels of home ownership in succeeding cohorts that the level of those in old age who are homeowners will continue to rise. The majority of those entering old age as homeowners wish to maintain that tenure and there are sound economic arguments for the individual and for the public purse to support that.

11.10 To enable older people to exercise that choice, to address the disparity in opportunity to access specialist housing to meet the needs of older people for specialist accommodation, and to encourage older people to make a capital investment in their accommodation in old age the local authority needs to facilitate increased leasehold provision of suitable accommodation.

**Table Fifteen                      Provision of place for older people in Mid-Sussex  
2020**

	Number of units/places	Per 1,000 of the population 75 years and over (15,432)
Age Exclusive housing to rent	89	5.77
Sheltered Housing to rent	755	48.92
Enhanced Sheltered Housing to rent	42	2.72
Extra Care Housing to rent	86	5.57
Total housing to rent - all types	972	62.98
Age Exclusive for leasehold	67	4.34
Retirement Housing for leasehold	729	47.24
Enhanced Retirement Housing for leasehold	63	4.08
Extracare Housing for leasehold	56	3.63
Total Housing for Leasehold - all types	915	59.29
Total Sheltered / Retirement - all tenures	1,887	122.28
Registered Care places offering personal care	501	32.46
Registered Care places offering nursing care	1,089	70.57

(Source: Contact Consulting from EAC database)

11.11 Places in Registered Care Homes offering personal care per thousand in Mid-Sussex are significantly below the average level of provision for England, with 501 beds, 32.46 per thousand of the population seventy-five years of age and over, compared with the average for England of 45.86.

11.12 In Registered Care Homes offering nursing care the ratio of places to population is significantly above the average for England (70.57 per thousand 75 years of age or over compared with the national average of 45.0).

11.13 Various Planning Approvals granted over recent years have been identified but most of these have yet to be built out. We comment further on these pipeline schemes in the following section

11.14 Table Sixteen provides the reference ratios for England drawn from the Elderly Accommodation Counsel Database, the source used by the Department for Communities and Local Government and the Department of Health.

**Table Sixteen**                      **Provision of places for older people in England**

Categories of provision	Number	Ratio of provision per 1,000 persons 75 years of age and over
Sheltered housing for rent	351,935	80.4
Retirement Housing for leasehold sale	111,074	25.37
All Sheltered / Retirement Housing	463,009	105.77
Extra Care Housing for Rent	43,293	9.89
Extra Care Housing for leasehold sale	12,004	2.74
All Extra Care Housing	55,297	12.63
Registered Care Home beds offering Personal Care	200,769	45.86
Registered Care Home beds offering Nursing Care	196,988	45.00

(Source: EAC Database, Re-formatted by Contact Consulting)

11.15 Annex Two sets out the details of the sheltered housing schemes, retirement housing and Registered Care Homes identified within Mid-Sussex.

## **Section summary**

11.16 Taking tenures together and comparing with the whole population of older people it would appear that levels of provision of specialised housing for older people are above national averages.

11.17 The provision of leasehold retirement housing is far short of requirements to achieve equity of options between tenures. For those older people who are owner-occupiers the ratio of provision for retirement housing for sale per thousand is 72.87. Whilst for those older people who are renters the comparable ratio per thousand is 338.08. Expressed in this way, as a standardised ratio, it is clear that older homeowners in Mid-Sussex are very significantly disadvantaged in securing the specialised accommodation they need.

11.18 There is a substantial deficit in the provision of Extra Care units that would provide appropriate and attractive options for older people in all tenures and more nearly match the policy imperatives articulated by national government and by the Welfare Authority.

11.19 The provision of a more adequate supply of Extra Care housing for homeowners to purchase on long-lease will provide an environment of choice in which independence can be sustained. This development, proposed by Retirement Villages for Albourne, Mid-Sussex, makes a substantial contribution toward the provision of a more adequate level of provision for older homeowners looking for an environment in which their changing needs can be met.

## **12 The future pattern of provision to which this development contributes**

12.1 The current pattern of provision in Mid-Sussex, as in the rest of the country, has developed not in response to assessed need but rather in response to short-term demand and provider perceptions of what will be popular and fundable.

12.2 Moving to a pattern with a more rational base that seeks to place individual elements of provision within a wider context inevitably appears threatening to some. In seeking to look forward and to encourage a shift from the current pattern to one which offers a range of options to older people and is reflective of key characteristics of the older population it will be important to take into account a number of factors:

- The demand for older rented conventional sheltered housing is likely to decline.
- The suitability of the older stock for letting will become increasingly problematic.
- The potential for leasehold retirement housing will continue to grow.
- Extra Care housing should be provided for sale and rent.
- Provision of Registered Care both for Personal and Nursing Care will need to be distributed so that it is more nearly matched to need within local populations.
- The challenges of maintaining viability in smaller Registered Care Homes will continue to drive change in provision with an increase in larger, purpose-built developments.

12.3 In the publication “Housing in Later Life”<sup>55</sup> we updated the guidance that we originally prepared for the publication “More Choice Greater Voice” for the Department for Communities and Local Government and the Care Services Partnership (CSIP) at the Department of Health. The “More Choice: Greater Voice” model assumed that a “norm” for conventional sheltered housing to rent would be around 50 units per 1,000 of the population over 75 years of age and around 75 units per 1,000 of leasehold retirement housing. This deliberately inverted the current levels of provision in most places but in doing so sought to reflect the rapidly changing tenure balance.

12.4 Although we believe the stock of rented sheltered housing will continue to decline as the older stock becomes increasingly hard to let, the rate of its reduction may be rather slower than predicted as a consequence of the scarcity of capital funding to carry out re-provision. The same factors will inhibit the development of the general rented stock and the desire to release under-

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<sup>55</sup> Housing in later life – planning ahead for specialist housing for older people, December 2012, National Housing Federation and the Housing Learning and Improvement Network.

occupied housing by transfer into sheltered housing will have a greater priority, sustaining demand for the rented sheltered stock.

12.5 Demand for leasehold retirement housing has grown and we therefore revised upward our targets for leasehold retirement housing, especially in areas where owner-occupation levels among older people are high and property values facilitate the move to such accommodation.

12.6 When we framed our targets in late 2007/ early 2008 Extra Care Housing was still little known, in many areas there were no developments at all and the initial targets reflected the difficulty of bringing forward developments on a model that was unfamiliar to many professionals and virtually unknown to the general public. The Department of Health and Homes and Communities Agency capital investment programmes have accelerated the rate of Extra Care Housing developments and the increasing number of commercially developed retirement Villages and Continuing Care Retirement Communities, especially across the South of England have made the concept much better known.

12.7 The targets offered for Extra Care provision in the 2008 publication were very much a “toe in the water” at a time when it was still difficult to judge the acceptability of the model to older people or to those who advised them. That situation had changed by 2012 and we proposed not only an increased target overall but a shift in the tenure balance to reflect the increasing recognition of the needs of older home owners for Extra Care style options.

12.8 The continuing drive among Adult Social Care authorities to shift from policies that rely heavily on Registered Care homes toward Extra Care Housing solutions also shifts the balance and supports an increase in targets either side of this divide.

12.9 When analysed in relation to the proportion of older people in the district who are owner-occupiers there is a marked under-supply of retirement housing offered on a leasehold basis. The Council has a role in encouraging the identification of sites, in influencing the style of provision and through the Local Development planning process to facilitate an increase in this provision.

12.10 It is widely recognised that a proportion of the conventional sheltered housing stock for rent does not meet current standards for space and facilities. Some of the stock will find other uses but some will need to be de-commissioned.

12.11 Extra Care Housing offers the possibility of housing a balanced community of people with relatively limited care needs through to those who might otherwise be living in residential care. Our modelling suggests provision of around 694 units of Extra Care in total, divided between rented (about one third) and leasehold and shared ownership tenures (about two thirds) will be required in the short to medium term.

12.12 Table Seventeen summarises the current levels of provision and the adjustments that may be indicated to bring them to the levels that some would see as a benchmark for the future. How much specialised accommodation may be needed in total? Previous estimates of the requirements for sheltered housing tended to look mainly at the need for social rented provision, rather than at the overall potential demand. The targets presented by the Local Authority follow that pattern.

12.13 The emergence of owner-occupation as a significant factor in old age has shifted the balance between estimates of need and response to demand. The benefits of providing more leasehold retirement housing, for example, may be as much in its effect in releasing family sized accommodation into the market as in meeting the particular needs of those who move into it.

12.14 The adoption of particular “norms” is inevitably a matter of judgement and the outcomes may be moderated to take account of the rate of change that would be required to meet them.

**Table Seventeen Indicative levels of provision of various forms of accommodation for older people in, Mid-Sussex at 2020 population numbers**

		Current provision	Current provision per 1,000 of Population 75+	Increase or decrease	Resulting number of units	Provision per 1,000 of Population 75+ (15,432)
Conventional sheltered housing and Age Exclusive housing for social renters		844	54.69	+82	926	60
Leasehold and Market Rent Retirement and Age Exclusive housing		796	51.58	+1,056	1,852	120
Enhanced sheltered / retirement housing	For rent	42	2.72	+112	154	10
	For sale	63	4.08	+91	154	10
Extracare housing	For rent	86	5.57	+145	231	15
	For sale	56	3.63	+407	463	30

12.15 The growth in the older population will continue to the end of the Local Plan period and beyond. Focusing simply on the needs of those older people in who are home owners and wish to maintain their tenure of choice when moving to Extra Care we project in Table Eighteen the requirement forward to 2025,

2030 and 2035. We have factored in those “pipeline” developments that are relevant<sup>56</sup>; that is to say, excluding those that provide categories of accommodation other than Extra Care. Only three may properly be considered as comparable to the development proposed for Albourne and these are all to be provided on the basis of social rent. There are no approved proposals that will address the substantial and growing deficit in Extra Care units offered for sale to older home owners.

**Table Eighteen      Indicative levels of provision of Extra Care units for older people in, Mid-Sussex against current and pipeline supply at 2025, 2030 and 2035**

Extra Care Units	Current provision	With addition of approved schemes <sup>57</sup>	Indicative need 2025 (Deficit)	Indicative need 2030 (Deficit)	Indicative need 2035 (Deficit)	Provision per 1,000 of Population 75+ <sup>58</sup>
Social Rent	86	218	281 (-63)	313 (-95)	347 (-129)	15
Leasehold and Market rent	56	56	562 (-506)	626 (-570)	694 (-638)	30

12.16 It is clear that without the encouragement of developments such as that proposed for Albourne the deficit in provision will increase and the inequity as between tenures will widen as the population of older people grows.

<sup>56</sup> Pipeline comprises:

1. Homes England, Burgess Hill. Proposes **60 extra care units**, all affordable. Ref: DM/18/5114, approved, decision dated 4 October 2019.
2. Eldon Housing Association, East Grinstead. Proposes **48 extra care units**, all affordable in place of 22 sheltered units (affordable, part of current supply). Ref: DM/17/1521, approved, decision dated 6 December 2018.
3. Abbeyfield Society, Horsted Keynes. Proposes **24 extra care units** all affordable, in place of 16 enhanced sheltered units (affordable, part of current supply). Ref: DM/17/1262, approved, decision dated 23 April 2018.
4. Moat Homes, East Grinstead. Proposes **35 retirement living apartments** (classified here as age exclusive) for older people of which 11 affordable (rented) as per 106. Ref: DM/18/1762, approved, decision dated 4 February 2019.

<sup>57</sup> This assumes that all approved schemes are built out in a timely fashion and prove, in operation, to meet the criteria for Extra Care.

<sup>58</sup> 2025 = 18,730 persons 75+, 2030 = 20,871 persons 75+, 2035 = 23,151 persons 75+



## **Section Summary**

12.17 The growth of Extra Care Housing schemes is at the forefront of national and local policy. What has been achieved so far is far short of what is required, perpetuates an undesirable reliance upon Institutional Care and is tipped against the prevailing tenure balance within the population of older people

12.18 On our modelling there is still a shortfall of around 552 Extra Care units to meet current needs in the District with the major deficit being in the provision of options for older home owners.

12.19 The most pressing priority, driven by demography, need, tenure, policy imperatives and issues of equality is to increase the availability of specialised accommodation for older homeowners. The development proposed for Albourne, makes a significant contribution to meeting that priority.

## **Appendix One Explanation of terms used in this report**

This report uses terms which are commonly understood among those working in the field of housing and care for older people but may not be so readily comprehensible by those working in other disciplines. Whilst not exhaustive this section seeks to explain the meaning and usage on this document, of some of those terms:

**Sheltered housing** is a form of housing intended for older people that first emerged in the 1950s and was developed in volume through the 1960s and 1970s. In this period it was developed in one of two styles: “Category Two” Sheltered Housing consisted of flats and/or bungalows with enclosed access, a communal lounge and some other limited communal facilities such as a shared laundry and a guest room. Support was provided by one or more “wardens” who were normally resident on site. “Category One” Sheltered Housing has many of the same features but might not have enclosed access, might have more limited communal facilities and would not normally have a resident warden. In current practice these models have merged and the service models for delivery of support are in flux. This provision has generally been made by Housing Associations and Local Authorities.

**Retirement Housing** is a term widely adopted to describe Sheltered Housing, similar in built form and service pattern to Category Two Sheltered Housing described above but offered for sale, generally on a long lease, typically ninety-nine or one hundred and twenty-five years. This provision has generally been made both by Housing Associations (often through specialist subsidiaries) and commercial organisations.

**Very sheltered housing** is a term now largely disappearing from use that was used first in the mid to late 1980s to describe sheltered schemes that sought to offer some access to care services and some additional social and care facilities.

**Enhanced sheltered housing** is the term that has largely succeeded to Very Sheltered Housing to describe sheltered housing that provides more in facilities and services than traditional sheltered housing but does not offer the full range of facilities, services and activities to be found in an Extra Care Housing Scheme.

**Extra Care Housing** is the term used for a complex of specialised housing for older people that provides a range of “lifestyle” facilities for social, cultural, educational and recreational activities, in addition to services that provide care in a style that can respond flexibly to increasing need whilst helping the individual to retain their place within their existing community. In most Extra Care Housing schemes people enter their unit of accommodation and the care services they receive are delivered into that unit as their needs increase. This is generally referred to as the “integrated model” of Extra Care.

**Continuing Care Retirement Community** is a variant of the Extra Care Housing model but one in which higher levels of care are generally delivered by transfer within the scheme from an independent living unit in which low to moderate care is delivered into a specialist unit or care home. This pattern is often referred to as the “campus” model of Extra Care.

**Registered Care Home** is the form of institutional provision that in the past would have been referred to as either a “Residential Care Home” or a “Nursing Home”. All are now referred to as “Registered Care Homes” and differentiated as either “Registered Care Home providing personal care” or as a “Registered Care Home providing nursing care”.

## Appendix Two Specialist Accommodation for Older People in Mid-Sussex.

Originally sourced from the Elderly Accommodation Counsel Database and checked for up-dating against that database on 01.02.2020

*F = Flat B = Bungalow C = Cottage*

*Date of Construction/Major upgrade (Where given)*

### Age exclusive housing to rent

Name of scheme	Address	Manager	Number of units
Applewalk 1991	Upper St John's Road, Burgess Hill, West Sussex, RH15 8HF	Hyde Group	6 (F)
Butlers Green Road	Haywards Heath, RH16 4AH	James Bradford Almshouses Trust	6 (C)
Drovers	The Street, Bolney, Haywards Heath, RH17 5PT	Bolney Housing Association	14 (F)
Filmer House	53 Haywards Road, Haywards Heath, West Sussex, RH16 4JB	Stonewater	8 (F)
Little Cranfield Court	18 Park Road, East Grinstead, West Sussex, RH19 1BQ	Southern Housing Group	6 (F)
Soames Court 1979	Fairfield Road, Burgess Hill, West Sussex, RH15 8QS	Anchor	16 (F)
St Christopher's Home 1898/1980	12 Cuckfield Road, Hurstpierpoint, Hassocks, West Sussex, BN6 9SA	St Christopher's Home for the aged	8 (F)
St Julian	Cranston Road, East Grinstead, West Sussex, RH19 3HW	Reigate Quaker Housing Association	7 (F)
Wigmore House	Keymer Road, Burgess Hill, West Sussex, RH15 0AH	Stonewater	12 (F)
Wynstay	Stockcroft Road, Balcombe, West Sussex, RH17 6LQ	Reigate Quaker Housing Association	6 (F)
<b>Total</b>			<b>89</b>

### Sheltered housing to rent

Name of scheme	Address	Manager	Number of units
Auchinleck Court 1979	Burleigh Way, Crawley Down, Crawley, West Sussex, RH10 4UP	Housing & Care 21	26 (F)
Bridge Close 1982	Burgess Hill, West Sussex, RH15 8PD	Clarion Housing	5 (B)
Brookside 1985	Brook Avenue, Hassocks, West Sussex, BN6 8LQ	Clarion Housing	30 (F)
Charles Bennett Court 1990	Reed Pond Walk, Franklands Village, Haywards Heath, West Sussex, RH16 3SS	Hanover	31 (F & C)
Cleavelands 1983	18 Lodge Lane, Keymer , Hassocks, West Sussex, BN6 8NA	Hassocks Housing Society Ltd	14 (F)
Colmer Court 1970	Livingstone Road, Burgess Hill, West Sussex, RH15 8QR	Clarion Housing	35 (F & B)
Elm Court 1985	West View Gardens, East Grinstead, West Sussex, RH19 4ES	Home Prime	28 (F)
Gravett Court 1982	Station Road, Burgess Hill, West Sussex, RH15 9ER	Clarion Housing	18 (F)
Hanover Court 1975	Amberley Close, Haywards Heath, West Sussex, RH16 4AX	Hanover	24 (F & B)
Lawnswood 1990	Upper St John's Road, Burgess Hill, West Sussex, RH15 8HE	Hyde Group	9 (F)
Lingfield Lodge	London Road, East Grinstead, West Sussex, RH19 1PG	East Grinstead Housing Society	22 (F)
Mayflower Court 1965	New England Road, Haywards Heath, West Sussex, RH16	Clarion Housing	29 (F)

	3JP		
Mill Hill Close 1967	Haywards Heath, West Sussex, RH16 1NY	Hanover	28 (F)
Noah's Court 1993	Mount Lane, Turners Hill, Crawley, West Sussex, RH10 4RE	Clarion Housing	26 (F & B)
Oaklee 1975	Compton Road, Lindfield, Haywards Heath, West Sussex, RH16 2PF	Clarion Housing	22 (F)
Oakwood 1980	Amberley Close, Haywards Heath, West Sussex, RH16 4BZ	Sussex Housing & Care	52 (F)
Old Park Close 1948/1997	Broad Street, Cuckfield, West Sussex, RH17 5DR	Sussex Housing & Care	22 (F)
Prescott Gardens 1988	Upper St John's Road, Burgess Hill, West Sussex, RH15 8HD	Hyde Group	10 (F & B)
Priceholme	Munnion Road, Ardingly, Haywards Heath, West Sussex, RH17 6RU	Priceholme	22 (F)
Ribbetts House 1978	Trinity Road, Hurstpierpoint, Hassocks, West Sussex, BN6 9XE	Clarion Housing	34 (F)
Sackville College 1609(!)	Church Lane, High Street, East Grinstead, West Sussex, RH19 3BX	Sackville College	14 (F)
Shands 1965/1985	Windmill Avenue, Hassocks, West Sussex, BN6 8LL	Clarion Housing	13 (F)
Sheddingdean Court 1982	Packham Way, Burgess Hill, West Sussex, RH15 8PZ	Clarion Housing	34 (F)
Spring Copse 1972	The Weald, East Grinstead, West Sussex, RH19 3HF	Clarion Housing	39 (F)
St Wilfrid's Court 1981	Church Road, Haywards Heath, West Sussex, RH16	Family Mosaic	30 (F)

	3QQ		
The Gables 1992	Common Road, Cophorne, Crawley, West Sussex, RH10 3NA	Clarion Housing	24 (F)
The Heights	Church Road, Haywards Heath, West Sussex, RH16 3PB	Hanover	17 (F)
Wareland House	Railway Approach East Grinstead RH19 1BS	Clarion Housing	22 (F)
Tower Court & Moat Road 1970	Moat Road, East Grinstead, West Sussex, RH19 3NL	Clarion Housing	19 (F)
Whittington College	London Road, Felbridge, East Grinstead, West Sussex, RH19 2QU	The Mercers' Company	56 (F & B)
<b>Total</b>			<b>755</b>

#### **Enhanced Sheltered housing to rent**

Name of scheme	Address	Manager	Number of units
Joan Nightingale House 1972	Bolnore Road, Haywards Heath, West Sussex, RH16 4AB	Eldon Housing Association Ltd	26 (F)
Westall House Bungalows 1958	Birch Grove Road, Horsted Keynes, Haywards Heath, West Sussex, RH17 7BS	Abbeyfield	16 (B)
<b>Total</b>			<b>42</b>

**Extra Care to rent**

Name of scheme	Address	Manager	Number of units
Arthur Bliss House 1998	Finches Gardens, Lindfield, Haywards Heath, West Sussex, RH16 2PD	Hanover	24 (F)
Marten House 1987	The Brow, Burgess Hill, West Sussex, RH15 9BS	Clarion Housing	37 (F)
Prescott House 2003	Upper St John's Road, Burgess Hill, West Sussex, RH15 8HB	Family Mosaic	25 (F)
<b>Total</b>			<b>86</b>



**Age exclusive housing for sale**

Name of scheme	Address	Manager	Number of units
Fleur de Lis Haywards Heath 2016	Bolnore Road, Haywards Heath, West Sussex, RH16 4BA	Renaissance Retirement	34 (F) Leasehold
St Johns Court	St Johns Road, Burgess Hill, West Sussex, RH15 8HA	FirstPort	12 (F) Leasehold
The Forge 1986	Windmill Platt, Handcross, West Sussex, RH17 6BS	Anchor	21 (F & B) Leasehold
<b>Total</b>			<b>67</b>

**Retirement housing for sale or Market Rent**

Name of scheme	Address	Manager	Number of units
Ashdown Gate 1987	London Road, East Grinstead, West Sussex, RH19 1FG	FirstPort	38 (F) Rent and Leasehold
Barnard Gate 1987	Balcombe Road, Haywards Heath, West Sussex, RH16 1PQ	Hanover	20 (F) Leasehold
Church Court 1985	Church Road, Haywards Heath, West Sussex, RH16 3UE	Home Group Ltd	32 (F) Leasehold
Clayton Court 2013	The Brow, Burgess Hill, West Sussex, RH15 9DB	McCarthy & Stone Management Services Ltd	46 (F) Leasehold
Clover Court 1988	Church Road, Haywards Heath, West Sussex, RH16 3UF	FirstPort	45 (F) Leasehold
Danny House 1596/1987	New Way Lane, Hurstpierpoint, Hassocks, West Sussex, BN6 9BB	Carol Browne & Richard Burrows	20 (F, B & C) Market Rent
Felwater Court 1986	Stream Park, Felbridge, East Grinstead, West Sussex, RH19 1QR	Anchor	21 (F & B) Leasehold

Fitzjohn Court 1989	66 Keymer Road, Hassocks, West Sussex, BN6 8QP	Fitzjohn Court Ltd	17 (F) Leasehold
Forest Lodge 1991	Portland Road, East Grinstead, West Sussex, RH19 4EZ	FirstPort	51 (F) Leasehold
Great House Court 1989	Fairfield Road, East Grinstead, West Sussex, RH19 4HE	Kingsdale Group	24 (F) Leasehold (Equity Share)
Harvest Close	Luxford Road, Lindfield, West Sussex, RH16 2LW	FirstPort	31 (F, B & C) Leasehold
Heath Court 1998	Heath Road, Haywards Heath, West Sussex, RH16 3AF	FirstPort	47 (F) Leasehold
Hurst Place 2016	Kleinwort Close, Butlers Green Road, Haywards Heath, West Sussex, RH16 4XH	Anchor	68 (F & C) Leasehold
McIndoe Lodge 2018	Garland Court, Garland Road, East Grinstead, West Sussex, RH19 1DN	Churchill Retirement Living	49 (F) Leasehold
Meadow Court 2005	St Agnes Road, East Grinstead, West Sussex, RH19 3GF	FirstPort	40 (F) Leasehold
Petlands Lodge 2016	Church Road, Haywards Heath, West Sussex, RH16 3NY	Churchill Retirement Living	43 (F) Leasehold
St James Court 2002	St James Road, East Grinstead, West Sussex, RH19 1DB	FirstPort	28 (F) Leasehold
St Nicholas Court 1984	Lindfield, Lindfield, West Sussex, RH16 2EY	FirstPort	15 (B) Leasehold
The Fallows 2012	Fairfield Road, East Grinstead, West Sussex, RH19 4QD	McCarthy & Stone Management Services Ltd	23 (F) Leasehold
The Glebe 1984	Trinity Road, Hurstpierpoint, West Sussex, BN6 9XG	Anchor	22 (F) Leasehold
Tower House & Close 1977	London Road, Cuckfield, West Sussex, RH17 5ES	Retirement Lease Housing Association	30 (F & C) Leasehold

Turnpike Court 2003	Hett Close, Ardingley, Haywards Heath, West Sussex, RH17 6GQ	Cognatum Estates	19 (F & C) Leasehold
<b>Total</b>			<b>729</b>

### Enhanced Retirement housing for sale

Name of scheme	Address	Manager	Number of units
Fairview Court 2003	Fairfield Road, East Grinstead, West Sussex, RH19 4HD	FirstPort	52 (F) Leasehold
Stildon Mews 2004	London Road, East Grinstead, West Sussex, RH19 1PZ	The Brendoncare Foundation	11 (F) Leasehold
<b>Total</b>			<b>63</b>

### Extra Care for sale

Name of scheme	Address	Manager	Number of units
Charters Village 2012	Felcourt Road, East Grinstead, West Sussex, RH19 2JG	Retirement Villages Ltd	NOTE <sup>59</sup>
Corbett Court 2013	The Brow, Burgess Hill, West Sussex, RH15 9DD	YourLife Management Services Ltd	56 (F) Leasehold
<b>Total</b>			<b>56</b>

<sup>59</sup> Although the postal address of this development is East Grinstead in fact it is located in the neighbouring District of Tandridge and the number of units provided have therefore been excluded from our calculation.

### Registered care homes providing personal care

Name of scheme	Address	Owner	Number of beds
Avon House	Stockcroft Road, Balcombe, Haywards Heath, West Sussex RH17 6LG	Mr N B & Mrs G Hazelden	19
Crossways Care Home	2 Sunte Avenue, Lindfield, Haywards Heath, West Sussex RH16 2AA	Mr A & Mrs M Shookhye	25
Edward House	86 Mill Road, Burgess Hill, West Sussex RH15 8DZ	Nicholas James Care Homes	22
Forest View	Southway, Burgess Hill, West Sussex RH15 9SU	Shaw Healthcare	60
Hilgay Care Home	Keymer Road, Burgess Hill, West Sussex RH15 0AL	Dr C & Mrs J Shearn	35
Littlefair Care Home	Warburton Close, East Grinstead, West Sussex RH19 3TX	Mr RCS & Mrs OL Kennedy	41
Oakwood Court	Amberley Close, Haywards Heath, West Sussex RH16 4BG	Sussex Housing & Care	33
Pelham House	London Road, Cuckfield, Haywards Heath, West Sussex RH17 5EU	Mr M & Mrs S Jeffries	26
Rookwood	26 Silverdale Road, Burgess Hill, West Sussex RH15 0EF	South Coast Nursing Homes Ltd	25
Silver Court	Halsford Lane, East Grinstead, West Sussex RH19 1PD	Anchor	42
St Anne's Franciscan Convent	92 Mill Road, Burgess Hill, West Sussex RH15 8EL	Franciscan Missionaries	19
Summerlands	Summerhill Lane, Haywards Heath, West Sussex RH16 1RW	Summerlands Care Ltd	31
Tripletrees	70 Ferndale Road, Burgess Hill, West Sussex RH15 0HD	Follett Care Ltd	28

Villa Adastra	79 79 Keymer Road, Hassocks, West Sussex BN6 8QH	The Salvation Army Housing Association	40
Walstead Place	Walstead, Lindfield, Haywards Heath, West Sussex RH16 2QG	Caring Homes Group	44
Westall House	Birch Grove Road, Horsted Keynes, West Sussex RH17 7BS	Abbeyfield	21
<b>Total</b>			<b>501</b>

#### Registered care homes providing nursing care

Name of scheme	Address	Owner	Number of beds
Acorn Lodge	Turners Hill Road, East Grinstead, West Sussex RH19 4LX	Acorn Health Care Ltd	40
Adelaide House	13 Oathall Road, Haywards Heath, West Sussex RH16 3EG	Ashton Healthcare Group Ltd	40
Aniska Lodge	Brighton Road, Warninglid, Haywards Heath, West Sussex RH17 5SU	Excel Care Homes	49
Ashton House Nursing Home	6 Bolnore Road, Haywards Heath, West Sussex RH16 4BX	Ashtonleigh Homes Ltd	91
Beech Hurst Nursing Home	Butlers Green Road, Haywards Heath, West Sussex RH16 4DA	Care UK	60
Belle Vue Country House	Warninglid Lane, Warninglid, Haywards Heath, West Sussex RH17 5TQ	Newcare Homes Ltd	41
Birchwood Grove	64 Sydney Road, Haywards Heath, West Sussex RH16 1QA	Ashton Care Homes Ltd	24

Charters Court Nursing & Residential Home	Charters Towers, Felcourt Road, East Grinstead, West Sussex RH19 2JG	Retirement Villages Ltd	NOTE <sup>60</sup>
Compton House	40 Compton Road, Lindfield, Haywards Heath, West Sussex RH16 2JZ	Lindfield Christian Care Home	27
Downlands Park Care Home	Isaacs Lane, Haywards Heath, Sussex RH16 4BQ	BUPA Care Homes	40
Eastridge Manor	Wineham Lane, Bolney, Haywards Heath, West Sussex RH17 5SD	South Coast Nursing Homes Ltd	53
Firgrove Nursing Home	Keymer Road, Burgess Hill, West Sussex RH15 0AL	Mr B & Mrs S Sloper	35
Francis Court	Borers Arms Road, Copthorne, West Sussex RH10 3LQ	Care UK	87
Knowle House Nursing Home	Lingfield Road, East Grinstead, West Sussex RH19 2EJ	RVJ Healthcare Ltd	35
Ladymead Nursing Home	Albourne Road, Hurstpierpoint, Hassocks, West Sussex BN6 9ES	Ladymead Care Home	27
Maplehurst Nursing Home	53 Oathall Road, Haywards Heath, West Sussex RH16 3EL	Woodcote Care Ltd	38
Mill View	Sunnyside Close, Dunnings Road, East Grinstead, West Sussex RH19 4QW	Care UK	70
Oaklodge Nursing Home	2 Silverdale Road, Burgess Hill, West Sussex RH15 0EF	Prime Care Group	25
Russetings Care Home	Mill Lane, Balcombe, Haywards Heath, West Sussex RH17 6NP	Russetings Care Ltd	45
St Mary's	St George's Park, Ditchling Road, Ditchling Common, Ditchling, East Sussex RH15 0SQ	Augustinian Care	60

<sup>60</sup> Although the postal address of this development is East Grinstead in fact it is located in the neighbouring District of Tandridge and the number of units provided have therefore been excluded from our calculation.

Stildon Brendoncare	Dorset Avenue, East Grinstead, West Sussex RH19 1PZ	The Brendoncare Foundation	32
Sussex Clinic	44-48 Shelley Road, Worthing, West Sussex BN11 4BX	Sussex Clinic Ltd (Mrs M Shoai)	40
The Goldbridge	3 Kleinwort Close Haywards Heath, West Sussex RH16 4XH	BUPA	64
Truscott Manor	Lewes Road, East Grinstead, West Sussex RH19 3SU	Frannan International Limited	41
Woodlands Nursing Home	23 Silverdale Road, Burgess Hill, West Sussex RH15 0ED	Mr S K Ratnasinkam	25
<b>Total</b>			<b>1,089</b>

## **Appendix Three: POPPI data sources**

### **Domestic tasks**

Instrumental Activities of Daily Living (IADLs) are activities which, while not fundamental to functioning, are important aspects of living independently: doing routine housework or laundry, shopping for food, getting out of the house and doing paperwork or paying bills.

For each task, participants aged 65 and over were asked whether they could carry out the activity on their own, or whether they needed help (i.e. manage on their own with difficulty, only do the activity with help, or could not do at all).

Figures are taken from the Health Survey for England 2016: Social care for older adults (2017) NHS Digital, Table 4: Summary of Activities of Daily Living (ADLs/IADLs) for which help was needed and received in the last month, 2011-2016, by age and sex.

The Health Survey for England 2016 is the latest in a series of surveys commissioned by NHS Digital and carried out by NatCen Social Research and University College London. The surveys are representative of adults and children in England, and are used to monitor the nation's health and health-related behaviours.

The prevalence rates have been applied to ONS population projections of the 65 and over population to give estimated numbers predicted to need help with at least one of the domestic tasks listed, to 2035.

### **Self-care**

Activities of Daily Living (ADLs) are activities relating to personal care and mobility about the home that are basic to daily living: Having a bath or shower, using the toilet, getting up and down stairs, getting around indoors, dressing or undressing, getting in and out of bed, washing face and hands, eating, including cutting up food and taking medicine.

For each task, participants aged 65 and over were asked whether they could carry out the activity on their own, or whether they needed help (i.e. manage on their own with difficulty, only do the activity with help, or could not do at all).

Figures are taken from the Health Survey for England 2016: Social care for older adults (2017) NHS Digital, Table 4: Summary of Activities of Daily Living (ADLs/IADLs) for which help was needed and received in the last month, 2011-2016, by age and sex.



The Health Survey for England 2016 is the latest in a series of surveys commissioned by NHS Digital and carried out by NatCen Social Research and University College London. The surveys are representative of adults and children in England, and are used to monitor the nation's health and health-related behaviours.

The prevalence rates have been applied to ONS population projections of the 65 and over population to give estimated numbers predicted to need help with at least one of the self-care tasks listed, to 2035.

### **Limiting long term illness**

People aged 65 and over with a limiting long-term illness, by age, projected to 2040.

Figures are taken from Office for National Statistics (ONS) 2011 Census, Long term health problem or disability by health by sex by age, reference DC3302EW.

Numbers have been calculated by applying percentages of people with a limiting long-term illness in 2011 to projected population figures.

### **Mobility**

People aged 65 and over unable to manage at least one mobility activity on their own, by age and gender, projected to 2040. Activities include: going out of doors and walking down the road; getting up and down stairs; getting around the house on the level; getting to the toilet; getting in and out of bed

Figures are taken from Living in Britain Survey (2001), table 29.

The prevalence rates have been applied to ONS population projections of the 65 and over population to give estimated numbers predicted to be unable to manage at least one of the mobility tasks listed, to 2040.

### **Dementia**

Figures are taken from Dementia UK: Update (2014) prepared by King's College London and the London School of Economics for the Alzheimer's Society. This report updates the Dementia UK (2007) report. It provides a synthesis of best available evidence for the current cost and prevalence of dementia. It aims to provide an accurate understanding of dementia prevalence and cost in the UK to assist in policy development, influencing, commissioning and service design.

The prevalence rates have been applied to ONS population projections of the 65 and over population to give estimated numbers of people predicted to have dementia to 2035.

To calculate the prevalence rates for the 90+ population, rates from the research for the 90-94 and 95+ age groups have been applied to the England population 2013 (when the research was undertaken) to calculate the numbers in each age group, the sum of these groups is then expressed as a percentage of the total 90+ population to establish the predicted prevalence of the 90+ population as a whole.

(Extracted from POPPI Database January 2020)

## **Appendix Four The author of this report:**

### **Nigel J W Appleton MA (Cantab)**

A4.1 Nigel Appleton is Executive Chairman of Contact Consulting (Oxford) Ltd, a consultancy and research practice I founded in 1995. The practice specialises in issues of health, housing and social care as they affect older people and people with particular needs. His particular area of interest and expertise is in relation to the accommodation and care needs of older people.

A4.2 Nigel contributed the section “Preparing the Evidence Base” to “Housing in later life – planning ahead for specialist housing for older people” (National Housing Federation and the Housing LIN, December 2012). This updated the comparable sections of my: “More Choice: Greater Voice – a toolkit for producing a strategy for accommodation with care for older people” (February 2008 for Communities and Local Government and the Care Services Improvement Partnership). He is also the author of “Connecting Housing to the Health and Social Care Agenda – a person centred approach” (September 2007 for CSIP).

A4.3 Among his other publications in the field of accommodation for older people is “Planning for the Needs of the Majority – the needs and aspirations of older people in general housing” and “Ready Steady, but not quite go – older homeowners and equity release”, both for the Joseph Rowntree Foundation. For the Change Agent Team at the Department of Health he wrote “An introduction to Extracare housing for commissioners” and “Achieving Success in Developing Extra Care housing” together with a number of briefing papers and studies in the area of sheltered housing and its variants.

A4.4 He has supported more than thirty local authorities in preparing their strategies for accommodation and care in response to the needs of an ageing population. With his team he conducted a number of detailed reviews of existing sheltered housing schemes for both local authority and not for profit providers.

A4.5 Nigel has provided evidence as an Expert Witness in a number of Planning Appeals, including most recently successful appeals at Sidmouth and Cobham, for Pegasus Life, West Malling and Lower Shiplake for Retirement Villages and Malpas for McCarthy & Stone.

A4.6 Prior to establishing his consultancy in 1995 he was Director of Anchor Housing Trust. Nigel served as a trustee of Help and Care, Bournemouth, and until December 2017 as a Governor and Chair of the Management Committee of Westminster College, Cambridge. He formerly served as Vice Chair of the Centre for Policy on Ageing and has been an honorary research fellow at the Centre for Urban and Regional Studies, Birmingham University. In the more distant past Nigel was a member of the Governing Body of Age Concern England and a Board Member of Fold Housing Group, Northern Ireland.

## **APPENDIX 5**

### **Need Assessment Update**

	Year	Units	
A.	<b>2014</b>	<b>210</b>	[CD 7.03, page 2, Current Needs table]
	of which:	154 for affordable / social rent 56 leasehold	
B.	<b>2020</b>	<b>142</b>	[NA Report (appended to his Proof), page 80 and 83]
	of which:	86 for affordable / social rent 56 leasehold	
	Difference:	<b>68</b>	
	of which:	68 for affordable / social rent 0 leasehold	
	Reconciliation:	22 affordable / social rent units lost with closure (and subsequent demolition) of Dart Court, RH19 3HE (Clarion Housing). 21 affordable / social rent units lost with closure (and subsequent demolition) of Packer Close, RH19 3EE (Clarion Housing). 25 affordable / social rent units following confirmation (in May 2015) that Peabody's Prescott House, RH15 8HB, provided 25 units and not the 50 previously notified. 68	
C.	Pipeline supply:	<b>132</b>	as detailed in NA Report (appended to his Proof), page 72, footnote 56
	of which:	132 for affordable / social rent 0 leasehold	(60 at Burgess Hill, 48 at East Grinstead, 24 at Horted Keynes)
D.	Current (2020) supply plus pipeline supply (B + C):	<b>274</b>	
	of which:	218 for affordable / social rent 56 leasehold	

Impact of the agreed supply statement on the respective (1. Council and 2. Apellant) Extra Care Need Assessments in 2020 and 2030<sup>1</sup>

1. SHOP @ [CD7.03] Estimated Future Need (page 3), supply adjusted <sup>2</sup>			
	Year	Need	Shortfall (need less B. 2020 supply)
	<b>2020</b>	<b>393</b>	<b>251</b>
	of which, 73%	287 for rent	201 for rent
	and 27%	106 leasehold	50 leasehold
	Year	Need	Shortfall (need less D. 2020 supply plus pipeline supply)
	<b>2030</b>	<b>543</b>	<b>269</b>
	of which, 73%	396 for rent	178 for rent
	and 27%	146 leasehold	90 leasehold

3. SHOP @ [CD7.03] Estimated Future Need (page 3), supply adjusted, tenure adjusted <sup>4</sup>			
	Year	Need	Shortfall (need less B. 2020 supply)
	<b>2020</b>	<b>393</b>	<b>251</b>
	of which, 33%	131 for rent	45 for rent
	and 67%	262 leasehold	206 leasehold
	Year	Need	Shortfall (need less D. 2020 supply plus pipeline supply)
	<b>2030</b>	<b>543</b>	<b>269</b>
	of which, 33%	181 for rent	-37 for rent
	and 67%	362 leasehold	306 leasehold

2. Nigel Appleton Assessment [NA Report, page 71, Table 17 and page 72, Table 18] <sup>3</sup>			
	Year	Need	Shortfall (need less B. 2020 supply)
	<b>2020</b>	<b>694</b>	<b>552</b>
	of which, 33%	231 for rent	145 for rent
	and 67%	463 leasehold	407 leasehold
	Year	Need	Shortfall (need less D. 2020 supply plus pipeline supply)
	<b>2030</b>	<b>939</b>	<b>665</b>
	of which, 33%	313 for rent	95 for rent
	and 67%	626 leasehold	570 leasehold

<sup>1</sup> The respective assessments use different start and end dates, however assessment for 2020 and 2030 are common to both and have been used to provide a fair comparison.

<sup>2</sup> The need figures are as presented in the SHOP@ report. The shortfall for 2020 is calculated by subtracting supply in 2020 (B.). Shortfall in 2030 is calculated by subtracting supply in 2020 plus pipeline supply (C.).

<sup>3</sup> Note that Mr Appleton's assessment, as presented at Table 17 and 18 of his report, is based on the current and pipeline supply identified at B. and C. above.

<sup>4</sup> To illustrate the effect of the tenure split advocated by Mr Appleton (and referenced on page 7 of CD7.03) this assessment assumes one third for rent and two thirds leasehold extra care provision.

## **APPENDIX 6**

### **Draft Site Allocation Policy**

<b>FORMER HAZELDENS NURSERY – ALBOURNE</b>	
<b>SHELAA:</b>	Ref 58
<b>Settlement:</b>	Albourne
<b>Gross Area:</b>	Approx 4.3ha
<b>Description:</b>	C2 Extra care housing development
<b>Current Use:</b>	Former nursery including residential dwelling
<b>Indicative Phasing:</b>	1-5yrs
<b>Objectives</b>	
<ul style="list-style-type: none"> <li>To deliver a high-quality landscape led and sustainable extra care development (Use Class C2) which meets the accommodation and care needs of older people, respects the character of the village and the adjacent countryside.</li> </ul>	
<b>Urban Design</b>	
<ul style="list-style-type: none"> <li>Provide specialist accommodation for older people, including a central building providing community facilities.</li> <li>Extra care units should comprise a range of building forms appropriate to the location.</li> <li>Provide for different character areas within the Site, responding to location and the Site characteristics.</li> <li>Building heights should respect the scale of surrounding development; the densest development should be positioned in the northern and eastern areas of the Site; and the central facilities building located adjacent to the northern boundary to contribute to the integration of the development with the wider settlement.</li> <li>Architectural style and materials to be reflective of those traditionally used in Albourne and other settlements in the area.</li> <li>Development to include demolition of the existing house on the Site.</li> </ul>	
<b>Landscape and Green Infrastructure</b>	
<ul style="list-style-type: none"> <li>Include native and locally characteristic species in all structural planting.</li> <li>Retention, reinforcement and management of vegetated boundaries.</li> <li>Reinforcement and extension of internal belts of vegetation, allowing for replacement of existing non-native species shelterbelt trees.</li> <li>Development will be set back from the Site boundaries to provide space for extension of existing structural vegetation whilst avoiding undue enclosure of visual amenity of proposed residents.</li> <li>Deliver a central multifunctional linear green space running through the Site from north to south to maintain a view corridor to the South Downs, including a framed view from the PROW flanking the northern boundary.</li> <li>Entrance green provided adjacent to the access into the Site, onto which a local shop will provide western frontage.</li> <li>Incorporate SuDS as an integral part of the green infrastructure enhancement.</li> </ul>	
<b>Social &amp; Community</b>	
<ul style="list-style-type: none"> <li>Central facilities building to include a small local shop to be accessible to the public.</li> <li>Provide publicly accessible electric car charging points.</li> </ul>	
<b>Historic Environment &amp; Cultural Heritage</b>	
<ul style="list-style-type: none"> <li>Central facilities building in the north of the Site will be set back from London Road.</li> <li>Development to the south of the Site access will be set behind a retained and reinforced landscaped boundary with the London Road.</li> <li>Enhanced landscape buffer to be provided adjacent to the boundary with Spurk Barn.</li> </ul>	
<b>Biodiversity</b>	
<ul style="list-style-type: none"> <li>Provide for wildlife mitigation and a range of ecological enhancement measures, including providing a greater range of habitats on site, such as a habitat pond at the entrance green and a habitat zone on the southern boundary.</li> <li>Incorporate SuDS as an integral part of the ecological enhancement measures.</li> </ul>	
<b>Highways &amp; Access</b>	
<ul style="list-style-type: none"> <li>Provide an upgraded priority junction onto London Road.</li> </ul>	

- Provide for a pedestrian footpath from the Site access to the north along the London Road connecting with the existing footpath to the north of the Brethren Hall entrance.
- Provide traffic calming measures to the London Road within the vicinity of the Site including providing a pedestrian refuge.
- Proposals to be supported by a Travel Plan, which incorporates measures to reduce reliance of residents and staff on use of the private car.

**Flood Risk & Drainage**

- Design a surface water drainage strategy to incorporate SuDs and to ensure that flood risk is not increased.
- Provide a site-specific FRA



## Site Allocations DPD: Regulation 19 Consultation Response

**Policy:** SA10

**ID:** 726

**Response Ref:** Reg19/726/3

**Respondent:** Ms S Heynes

**Organisation:** Cuckfield Parish Council

**On Behalf Of:**

**Category:** Town & Parish Council

**Appear at Examination?** ✓

**From:** Sam Heynes <Sam.Heynes@Cuckfield.gov.uk>  
**Sent:** 24 September 2020 15:24  
**To:** ldfconsultation  
**Subject:** MSDC Site Allocations Development Plan Response - Cuckfield Parish Council  
**Attachments:** CPC Objection Regulation 19 Site Allocations DPD.docx; Impact of proposed changes to the Cuckfield BUAB.docx

Good afternoon

Please find attached Cuckfield Parish Council's response to MSDC's Site Allocations DPD. Please advise if you have any queries regarding this.

Kind regards  
**Samantha Heynes**  
Parish Clerk  
Cuckfield Parish Council



01444 451610  
Out of hours mobile: 07932 444103  
[www.cuckfield.gov.uk](http://www.cuckfield.gov.uk)

Office Hours:  
Monday to Friday  
10am – 2.30pm

Cuckfield Parish Council, The Queen's Hall, High Street, Cuckfield, RH17 5EL

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# Regulation 19 Site Allocations Development Plan Document

## Objection on behalf of Cuckfield Parish Council to

- Policy SA10 - the Housing Supply in Table 2.3 (Windfall contribution and residual housing requirement)
- Policy SA11 – the principle of the additional Hanlye Lane housing allocation
- Policy SA23 – the capacity and detailed policy wording of the additional Hanlye Lane housing allocation
- Site Selection Paper 3 Appendix B - Housing site proformas

## Objection to Policy SA10 - Housing

Cuckfield Parish Council object to Policy SA10 as it is inconsistent with national policy and is not justified. Table 2.3 does not represent an appropriate strategy taking into account the evidence available.

## Underestimate Windfall Contribution

The planning system should be plan-led (NPPF paragraph 15). The Development Plan necessarily contains a combination of allocations and enabling development management policies. The NPPF (Para 68) states that to promote the development of a good mix of sites local planning authorities should support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes. By definition, the plan-led system enables development to take place away from housing allocations. Thus, the NPPF (Para 70) states that a realistic allowance for windfall contributions should be made alongside strategic allocations. Indeed, not to do so would result in an underestimate of the housing land supply during the Plan period with potential adverse impacts on infrastructure requirements/provision and the unnecessary loss of greenfield sites with all the potential associated environmental consequences. Thus, windfall sites form an important part of the anticipated housing supply and the Plan should include an up to date and realistic allowance for their contribution.

This Site Allocations Development Plan Document 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. It is unclear how the proper planning of sustainable development can be achieved for the plan period by postponing further amendment to the windfall allowance (and hence the residual housing requirement) until a District Plan Review as advocated by the District Council in their Windfall Study Update, July 2020 (Para 2.3).

This is in contrast to the adopted District Plan (Para 5.4) which states:

*Monitoring is an essential process to ensure the District Plan is meeting its strategic objectives...It is important that there are mechanisms in place for the Council to identify changing circumstances and take appropriate action if required.*

On the basis of continuing completions and strong windfall contributions, the stated residual housing requirement has clearly reduced significantly from 2,439 to 1,280 dwellings in just over two years from the adoption of the District Plan in March 2018 to the Submission Draft Site Allocations DPD, July 2020. The principle of adjusting the residual housing requirement in the Submission Draft Site Allocations DPD based on monitoring has thus been accepted by the District Council. As set out in the Council's own evidence and below, the windfall trends have and will continue to perform strongly and should be reflected in a more accurate residual housing requirement in the Site Allocations DPD.

The number of additional dwellings attributed to windfalls in the Regulation 19 Site Allocations DPD is inconsistent with evidence. The windfall contribution of 504 dwellings shown in Table 2.3 significantly under-represents the supply of housing which is likely to be derived from this source over the plan period.

#### *Inconsistent methodology*

The estimated 504 dwellings is derived from 6 years at an extremely cautious windfall rate of 84 dwellings per annum. In fact, 8 years of the plan period remain once the first 3 years (2020/21 – 2022/23) have been discounted to avoid double counting those sites already with planning permission.

The Windfall Study: 2015 (Table accompanying Para 7.14) shows that only the first 3 years were discounted in formulating the appropriate windfall contribution for the adopted District Plan. The Windfall Study Update 2020 cannot supersede or contradict this methodology as there is no justification for doing so. This inconsistency in methodology should be eradicated. The windfall rate should therefore be applied over a period of 8 years. Even if the cautious windfall contribution of 84 dwellings per annum is taken, this would result in a windfall contribution of 672 dwellings rather than the 504 dwellings currently shown in Policy SA10 Table 2.3.

However, the use of 84 dwellings is inappropriate for the following reasons:

#### *Underestimating the contribution from sites which are not previously developed land*

The Windfall Study 2020 – Para 3.1 acknowledges that since the adoption of the District Plan, the NPPF allows the inclusion of sites which are not previously developed land in counting the contribution of windfall sites.

The District Council's evidence (Windfall Study Update 2020 Table 2) shows that on average a total of 74 dwellings per annum would be derived from previously developed windfall sites of 1 – 9 dwellings net in the period 2014 – 20 (assuming the rate is discounted by 20%). A total windfall allowance is made in the Sites Allocation DPD of 84 dwellings per annum. At most this estimate may therefore incorporate an allowance of 10 dwellings per annum on sites not classified as previously developed land. The Windfall Study Update 2020 Table 1 shows an average of 139 dwellings per annum completed on windfall sites of 1 – 9 dwellings. As 106 dwellings per annum were completed on previously developed sites (Table 2), it follows that 33 dwellings per annum were derived from sites not classified as previously developed. To incorporate a maximum allowance of only 10 dwellings per annum

from this source when monitoring shows a regular supply of 33 dwellings per annum is to severely underestimate housing contributions from this source.

This is even more remarkable as the impact of adopted District Plan Policy DP6 has only had two monitoring years to take effect. The District Council argues that there is an exhaustive supply of land that is contiguous with built up boundaries, suitable for up to 9 dwellings and not proposed for allocation. However, any analysis of the built up boundaries of all 27 settlements listed in Settlement Categories 1 – 4 in the adopted District Plan shows that the supply is far from exhausted. Assessment of the SHELAA 2020 shows that there are a large number of greenfield sites which the Council themselves classify as relatively unconstrained and have a reasonable prospect of development within the plan period. Policy SA10 is designed to enable additional housing provision beyond the defined built up area – otherwise the policy would not have been included in the plan by the District Council.

Past trends of agricultural conversions, infill greenfield sites, garden land etc will be supplemented over the plan period by development enabled by Policy DP6. It is therefore simply not tenable for there to be such a small allowance for windfall development from sites which are not previously developed land over the plan period.

The NPPF (Para 70) states that any windfall allowance should be realistic having regard to the historic windfall delivery rates. As a minimum historic windfall delivery rates of 33 dwellings per annum should be added to the windfall contribution instead of the current 10 dwellings per annum in order to correct this anomaly. If a 20% reduction is applied to ensure a consistent methodology with other windfall contributions, an additional 16 dwellings per annum would be expected from small sites over the remaining 8 year period. Over the remainder of the plan period this would represent an increase of 128 dwellings. This would result in a total windfall contribution of 632 dwellings.

#### *Exclusion of windfall sites over 9 dwellings*

No allowance has been made for large windfall sites over 9 dwellings as these are all assumed to be allocated in the emerging plan. However, it is difficult to capture all land owners' intentions for the long term and, whilst every effort will have been made to identify and allocate suitable sites of over 9 dwellings, this is based on current known land owners' intentions. For this reason, many Councils include within their adopted plans a windfall allowance on large sites for at least the last part of the Plan period (eg 2024/25 – 2030/31) based on the average per annum.

The Windfall Study, 2015 shows an average delivery of 125 dwellings per annum on large previously developed windfall sites (2007 – 2014) (Figure 2). The Windfall Study Update 2020 (Table 3) shows that the average delivery has been maintained at 120 dwellings per annum over the period 2014 – 2020. There has therefore been a consistent contribution of at least 120 dwellings per annum from previously developed windfall sites of over 9 dwellings over a period of 13 years – reflecting varying economic cycles and plan status. The increase in permitted development which enable housing uses will generate further opportunities which generate over 9 dwellings (see *Changes in Permitted Development* – below).

The Windfall Study, 2015 states that there is no justification for additional windfall on large previously developed sites **in the short term** (Para 7.13). However, given consistent historic trends and unknown long term landowners intentions, there is a case for including a windfall allowance on sites over 9 dwellings for at least the latter part of the Plan period (eg 2026/27 – 2030/31).

At the average rate of 120 dwellings per annum this would generate an additional 600 dwellings. If this were to be reduced by 20% in common with the small scale allowance, this would amount to an additional 480 dwellings.

### *Changes to Permitted Development*

It is evident that the Government has increased the amount of housing development that can be achieved without the need for planning permission – such as through the use of offices. Through the Planning for the Future White Paper, Government has also signalled an intention to introduce further flexibilities in use by virtue of a new Use Classes Order and permitted development. For example, it may be appropriate for some areas to be identified as suitable for higher-density residential development where permission will be automatically deemed appropriate.

No evidence is available for the upward trend in windfall development that will result from changes to permitted development and the Use Classes Order. For this reason it is unrealistic to put a numerical value on the increase required to the windfall contribution from this future trend. Rather, this trend should indicate that the District Council's allowance of 84 dwellings per annum is far too cautious and may confidently be increased based on the numerical evidence which is available.

### *Conclusion*

The NPPF (Para 70) states that any windfall allowance should be realistic having regard to expected future trends.

There is already a precautionary reduction of 20% from all windfall completions and further underestimating, or eliminating, other contributions from other legitimate sources results in a 'double discount' and a severe underestimate of windfall contributions in Mid Sussex.

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.

## **Residual Housing Requirement from 2020**

The consequence of underestimating the windfall contribution is to overstate the residual housing requirement for the district by 608 dwellings. This has the effect of increasing the greenfield land requirement in the district by some 20 hectares (assuming an average density of 30dph).

Policy SA10 Table 2.3 of the Regulation 19 Site Allocations DPD shows the residual requirement as 1,280 dwellings after taking into account contributions from other commitments and windfall development. As the evidence-based windfall contribution should be increased by some 608 dwellings, this would have the effect of substantially reducing the residual housing requirement for the Regulation 19 Site Allocations DPD.

## **Allocations**

Regulation 19 Site Allocations DPD Policy SA10 (Table 2.3) shows the new Site Allocations with a capacity of 1,764 dwellings. The Policy already indicates a surplus of dwellings over need thus identifies sites with an excess capacity of 484 dwellings over the minimum requirement.

## **Conclusion**

Policy SA10 (Table 2.3) is inconsistent with the NPPF and has not been correctly based on the evidence available. This has serious consequences for selecting an appropriate strategy for the future provision of housing in Mid Sussex District.

The most obvious conclusion is that many more greenfield sites are allocated in the Draft Plan than are required. It is accepted that the dwelling requirement is expressed as a minimum but the District Council has inflated the number of housing allocations made in the plan by:

- underestimating windfall contributions by 608 dwellings
- providing excess capacity of 484 dwellings over the minimum requirement.

The number of sites allocated in the District Plan would be significantly reduced if either or both the contribution from windfall sites was not 'double discounted' or excess capacity were not to be provided.

This represents a reasonable alternative approach to plan-making within the District which has not been tested through the Sustainability Appraisal. Once tested, the strategy of underestimating windfall developments and over-allocating sites for housing is likely to be shown to lead to less sustainable development through the use of allocated greenfield sites with landscape, biodiversity and other constraints, often further from facilities than windfall sites.

It is clear that the windfall allowance shown in Policy SA10 and the consequent residual housing requirement (Table 2.3) is not in accordance with national policy and is not justified.

## Changes required to Policy SA10 of the Regulation 19 Site Allocations DPD

In order to ensure Policy SA10 (Table 2.3) is in accordance with national policy and is justified, the windfall contribution of 504 dwellings must be increased as follows:

	<b>Increase in windfall contribution required (dwellings)</b>	<b>Resultant amended Windfall Contribution in Policy SA10 (Table 2.3) (dwellings)</b>
a) Ensure a basic windfall contributions apply over 8 years (so avoiding double counting sites with planning permission) consistent with the District Plan	168	672
b) Include contribution from sites which are not previously developed land	128	632
c) Include contribution from windfall sites over 9 dwellings	480	984

The allowance for windfall development within Policy SA10 Housing (Table 2.3) should be increased by 608 dwellings to 1112 dwellings. This would have the effect of reducing the residual housing requirement to 672 dwellings and the greenfield land requirement by some 20 hectares (assuming an average density of 30dph).

The specific housing sites to be deleted from the Site Allocations DPD is for the District Council and independent Inspector to appraise but Cuckfield Parish Council would strongly support the deletion of Site 23 (Land at Hanlye Lane to the east of Ardingly Road, Cuckfield).

Policy SA10 Table 2.3 should be revised as follows:

**Table 2.3: Housing Supply**

<b>Category</b>	<b>Numbers of Dwellings</b>
District Plan minimum Requirement	16,390
Housing Completions (April 2014 to March 2020)	4,917
Total Housing Commitments (including sites with planning permission and allocations in made Neighbourhood Plans)	9,689
Windfall	1,112
<b>Residual Housing Requirement</b>	<b>672</b>



# **Policy SA11 - Additional Housing Allocations Land at Hanlye Lane East of Ardingly Road**

## **Objection**

Cuckfield Parish Council strongly object to Policy SA11 which allocates the site for 55 dwellings as it is not justified. The site allocation Land at Hanlye Lane East of Ardingly Road is not suitable for development.

## **Landscape**

The Site Selection Paper 3 Appendix B - Housing site proformas accepts that this site (479) has substantial landscape sensitivity. Evidence shows that the site is identified as part of an area of substantial landscape sensitivity and moderate landscape value (Cuckfield Landscape Character Assessment, Hankinson Duckett Associates, 2012). Policy CNP5 of the made Neighbourhood Plan states that a proposal for development will only be permitted where it would not have a detrimental impact on, and would enhance, areas identified in the Cuckfield Landscape Character Assessment as having substantial landscape sensitivity.

Although the Site Selection Paper 3 Appendix B states *'The site is remote from the High Weald AONB'* it abuts the designated AONB to the north.

The site also allows long views to the South Downs Policy which are protected by Policy CNP5 of the made Neighbourhood Plan.

Although not stated in the Site Selection Paper 3 Appendix B, the site includes TPOs and species-rich hedgerows.

The site clearly has substantial landscape sensitivity and, as a result, low capacity. Development of this site with 55 dwellings would have a detrimental impact on this sensitive landscape.

## **Principal Views**

One of the distinctive features of Cuckfield village is the visual connectivity with the surrounding countryside from public places. These distinctive views combine shorter uncluttered views of the more immediate setting of the village with views across the Low Weald to the South Downs National Park to the south.

*Views south from Hanlye Lane through the hedgerow, across open fields, towards a sweep of the South Downs, over 10km away*



*View south from footpath (numbers 17CU, 19b-cCU) off Longacre Crescent, across shorter uncluttered views to Ouse / Adur ridge and Warden Park school. The southern part of Cuckfield village can be seen nestling in the surrounding countryside with the South Downs framing the view in the distance.*



The made Cuckfield Neighbourhood Plan identifies the view from Hanlye Lane as one of the principal views in Cuckfield which should be maintained (View 5, Map 5). Policy CNP5 states that development should only be permitted where it would maintain the distinctive views of the surrounding countryside from public vantage points within, and adjacent to, the built up area, in particular those defined on Map 5. The construction of 55 dwellings on this site would not maintain one of the principal views of the village.

## **Biodiversity**

The site comprises semi-improved pasture fringed with, and dissected by, species rich hedgerows with mature trees. The site is also species rich with potential for the introduction of additional species.

The published Parish Housing Land Availability, 2019 records the following:

- 15 Red listed bird species
- 14 Amber list bird species
- 30 known species of butterfly (of which 5 are UK BAP species)
- 138 species of moth, including a number nationally scarce

The site is species rich with potential for the introduction of additional species.

The made Cuckfield Neighbourhood Plan Policy CNP 4 states that proposals should protect and enhance biodiversity by protecting species-rich hedgerows, grasslands and woodlands. There is a concern that development of 55 dwellings on this site would result in the loss of hedgerows and trees and would diminish the biodiversity of the site.

## **Conclusion**

For reasons of landscape, views and biodiversity, the inclusion of Land at Hanlye Lane East of Ardingly Road is not suitable for a housing allocation. The inclusion of this site within Policy SA11 is not justified.

## **Changes required to Policy SA11 of the Regulation 19 Site Allocations DPD**

Delete Land at Hanlye Lane, East of Ardingly Road, Cuckfield from Policy SA11.

# Policy SA23 - Land at Hanlye Lane to the east of Ardingly Road, Cuckfield

## Objection

The Parish Council objects in principle to the allocation of Land at Hanlye Lane East of Ardingly Road (Policy SA11).

Should the principle of developing this site be accepted, it is important that the detailed considerations expressed in Policy SA23 are correct. The Parish Council object to the detailed wording of Policy SA23. The landscape, ecology and features on this site are particularly sensitive to change and the site should not be expected to accommodate 55 dwellings.

## Urban Design Principles

### Landscape Considerations

The objective is to deliver a *'high quality, landscape led'* village extension which *'provides enhanced and accessible open space'* and *'respects... the setting of the High Weald AONB'* the boundary of which is immediately to the north of the site on the opposite side of Hamlye Road.

The Landscape Considerations section of the policy seeks to *'protect the rural character of Hanlye Lane and the approach to Cuckfield village by minimising the loss of the existing hedgerow and trees along the northern boundary'*.

The policy contains a significant number of other landscape constraints and requirements which must be satisfied:

- *Protect the rural character of Hanlye Lane and the approach to Cuckfield village by minimising the loss of the existing hedgerow and trees along the northern boundary.*
- *Sensitively design the layout to take account of the topography of the site, and views into and out of the site.*
- *The site contains a number of trees many with Tree Preservation Orders. Retain and enhance existing mature trees and hedgerows on the site, and on the boundaries, and incorporate these into the landscaping structure and Green Infrastructure proposals for the site in order to minimise impacts on the wider countryside. Open space should be provided as an integral part of this landscape structure.*
- *Protect the character and amenity of the existing public footpaths that cross the site and seek to integrate these with the Green Infrastructure proposals and the footpath to the north.*

It is clear that the landscape requirements cannot be fulfilled by merely retaining the southern part of the site open. Any proposal must be landscape led, respect the setting of the High Weald AONB and protect the rural character of Hanlye Lane.

The Government is encouraging the use of Design Codes for sites. In the absence of such a document for this sensitive site, additional criteria should be added to the Landscape Considerations section.

## **Biodiversity**

The Biodiversity and Green Infrastructure section of Policy already includes a number of requirements including:

- *Conserve and enhance areas of wildlife value to 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.*
- *Maintain a minimum buffer of 15 metres between the development and the north of Horsegate Wood ancient woodland.*

Detailed habitat and species studies of the site undertaken in preparing the Neighbourhood Plan identified a species-rich habitat. In order to achieve a net gain to biodiversity overall, sufficient provision will need to be made for the protection and enhancement of wildlife networks (including hedgerows) throughout the site.

## **Social and Community**

The Parish Council supports the creation of a well connected area of open space on the southern field, suitable for informal and formal recreation, which enhances and sensitively integrates the existing rights of way.

## **Site Dwelling Capacity**

Given the above constraints, it is clear that in order to fulfil the urban design, landscape, biodiversity and green infrastructure requirements only low density development would be suitable for this site.

For these reasons, the Parish Council strongly objects to the inclusion in the draft plan of a capacity of 55 dwellings on this site.

The net developable area of this site must exclude the southern field and sufficient space to provide access; views through the site to the South Downs, enhanced hedgerow and tree corridors, substantial landscaping and habitat networks. The northern field is some 3ha but the above factors would make the net developable area approximately 2ha. The proposed number of units on this site would therefore require a net density of approaching 30 dwellings per hectare. The sensitive location of this ridgeline site abutting the AONB on a rural approach to the village requires a landscape-led scheme of low density (equating to a net density of approximately 10 – 15 dwellings per hectare). In order to achieve the landscape requirements of the policy, the capacity of this site should be amended.

## **Changes required to Policy SA23 of the Regulation 19 Site Allocations DPD**

If this site is retained within the Site Allocations DPD, additional criteria should be added as follows:

### **Urban Design Principles:**

The Parish Council has experience of adopting local green space which is brought forward through development proposals. In order to secure the long term future and management of the southern field, add to the following:

As shown on the policy map, no development is to be provided on the southern field, south of the row of trees protected by Tree Preservation Orders, which is unsuitable for development as it is more exposed to views from the south, contributes to settlement separation and is crossed by rights of way providing scenic views towards the South Downs. **'The southern field should be provided as public open space and transferred to the Parish Council with sufficient financial provision to enable future maintenance'.**

Similarly, the Delivery Mechanism should be amended to:  
Landowner, Developer and **'Parish Council'**

### **Landscape Considerations:**

Add to the following:

#### **Within the northern field**

- **Landscape should dominate the built form.**
- **Low density development should be well screened by vegetation**
- **Additional trees should be provided between and behind buildings forming the backdrop and setting for development and a skyline feature.**
- **Development should be served by narrow and hedge lined access drives.**

**Number of Units should be amended to 20 - 30 dwellings.**

## **Impact of proposed changes to the Cuckfield built-up area boundary**

Part of my commission was to assess the impact of proposed changes to the built-up area boundary (BUAB) for further 'contiguous sites' which may result from adopted District Plan Policy DP6 and implications for the Neighbourhood Plan. For the purposes of this assessment I have assumed the Hanlye Lane allocation is confirmed by the Inspector.

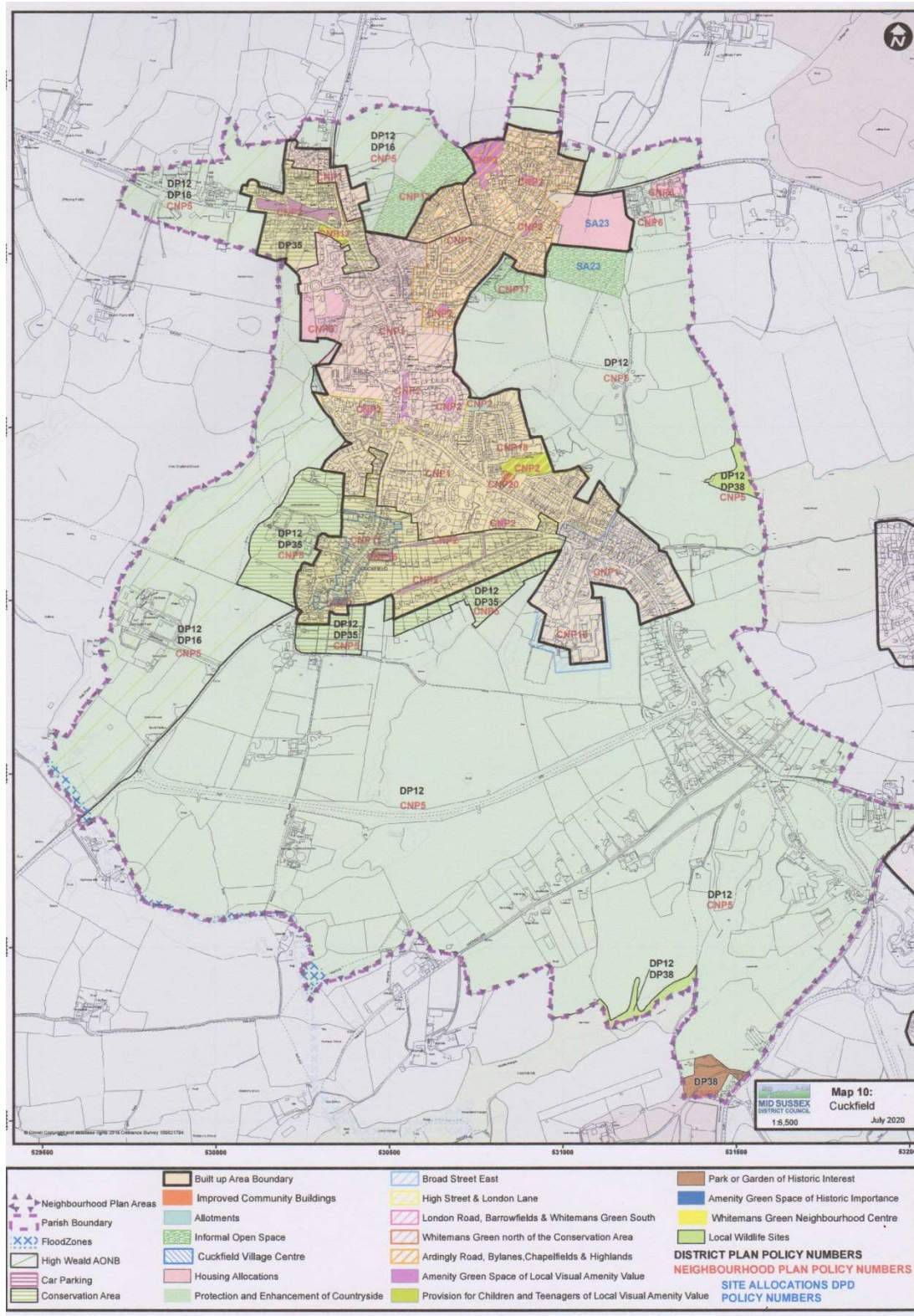
As you are aware, District Plan Policy DP6 states:

*Outside defined built-up area boundaries, the expansion of settlements will be supported where:*

- 1. The site is allocated in the District Plan, a Neighbourhood Plan or subsequent Development Plan Document or where the proposed development is for fewer than 10 dwellings; and*
- 2. The site is contiguous with an existing built up area of the settlement; and*
- 3. The development is demonstrated to be sustainable, including by reference to the settlement hierarchy.*

The allocation of the Hanlye Lane site will clearly extend the BUAB along Hanlye Lane as shown on the proposed Policies Map for Cuckfield (below).





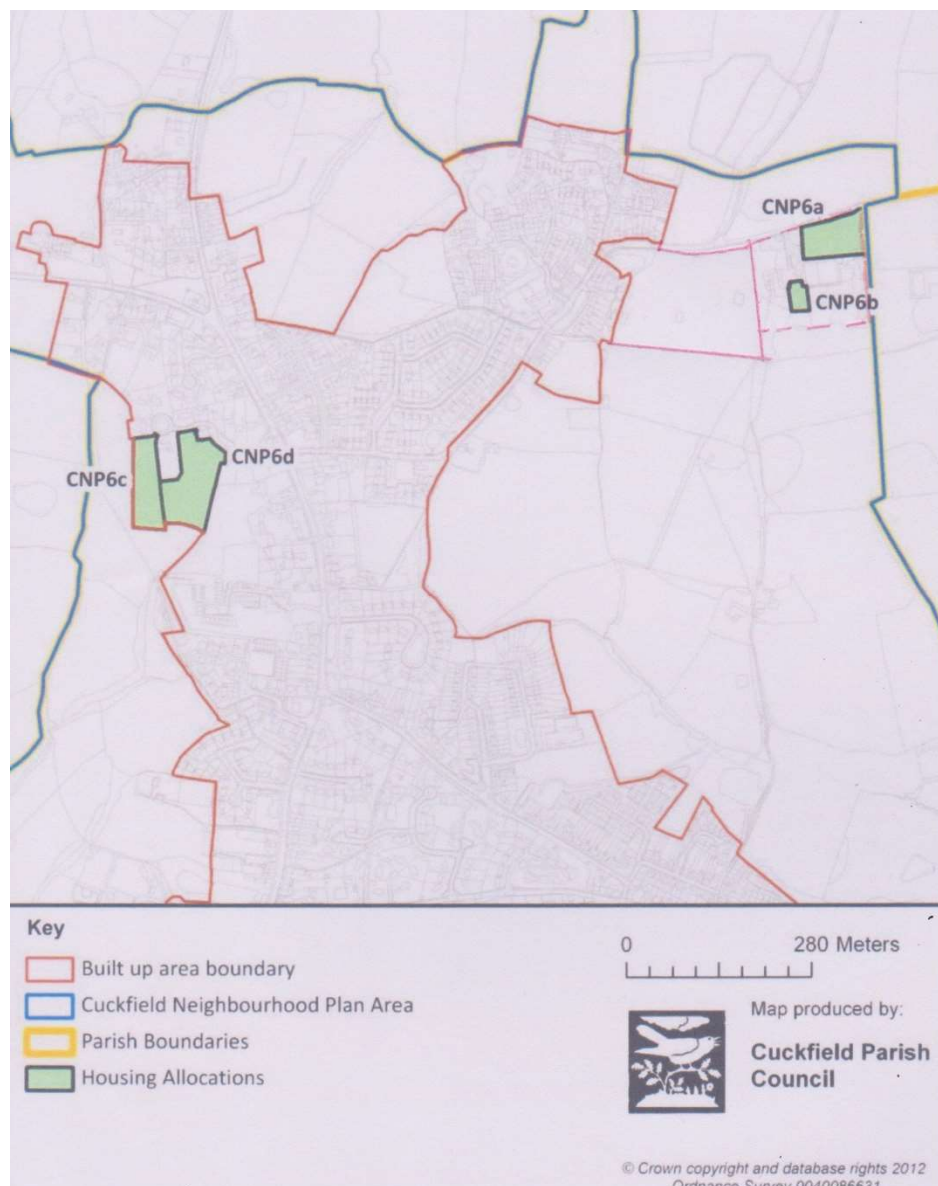
The advantage of having secured the new wording in Policy SA23 preventing development in the field south of the row of TPOs is that this field need not be contained within the BUAB – as its purpose is entirely for open space and will include no built form. This is the approach taken by MSDC.



The BUAB would not be under pressure to the south of the Hanlye Lane site as it is allocated as semi-improved grassland, has policy restrictions and should be secured by the Parish Council for long term management.

To the west, MSDC have not proposed to extend the BUAB to incorporate some or all of the sites allocated in the Neighbourhood Plan under Policy CNP 6a and 6b which would then be abutting the Hanlye Lane housing site. The gap which previously separated the brownfield allocations from the village would be filled by the new housing allocation and this may put pressure for greater development on the, now contiguous, CNP 6 site. However, this is unlikely to extend beyond the illustrative pecked line to the south given the pattern of development formed by the open space allocation attached to the proposed Hanlye Lane allocation.

Whether the extension of the BUAB will result in pressure on contiguous sites beyond the Policy CNP6 allocations outside the Parish to the east in the long term cannot be known for certain. The sites do not seem to have been submitted for consideration under the SHELAA and therefore are not currently available.



Whether the extension of the BUAB to the east of the village north of Hanlye Lane will result in pressure on contiguous sites to the north of the lane in the long term cannot be known for certain. The sites do not seem to have been submitted for consideration under the SHELAA and therefore are not currently available. Whilst the site's location within the AONB is no guarantee against development, the District Council consistently reject such sites for allocation and there are alternative sites outside the designated landscape which are likely to be preferred.

More generally, Policy DP6 exerts pressure on all contiguous boundaries on all sites around the village. The SHELAA contains sites about which the document concludes:

*The assessment finds that the site is not suitable for allocation*

Nevertheless, the SHELAA does not appear to contain any 'show-stopper' planning arguments against the development of some of them, including:

- 11 Land at Wheatsheaf Lane, Cuckfield
- 63 Land north of Riseholme, Broad Street, Cuckfield – appeal)
- 227 Land to the north of Glebe Road, Cuckfield
- 1001 Land north of A272 Cuckfield

However, all of these are extensive sites with capacity for well in excess of the 9 dwellings allowed by Policy DP6. For this reason, the extension of the BUAB as a result of these sites is unlikely – although development of a small portion of the sites can never be ruled out.

In general terms, the implication for the Neighbourhood Plan of the Site Allocations DPD is that, once the DPD is adopted, the Neighbourhood Plan will not be viewed as an up to date which is in general conformity with the strategic policies of the adopted local plan.

## Site Allocations DPD: Regulation 19 Consultation Response

**Policy:** SA10

**ID:** 730

**Response Ref:** Reg19/730/3

**Respondent:** Mr J Farrelly

**Organisation:** Genesis

**On Behalf Of:** Wates - Park Road Handcross

**Category:** Developer

**Appear at Examination?** ✓

**From:** Jeremy Farrelly <Jeremy@genesistp.co.uk>  
**Sent:** 28 September 2020 19:18  
**To:** ldfconsultation  
**Subject:** Site Allocations DPD - Regulation 19 Consultation (Part 1 of 3 )  
**Attachments:** Reg 19 SA DPD Representations Statement (Final) .pdf; Reg 19 SA DPD Form (SA10 - Table 2.3 - Windfalls).pdf; Reg 19 SA DPD Form (SA10 - Table 2.4 - Category 3 Settlements).pdf; Reg 19 SA DPD Form (Policy SA27).pdf; Vision Document - Land west of Park Road, Handcross.pdf

Dear Sir/Madam

I write on behalf of my clients, Wates Developments Limited and the Blind Veteran UK Charity, and attach the following representations to the above.

1. Representations Statement (Appendices 1 to 4 to follow separately in Parts 2 and 3)
2. Completed Representations Forms relating to
  - Table 2.3 – Policy SA10 (Windfall Figure)
  - Table 2.4 – Policy SA10 (Category 3 Settlement Deficit)
  - Policy SA27 – Land at St Martin Close (West), Handcross
3. Vision Document for Land West of Park Road, Handcross

Please could you confirm receipt of this e-mail and attachments by return.

Should you require clarification on the representations please do not hesitate to contact me.

Kind regards

**Jeremy Farrelly BA (Hons) UPS DUPI MRTPI**  
Director of Planning  
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# LAND AT PARK ROAD, HANDCROSS

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Mid Sussex District Council

Site Allocations

Development Plan Document

Regulation 19 Submission Draft Consultation

Representations on behalf of:

Wates Developments Limited and the  
Blind Veterans UK Charity

September 2020



**RTPI**  
Chartered Town Planners



# LAND AT PARK ROAD, HANDCROSS

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5.0	Summary and Recommendation .....	20

## APPENDICES

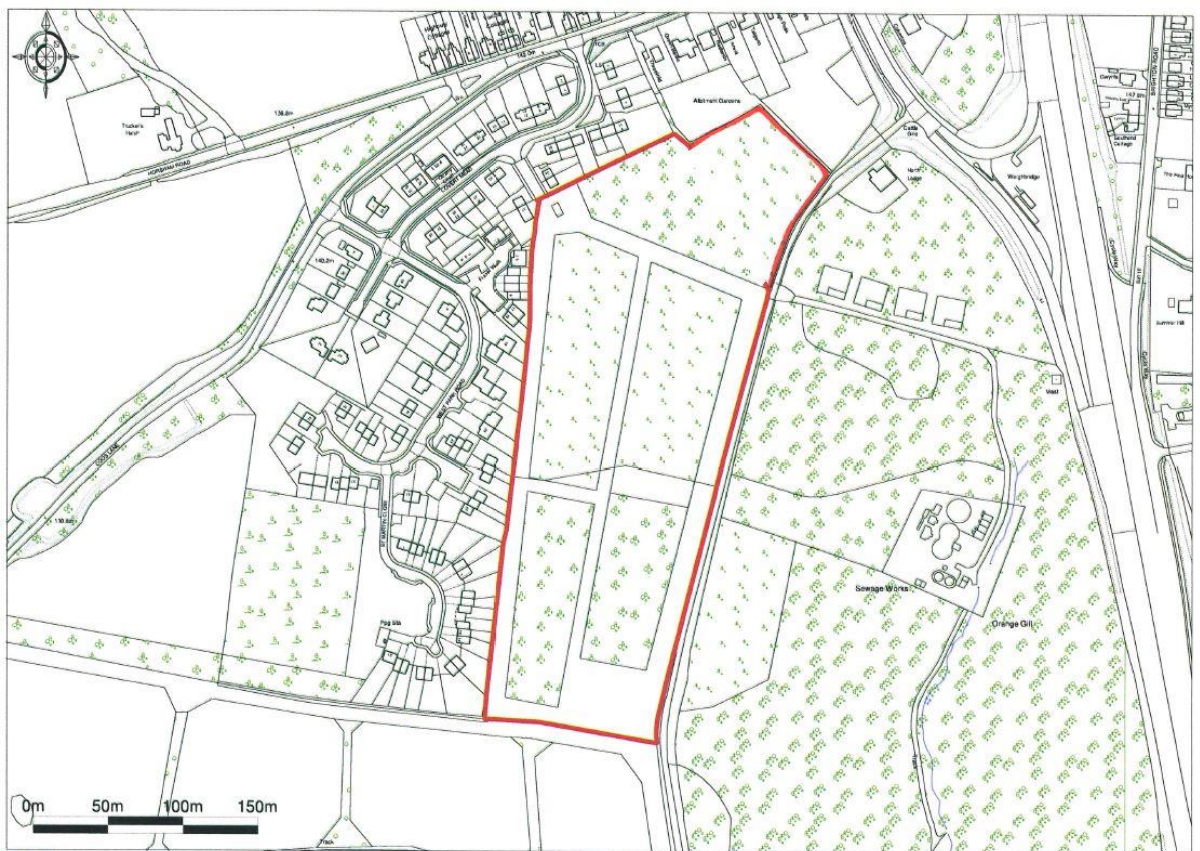
Appendix 1	Illustrative Concept Layout (Drawing No. 19013(AF)00.01 P07)
Appendix 2	Slaugham Neighbourhood Plan Examiners Report
Appendix 3	Preliminary Tree Survey Schedule and Preliminary Tree Constraints Plan
Appendix 4	Proposed Site Access (Drawing No. ITB14511-GA-003A)

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## 1.0 INTRODUCTION AND SCOPE OF REPRESENTATIONS

### Introduction

- 1.1 These representations have been prepared on behalf of Wates Developments Limited and the Blind Veterans UK Charity who have an interest in approximately 5.45 hectares (13.4 acres) of land located to the west of Park Road, Handcross.
- 1.2 The land is edged red on the plan below:



- 1.3 As part of these representations Wates Developments Ltd has appointed the SLR Group and Simon Jones Associates to assess Landscape and Arboricultural matters, respectively. Their assessments have been taken into account in these representations and respond directly to the Council's previous assessment of the Site.
- 1.4 Wates has prepared an updated Illustrative Concept Layout Plan (Drawing No. 19013(AF)00.01 P07) which forms Appendix 1 of these representations. This shows how the promotion site could be developed.



### Scope of Representations

- 1.5 These representations confirm that there is a deficit of 133 dwellings in the context of the “Updated Minimum Residual Housing Figure” for the Category 3 Settlements (Medium Sized Villages) of which Handcross is one of 12 Category 3 settlements. To compensate for this deficit the Site Allocations Development Plan Document (SA DPD) seeks to increase the amount of development taking place at the three Category 1 Settlements (Burgess Hill, East Grinstead and Haywards Heath) instead. This approach will not help meet the development needs of the Category 3 Settlements and does not reflect the principles of sustainable development or the Council’s own spatial distribution.
- 1.6 Wates and the Blind Veterans UK Charity are of the opinion that there are opportunities to provide for additional development at some Category 3 Settlements to help address the overall need for the category. One such settlement is Handcross and in particular land to the west of Park Road.
- 1.7 It is notable that the Major Development in the High Weald AONB Topic Paper sets out that 6 of the 22 housing sites fall within the AONB, all of which are in category 3 settlements. Accordingly, the principle of doing so is accepted by the Council and well-established and therefore should not preclude the allocation of sites such as these.
- 1.8 My clients are concerned about the latest Windfall site supply estimate which has increased from 450 dwellings in the adopted Mid Sussex District Plan to 504 dwellings in draft SA DPD. This increase is based on only two years of monitoring on sites granted planning permission for between 6 and 9 dwellings which is insufficient to provide a reliable Windfall forecast from this type of site. As a result, the windfall allowance should revert to 450 dwellings and a revised estimate from this source should be left to next District Plan Review when increased monitoring has taken place.
- 1.9 Concern is also expressed about the inclusion of draft Policy SA27 - Land at St Martin Close (West) for up to 30 dwellings when this site is also allocated a reserve housing site under Policy 10 of the ‘made’ Slaugham Neighbourhood Plan Allocation. As result, this amounts to double counting and should be excluded from the SA DPD. Instead, my clients land should be allocated for a mix of housing, community hall and public open space.
- 1.10 In summary, the SA DPD under provides against the housing requirement for the Category 3 Settlements as set out in the adopted Mid Sussex District Plan which does not reflect the principles of sustainable development. There is doubt about the accuracy of the revised windfall figure and the proposed Policy SA27 – Land at St Martin Close (West) allocation which amounts to double counting. As result the draft SA DPD is ***not consistent with national policy or justified*** which is contrary to the tests of soundness as set out in the National Planning Policy Framework.

- 1.11 To remedy this situation the SA DPD should allocate additional land at Handcross for housing and in particular my client's land to the west of Park Lane, Handcross for mix of housing, a community hall and public open space. This would contribute towards reducing the current shortfall of housing across the Category 3 Settlements and help them to meet their own development needs.

### 2.0 PLANNING HISTORY CONTEXT

- 2.1 The land to the west of Park Road, Handcross (excluding the part of the site owned by the Blind Veterans UK) was promoted by Wates for a mix of residential and public open space at the Regulation 18 stage of the SA DPD and at the Regulation 16 Stage of the Slaugham Neighbourhood Plan.
- 2.2 Appendix 2 of these representations contains the Slaugham Neighbourhood Plan Examiner's Report which was published in May 2019. The Examiner acknowledged in his report that planning permission had recently been granted for 600 homes at Pease Pottage which is one of four settlements in Slaugham Parish and on that basis the other settlements within the Parish (Handcross, Slaugham and Warninglid) would not be required to identify further growth in the Neighbourhood Plan (NP). He did, however, acknowledge that the NP could make additional allocations in order to boost the supply of housing. On that basis the Examiner accepted the Parish Council's provision for some modest new housing provision at Handcross in order to boost the supply of housing as it would reflect the pro-growth national growth agenda.
- 2.3 In his report the Examiner agreed with the two draft housing allocations at Handcross. These included:
- Land at St Martin Close (East) for up to 30 houses
  - Land at St Martin Close (West) as a reserve site for up to 35 houses
- 2.4 In terms of these two site allocations, the Examiner felt that they would be modest in scale and well related to the existing built up area of the village (para 7.69 of the Examiners Report). In addition, they would be seen within the wider landscape as a logical and natural rounding off of the existing village (para 7.84). AS set previously it is important to note that my client's land has similar characteristics to the two allocated sites and is located immediately to the east of the existing St Martin Close development. It therefore has recognised characteristics as a location suitable for development. In terms of proximity to the rest of the settlement my client's land is also closer to the village centre and its associated facilities when compared to the two Neighbourhood Plan allocations.
- 2.5 Whilst the Examiner did not propose any additional housing allocations (other than those proposed) in the Neighbourhood Plan he acknowledged that Handcross is the most sustainable settlement within the neighbourhood plan area and ***"it has a critical mass of community services and an attractive and vibrant village centre"*** (para 7.70). He was also satisfied that the Plan sought to concentrate additional housing development in Handcross which is an appropriate location for residential development in principle (para 7.71); and, that ***"there was no practical option other than to allocate sites for any new residential development within the High Weald AONB"*** (para 7.84).

- 2.6 The Neighbourhood Plan was the subject of a Referendum and was ‘made’ on 25th September 2019. The two sites at St. Martin Close were allocated for housing. These included St. Martin Close (east) which is allocated for up to 30 dwellings (under Policy 9); and St. Martin Close (west) which is allocated as a ‘reserve’ site for up to 35 dwellings under Policy 10. The reserve site requires the development of St Martin Close (east) first and its release for development could be triggered by one or more of the following:
- The review of the Neighbourhood Plan itself
  - The adoption of the emerging Mid Sussex Allocations DPD
  - The adoption of any review of the Mid Sussex District Local Plan
  - A material delay in the delivery of the Pease Pottage strategic allocation in the adopted Mid Sussex District Local Plan
- 2.7 In addition to the Neighbourhood Plan promotion, the land to the west of Park Road, Handcross (excluding the part of the site owned by the Blind Veterans UK Charity) was promoted in January 2019 for a mix of housing and public open space in the rolling ‘Call for Site’s process of the Strategic Housing and Employment Land Availability Assessment (SHELAA); and the Regulation 18 SA DPD Consultation in November 2019. These sought the allocation of the land to the West of Park Road for the provision of between 65 to 80 dwellings plus public open space. In response to the representations the Strategic Policy section of MSDC sought clarification on various matters including the size of the site, the developable area and the nature of the mixed use proposed i.e. was it just housing and open space, and was there a more detailed plan showing the disposition of the proposed uses. This information was requested to assist MSDC’s consideration of the site.
- 2.8 In December Genesis Town Planning (GTP) responded to MSDC confirming that it might be possible to provide a community building on the site or on adjacent land and that this was being discussed with adjoining landowners and that a more detailed layout plan would also be prepared following the preparation of a Landscape Visual Appraisal.
- 2.9 In February 2020 MSDC sought further information about the deliverability of the promotion site and sought comments on its initial site appraisal for the site. GTP responded to this request on 13th February and also suggested increasing the size of the promotion site so that it included additional land in the ownership of the Blind Veterans UK Charity. This additional land could be used to provide a community hall plus additional residential accommodation. It also confirmed that the Tree Consultant acting on behalf of Wates was seeking to meet the MSDC Tree Officer on-site to assess the trees, particularly their status under the National Forest Inventory which was referred to in the initial site appraisal by MSDC. This meeting took place on 4th March during which it was agreed that there was no arboricultural reason that might prevent the allocation of the main body of the site for housing, or its development at a later date. The Tree Officer identified the groups of trees that she felt should be retained which included the row of conifers on the southern part of the western boundary and the trees located in the triangle of land at the northern end of the site as shown in the Preliminary Tree Retention Plan (Drawing No. SJA TRP 20124 – 051) forming part of Appendix 3.

- 2.10 It is important to note that the background documents for the Regulation 19 version of the Plan including ***“SSP3 Site Selection Paper: Housing Sites and Appendix B: Housing Site Proformas (February 2020)”*** and topic paper TP1 ***“Major Development in the High Weald AONB Topic Paper (July 2020)”*** assessed under ID Ref 987 - Land West of Park Road do not assess the larger site which now includes the Blind Veteran UK Charity land.

### 3.0 COMMENTS ON THE SOUNDNESS OF THE DRAFT PLAN

3.1 The Introduction section of the draft SA DPD sets out how the DPD has been prepared. Paragraphs 1.12 to 1.26 refer to the National Planning Policy Framework (NPPF) which requires DPDs to be prepared in accordance with the legal and procedural requirements. To be found ‘sound’ plans must be:

- **Positively prepared** – providing a strategy which, as a minimum, seeks to meet the areas objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;
- **Justified** – the plan should be the most appropriate strategy, taking into account the reasonable alternatives based on proportionate evidence;
- **Effective** – the plan should be deliverable over its period and based on effective joint working on cross boundary strategic priorities; and
- **Consistent with national policy** – the plan should enable the delivery of sustainable development in accordance with policies of the framework.

#### Windfall Allowance

3.2 Table 2.3: District Plan Housing Requirement of the Regulation 19 SA DPD sets a windfall requirement of 504 dwellings. This amounts to an increase of 54 dwellings compared to the windfall estimate of 450 homes in Policy DP4 of the adopted Mid Sussex District Plan (March 2018).

3.3 The updated contribution from windful sites is assessed in the Housing Topic Paper H1 “**Windfall Study Update (July 2020)**” which forms part of the evidence base for the emerging SA DPD. The main reason for this increase appears to be that the windfall allowance now includes sites of 6 to 9 units. This type of site was previously excluded from the District Plan windfall calculation because at that time there was no data available to make an evidenced calculation on the potential supply from this source. Since then there have been two further monitoring years (i.e. 2018/19 and 2019/20). Based on this additional monitoring information the District Council has increased the windfall allowance to 504 dwellings. It is important to note that the additional monitoring is only over a two year period. This is a relatively short time period in terms of monitoring, and it would be prudent to use a longer monitoring period in assessing the windfall allowance for the SA DPD. As set out in paragraph 2.3 of the Windfall Study “**It will be for the District Plan Review to explore if there is further justification for amending the windfall allowance, including the approach taken to a potential windfall supply for large sites**”. As a result, the lower windfall allowance of 450 dwellings of the District Plan should continue to be used for the preparation of the SA DPD.

## District Plan Housing Requirement (updated) and Spatial Distribution of Housing

- 3.4 Paragraph 1.20 of the draft Plan confirms that SA DPD should complement the adopted District Plan 2014-2031 and additional housing should be consistent with the Strategic Policies set out in the District Plan, including the Settlement Hierarchy.
- 3.5 Draft Policy SA10: Housing of the SA DPD updates the District Plan Housing Requirement as set out in Policy DP4 of the adopted District Plan of March 2018. Table 2.3 updates the position on District Plan Housing Requirement which includes the number of completions between 2018/19 and 2019/20; the total number of Housing Commitments (including sites with planning permission and allocations in made Neighbourhood Plans); and, an updated Windfall estimate. Table 2.4: sets out the Spatial Distribution of Housing Requirement for each settlement category in the Settlement Hierarchy. This is reproduced below:

### SA10: Housing (continued)

**Table 2.4: Spatial Distribution of Housing Requirement**

Settlement category	Settlements	Minimum Required over Plan Period	Updated Minimum Residual Housing Figure	Site Allocations – Housing Supply
1 – Town	Burgess Hill East Grinstead Hayward's Heath	10,653	706	1,409
2 – Larger Village (Local Service Centre)	Copthorne Crawley Down Cuckfield Hassocks and Keymer Hurstpierpoint Lindfield	3,005	198	105
3 – Medium Sized Village	Albourne Ardingly Balcombe Bolney Handcross Horsted Keynes Pease Pottage Sayers Common Scaynes Hill Sharpthorne Turners Hill West Hoathly	2,200	371	238
4 – Smaller Village	Ansty Staplefield Slaugham Twineham Warminglid	82	5	12
5 – Hamlets	Hamlets such as: Birch Grove Brook Street Hickstead Highbrook Walsted	N/A *	N/A *	N/A *
<b>Total</b>		<b>16,390**</b>	<b>1,280</b>	<b>1,764</b>

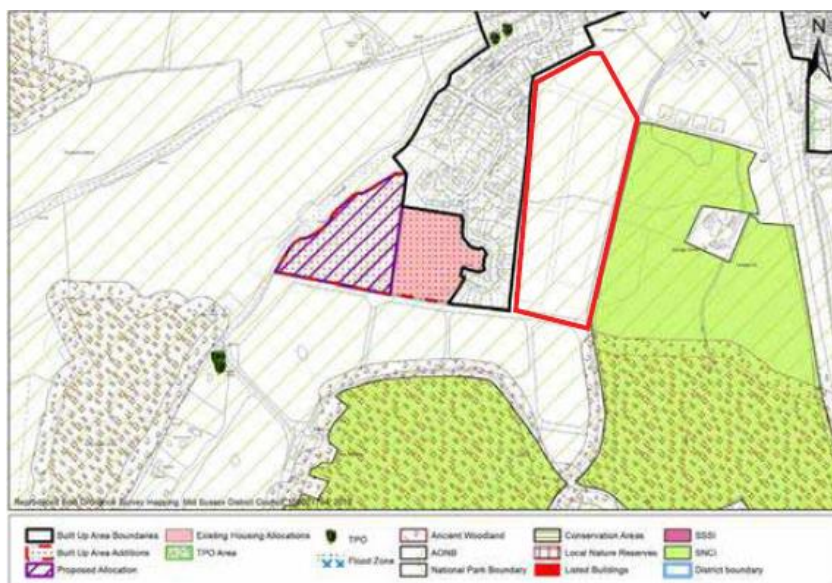
- 3.6 Analysis of the above table indicates that the **Site Allocations – Housing Supply** for the Category 1 Settlements (Burgess Hill, East Grinstead and Haywards Heath) is 1,409 dwellings. This exceeds the **Updated Minimum Residual Housing Figure** of 706 dwellings by an additional 703 dwellings. With regard to the Category 3 Settlements – Medium Sized Villages (which includes Handcross) there is a shortfall of 133 dwellings in this category (a Minimum Residual Housing Figure of 371 dwellings minus the Site Allocations Housing Supply of 238 dwellings).
- 3.7 This situation is also confirmed in **Table 16 – Supply from 20 ‘constant sites’ Sites** forming part of paragraph 6.42 of the Sustainability Appraisal (Incorporating Strategic Environmental Assessment) Regulation 19 - July 2020 (SA). Paragraph 6.43 of the SA confirms that **“Whilst there is a shortfall at Category 3, this can be met by an over-supply at Category 1. As Category 1 is the most sustainable category, and under-supply should be met in categories higher up in the settlement hierarchy, this is acceptable”**.
- 3.8 Whilst it is acknowledged that the above approach would result in more development taking place at the most sustainable settlements in the District i.e. at the three Category 1 Settlements (Burgess Hill, East Grinstead and Haywards Heath) it will not help meet the development needs of the Category 3 Settlements and does not, therefore, reflect the principles of sustainable development. The approach now set out in the SA DPD and the SA is also inconsistent with the final sentence of the second paragraph on page 38 of the adopted District Plan (which forms part of the explanatory text to Policy DP6). This states **“Similarly, further sites may be allocated in the future to ensure that the minimum residual for each settlement category (set out in DP4: Housing) is met, based on monitoring”**. This implies that any shortfall should be met within the same settlement category.
- 3.9 Based on the above, it is evident that there will be an undersupply of 133 dwellings across the Category 3 Settlements. This does not accord with the development strategy of the adopted District Plan. In addition, the current allocation strategy of the draft SA DPD will create an imbalance in the existing settlement hierarchy. Overall, it will not result in well planned sustainable development which is required by the NPPF. On this basis the draft SA DPD is not **consistent with national policy**.
- 3.10 In addition to the above, whilst not objecting the allocations in principle, there is no evidence to justify the delivery of the large scale allocations including the proposed allocations at East Grinstead i.e. SA19 – Land South of Crawley Down Road (200 dwellings) and Land South and West of Imberhorne Upper School (550 dwellings) which will require significant upgrades to the highway network, particularly the A264/A22 Felbridge junction which has known capacity issues and recently lost funding which was being pursued in relation to the South Godstone allocation. This is considered in paragraphs 6.1.1 to 6.1.7 of the **Strategic Transport Assessment: Reg 19 (Background Paper T7)**. This confirms in paragraph 6.1.1 that this junction is currently regarded as a



'hotspot' where delays are experienced, and it would be reasonable to expect 'severe' conditions in future year scenarios. Paragraph 6.1.7 confirms that significant mitigation of the A264/A22 would be required and to be fully effective this could involve land outside of the WSCC highway boundary, subject to the outcome of more detailed study work. The approved scheme and timing of these junction improvements has yet to be confirmed which could influence the timing and deliverability of these two proposed allocations. As such the approach of increasing the amount of development at Category 1 Settlements, and particularly at East Grinstead, is not the most appropriate strategy taking account of the reasonable alternatives which includes allocating additional housing sites at Category 2 and 3 Settlements both of which are currently underproviding in the context of the Minimum Residual Housing Figures for each Category. This approach is not **justified** and therefore does not accord with the soundness test for the preparation of DPDs.

### Policy SA27 – Land at St Martin Close (West)

- 3.11 As previously stated in paragraph 2.6 of these representations the 'made' Slaughtam Neighbourhood Plan allocates two housing sites at St. Martin Close. These include St. Martin Close (east) which is allocated for up to 30 dwellings (under Policy 9); and St. Martin Close (west) which is allocated as a 'reserve' site for up to 35 dwellings under Policy 10. As a result, both of these sites are already development plan allocations and as such my client questions why the Land at St Martin Close (West) - Policy SA27 - is also allocated in the Regulation 19 draft SA DPD. This amounts to double counting and should not be allocated again in the SA DPD. As the principle of additional housing at Handcross in this location is clearly supported by the SA DPD and the made Slaughtam Neighbourhood Plan additional land should be allocated at the settlement in addition to the two Neighbourhood Plan allocations. The below plan highlights the context of my client's land in relation to the current allocations and the Sites (outlined in red) closer proximity to the village.



Site in context with proposed allocation SA27

- 3.12 To remedy the above 'soundness' inadequacies the SA DPD should make additional housing allocations at the most sustainable and suitable Category 3 settlements including Handcross. This would overcome the existing 133 dwelling shortfall across the Category 3 settlements helping them to meet their own development needs and reduce the risk of some of the proposed housing allocations at East Grinstead not being developed or slow delivery because of highway congestion concerns.
- 3.13 As set out in the next section of these representations my client's land to the west of Park Road, Handcross should be allocated for a mix of housing, a new community hall and public open space. The merits of allocating this site are set out in the next section.

### 4.0 PROPOSED ALLOCATION ON LAND TO THE WEST OF PARK ROAD, HANDCROSS

#### The Site and Surrounding Area

- 4.1 The site is approximately 5.45 hectares (13.4 acres) in size and is located to the south-west of Handcross, west of Park Road and the A23 London to Brighton Trunk Road. At present the northern and central parts of the site comprise juvenile woodland which forms part of a commercial plantation. This was planted by the Slaugham Estate after the Great Storm of October 1987. The central and south eastern part of the site is currently partially cleared of trees and is open as can be seen from the photographs below.



*Picture of southern part of the Site*



*Picture of northern part of the Site*

- 4.2 The north-western and western boundaries abut the existing built up area boundary of Handcross. The immediate surrounding area mainly comprises established residential development to the north (Covert Mead) and to the west (West Park Road and St Martin Close). A mix of woodland/scrub and a sewage works are located to the east and agricultural fields to the south beyond which there is more woodland. The eastern boundary abuts Park Road which is also an historic Public Right of Way (PRoW) - Bridleway S7. This road has a junction onto the B2110 which is a slip road from/to the A23. Park Road is a private road and bridleway which provides an alternative vehicular route to Slaugham village located to the south.
- 4.3 There is also another PRoW (public footpath S3) which abuts the northern edge of the site and adjacent allotments which are accessed from Horsham Road to the north.

### Comments on Site Assessment in Background Paper SSP3 - Site Selection Paper 3: Housing – Appendix B: Housing Site Proformas

- 4.4 The promotion site (excluding the Blind Veterans UK Charity land) is assessed under ID 987 – Land to the west of Park Road, Handcross in **Appendix B of the Site Selection Paper 3** (last updated 03/08/20). The assessment has various parts (Parts 1 to 4). Overall, the site assessment shows that there are significantly more positive/neutral impacts than negative impacts.
- 4.5 There are eight ‘Very Positive’ impacts including:
- Flood Risk
  - Ancient Woodland
  - SSSI/SNCI/LNR
  - Listed Buildings
  - Conservation Area
  - Deliverability
  - Infrastructure
  - Access to Services
- 4.6 There are five ‘Neutral’ Impacts including:
- Archaeology
  - Local Road/Access
  - Access to Education
  - Access to Health
  - Access to Public Transport
- 4.7 There is only one ‘Negative’ impact which relates to Trees/ TPOs; and only one ‘Very High Negative’ impact which relates to the High Weald AONB. As these negative impacts are in part related to each other, the response of Wates and the Blind Veterans UK Charity to these two assessment entries are set out below:

#### ***Impact on High Weald Area of Outstanding Natural Beauty (AONB)***

- 4.8 The Site Selection Paper 3 assessment of “*High impact on AONB*” that would result from the of the proposed development on the promotion site is largely based on the anticipated “*loss of woodland*”. The assessment also notes that the site has “*modern residential development to west and north*” and that there is “*more substantial woodland to the east up to A23 and fields to the south*”.

- 4.9 As part of the investigative work carried out to date, Wates instructed SLR Consulting to carry out an initial landscape appraisal. A review of published AONB assessments confirms that one of the key components which helps to create the character of the AONB is its *“abundant, interconnected ancient woods and hedges”* and dense, broadleaved woodland. Wates also appointed Simon Jones Associates (Arboricultural Consultants) to assess the trees on-site. Their assessment confirmed that whilst large parts of the site currently contain trees these are, either, young or semi-mature self seeded with a maximum trunk diameter of 450mm and form part of a commercial crop which is periodically felled to create fuel for the Slaugham Estate.
- 4.10 Simon Jones Associates met with the Tree Officer earlier this year and it was agreed that trees within a large part of the site are suitable for removal. The assessment in Appendix B of the Site Selection Paper notes that *“most of the site comprises woodland”* and defines various types of woodland. It is important to note that it is likely that this will not continue to be the baseline in the longer term, subject to agreed felling, independent of any proposed development. The anticipated loss of woodland as a result of the development and the corresponding *“High impact on AONB”* assessed in Appendix B may not, therefore, be the reality.
- 4.11 Any development of the site would be designed to create a woodland character in line with the AONB Management Plan to avoid significant effects on the designation and on the character of the local landscape. It has been agreed that it would be important not just to create a ‘wall’ of trees along the edges of the site to screen views, but, also to integrate trees throughout the site along verges and within areas of public open space to provide high-quality, mixed native woodland to enhance and reinforce the key elements of the local landscape character.
- 4.12 The assessment notes that there is a *“historic PROW (Park Road) on the eastern boundary”* and that there *“will be views of site from PROW”*. The initial assessment carried out by SLR noted that there is also a Public Footpath (S3) to the north of the site connecting to allotments and the settlement.
- 4.13 It is noted that part of Public Bridleway 7S (*“historic PROW”*) is on land at a lower elevation than the site (see photograph below) and, as such, the views of walkers are partially contained. Potential views from the Public Bridleway 7S (*“historic PROW”*) could be further reduced with sensitive design including the reinforcement of the trees and shrubs along the eastern boundary with proposed built form set back from this boundary.





*View to north from Historic PROW S7*

- 4.14 In addition views from Public Footpath S3 to the north are currently limited by existing vegetation to either side of the path. This is shown in the photograph below.



*View to south east towards Park Road from Public Footpath S3*

- 4.15 In addition to the above comments, it is important to note that approximately 50% of Mid Sussex District falls within the High Weald AONB and eight of the Category 3 Settlements are located within the AONB. As set out above six of the 22 proposed housing allocations in the SA DPD fall within the AONB in category 3 settlements therefore the principle of doing so through the DPD is well established and should be increased in order to meet the housing needs of these settlements.

- 4.16 Although the whole of Handcross and surrounding land including the neighbouring settlement of Pease Pottage fall within the High Weald AONB the principle of allowing new housing development within the AONB in these locations has also been accepted in the recent past. This is demonstrated by the grant of planning permission for up to 600 homes on land east of Pease Pottage (DM/15/4711) and the planning permission for 90 dwellings on land to the south of Handcross Primary School (12/04033/OUT).
- 4.17 It is considered that the promotion site is more sustainable than the current allocations in the SNP. It is served by better footpath connections and is a shorter walking distance from the village. As a result, the Site serves as an obvious alternative for the Council to allocate which could come forward in a sensitive manner to mitigate any impact on the wider AONB whilst helping to meet the needs of smaller settlements in the district.

### *Impact on Trees/Tree Preservation Orders*

- 4.18 As mentioned above, most of the trees and woodland within the site comprises a commercial plantation of young trees which are periodically felled. Notwithstanding this, Wates Developments appointed Simon Jones Associates (Arboricultural Consultants) to assess on-site trees. An initial appraisal of the site confirmed that there are very few trees of high quality within the site. There are no veteran trees within or overhanging the site. None of the trees are covered by a Tree Preservation Order (TPO) and the site is not within a conservation area. Consequently, there are no constraints on trees in this regard.
- 4.19 On 4th March 2020 Simon Jones met the District Council Tree Officer to discuss on-site trees and potential development on the site. During the meeting it was agreed that there were no arboricultural reasons that would prevent the allocation of the main body of the site for housing, or its development at a later date. The Tree Officer identified the groups of trees that she felt should be retained which included the row of conifers on the southern part of the western boundary and some of the trees located in the triangle of land at the northern end of the site. As a result of this site meeting, Simon Jones Associates has produced a Preliminary Tree Survey Schedule and a Preliminary Tree Constraints Plan. These are contained in Appendix 3 of these representations. The tree assessment has informed the Concept Layout Plan (Appendix 1) for the promotion site which shows the broad disposition of development, the extent of retained woodland/trees and new tree planting and greenspace areas across the site. This demonstrates that significant parts of the site could be developed for housing whilst retaining various areas of woodland and tree belts worthy of retention. It also incorporates significant amounts of new tree planting which will help soften the appearance of the new development reducing the harm to the AONB to acceptable levels. As a result, the site would retain a high degree of biodiversity.

### **Local Road/Access**

- 4.20 According to the SSP3 Appendix B Assessment for the site the Local Road/ Access category is given a neutral score. It comments that significant improvements will be required to the Local Roads and Access. At an early stage in the consideration of the site, Wates appointed i-Transport (Specialist Transport Planning Consultancy) to consider how a development of about 65 to 80 new homes could be accessed and its potential traffic impact.
- 4.21 In terms of site **Vehicular Access**, the principle vehicular access would be via Park Road. This is shown on Drawing No. ITB14511-GA-003A – Proposed Access Arrangement which is contained in Appendix 4. This involves upgrading the Park Road junction with the A23 slip road and the construction of a new 5.5m wide carriageway generally on the same alignment as the current Park Road alignment on land which Wates has an interest. The new carriageway would then enter the site at its north-eastern point.
- 4.22 Initial discussions have been held with Highways England regarding re-using and improving the existing access to the B2110. Highways England have no objection in principle but would need to see the access proved in technical terms, particularly in terms of visibility. Speed surveys have been undertaken, and these demonstrate a design speed of 40mph for traffic approaching from the south. Drawing ITB14511-GA-003A shows a commensurate visibility splay of 9m x 120m. Even if the design speed is 60mph (which it is not), a visibility splay of 9m x 215m is achievable. Visibility all the way to the mini-roundabout is achievable to the left. Wates has secured the necessary land to provide the access and visibility splays without the need for any 3<sup>rd</sup> party land contrary to the Council's assessment. Therefore, access from the B2100 is fully deliverable and achievable. The site access arrangements shown on Drawing ITB14511-GA-003A will provide an achievable, safe and suitable access to the development which is acceptable to Highways England.
- 4.23 **Cycle and Pedestrian Facilities** - A new segregated 2.0m wide footway along the western side of the B2110 would be provided in the vicinity of the upgraded Park Road junction. This would link into the existing pedestrian facilities on the southern side of the B2110 to the north of the mini roundabout junction. There are existing pedestrian crossing facilities across each arm of the mini-roundabout junction. In addition, there are continuous pedestrian facilities through Handcross which provide access to services in the village centre and onwards to the GP surgery and Handcross Primary School. The north western part of the promotion site abuts the footways on the existing Covert Mead cul-de-sac, (located to the north-west) which are part of the public highway. Whilst no vehicular access is proposed or needed via Covert Mead, pedestrian/cyclist access can be provided to create a pedestrian link to this part of the settlement. There is also the opportunity to bring forward cycling improvements within Handcross (e.g. on carriageway cycle lanes) and Wates would be keen to discuss this with the District Council and West Sussex County Council at the appropriate time.



- 4.24 With regard to **Traffic Impact** the development will result in no more than about 20 movements through the centre of Handcross during peak hours, i.e. around one vehicle movement every three minutes. The design of the site access in drawing no. ITB14511-GA-003A includes widening of the access and the provision of a right-turn lane. This will be more than adequate to accommodate the very modest traffic generation of an 80 dwelling scheme. On this basis traffic impact is not an issue.
- 4.25 With regard to **Sustainability/Access to Services** the site has a mix of 'very positive' and 'neutral' impacts. Handcross provides a good range of facilities and services and the site is well located for journeys to be made by walking and cycling. Public footpath (3S) abuts the northern boundary and bridleway (7S) is adjacent to the eastern boundary (Park Road). Bus stops are within easy walking distance and these are served by frequent buses which provide a realistic opportunity for non-car travel further afield. These aspects are shown on Table 1: Local Services and Facilities and Figure 1: Local Facilities Plan below:

**Table 1: Local Services and Facilities**

Purpose	Destination	Distance (m)	Walking Journey Time	Cycle Journey Time
Employment	Brighton Road Industrial Estate	600	7	2
	Angleton Ltd	1600	19	6
Education	Handcross Primary School	1400	17	5
	Handcross Park School	1600	19	6
Retail	Handcross Butchers	550	7	2
	SPAR (with Post Office)	650	8	2
	Handcross Newsagents	700	8	3
Leisure	The Royal Oak Inn	400	5	2
	The Red Lion Public House	550	7	2
	Handcross Village Hall	900	11	3
	Handcross Recreation Ground and Pavilion	1000	12	4
	Nymans – National Trust	1000	12	4
Healthcare	Ouse Valley Medical Practice	1200	14	5
	Dumbledore Dental Centre	1200	14	5

Source: Consultants Estimates

Notes:

	'Easy' walking distance, i.e. less than 800m (ref: <i>Manual for Streets</i> )
	'Comfortable' walking distance, i.e. within 1600m which the National Travel Survey identifies as being the distance up to which circa 75% of people will walk

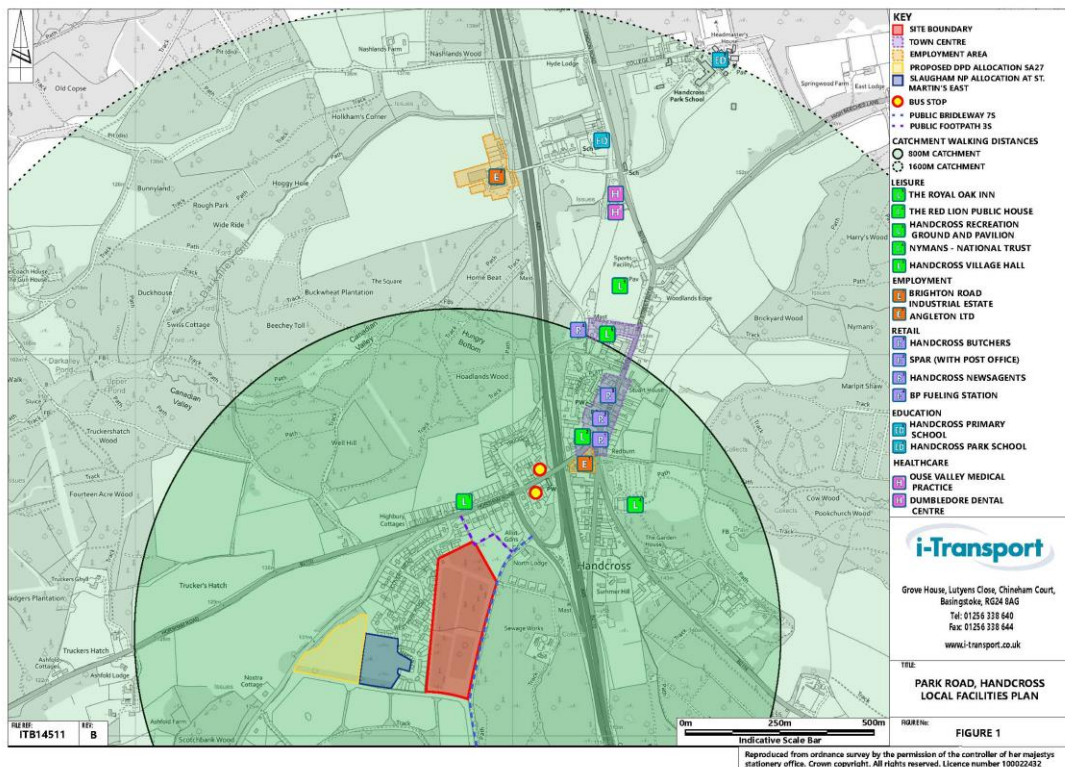


Figure 1: Local Facilities Plan

- 4.26 The above table and figure confirms that the promotion site is within easy and comfortable walking and cycling distances of the key services at Handcross and is therefore in a sustainable location.

## Community Facilities

- 4.27 As set out above Handcross has a good range of local services and community facilities. Paragraph 5.7 of the made Slaugham Neighbourhood Plan states ***“Public feedback has highlighted residents support for improvement and/or replacement to/of Handcross Village Hall. In light of local support, SPC will support proposals which seek to enhance and/or in the longer-term replace the existing facility”***. Owing to the relative size of the promotion site and its close proximity to the main part of the settlement there is scope to provide a new purpose built community hall, that meets modern day needs, as part of the development package.

### 5.0 SUMMARY AND RECOMMENDATION

- 5.1 These representations confirm that there is a deficit of 133 dwellings in the context of the “Updated Minimum Residual Housing Figure” for the Category 3 Settlements (Medium Sized Villages) of which Handcross is one of 12 Category 3 settlements. To compensate for this deficit the SA DPD seeks to increase the amount of development taking place at the three Category 1 Settlements (Burgess Hill, East Grinstead and Haywards Heath) instead. This approach will not help meet the development needs of the Category 3 Settlements and does not reflect the principles of sustainable development.
- 5.2 My clients are concerned about the latest Windfall site supply estimate which has increased from 450 dwellings in the adopted Mid Sussex District Plan to 504 dwellings in draft SA DPD. This increase is based on only two years of monitoring on sites of between 6 and 9 dwellings granted planning permission between 2018 and 2020. This new data is insufficient to provide a reliable Windfall forecast from this type of site. As a result, the windfall allowance should revert to 450 dwellings and a revised estimate from this source should be left to next District Plan Review when increased monitoring has taken place.
- 5.3 Concern is also expressed about the inclusion of draft Policy SA27 - Land at St Martin Close (West) for up to 35 dwellings when this site is also allocated a reserve housing site under Policy 10 of the ‘made’ Slaugham Neighbourhood Plan Allocation. As result, this amounts to double counting.
- 5.4 As the Reg 19 SA DPD under provides against the housing requirement for the Category 3 Settlements as set out in the adopted Mid Sussex District Plan it does not reflect the principles of sustainable development. There is also doubt about the accuracy of the revised windfall figure and the proposed Policy SA27 – Land at St Martin Close (West) allocation which amounts to double counting. As result the draft SA DPD is **not consistent with national policy or justified** which is contrary to the tests of soundness as set out in the National Planning Policy Framework.
- 5.5 There are opportunities to provide for additional development at a number of Category 3 Settlements in order to meet the shortfall across the district which could result in an imbalance between large and small settlements. One such settlement is Handcross where the principle of development is accepted locally by the Slaugham Neighbourhood Plan and draft Policy SA 27 of the Regulation 19 SA DPD which allocates the land at St Martin Close (West) for up to 35 dwellings. As such Handcross is a sustainable location well suited for the provision of additional residential development. To remedy this situation the SA DPD should allocate my client’s land to the west of Park Lane, Handcross for a mix of housing, a new community hall and public open space.

- 5.6 Land to west of Park Road is well related to existing settlement of Handcross. It abuts the existing built up area boundary to the north and west and established residential development. It is well contained in the wider landscape by virtue of the existing woodland to the east and the existing housing to the north and west. In terms of proximity to the main services and facilities at Handcross this site is highly sustainable and is closer to these facilities than both recent St Martin Close housing allocations in the 'made' Slaugham Neighbourhood Plan.
- 5.7 Based on investigations carried out to date the site can be developed without causing unacceptable harm to the High Weald AONB. It is available for development and provides the opportunity to deliver a new mixed-use development for between 65-80 dwellings (including much needed affordable homes), a new community hall plus formal and informal public open space. A mixed-use development of this type would provide additional public open space on the western side of Handcross which would be more easily accessed by residents living in this part of the settlement.
- 5.8 It is therefore recommended that my client's land to the west of Park Road, Handcross is allocated for between 65 and 80 dwellings, community hall and public open space in the adopted Site Allocations DPD.

## Site Allocations DPD: Regulation 19 Consultation Response

**Policy:** SA10

**ID:** 743

**Response Ref:** Reg19/743/10

**Respondent:** Mr T Rodway

**Organisation:** Rodway Planning

**On Behalf Of:** Fairfax - various

**Category:** Developer

**Appear at Examination?** ✓

**From:** Tim Rodway | Rodway Planning <tim@rodwayplanning.co.uk>  
**Sent:** 28 September 2020 16:57  
**To:** ldfconsultation  
**Subject:** Reg 19 Representations - Site Allocations DPD Consultation  
**Attachments:** Reg 19 reps - Fairfax 280920.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Dear Sir/Madam

On behalf of Fairfax Acquisitions Limited, please find attached our representations in respect of the above.

I would be grateful if these could be acknowledged.

Yours faithfully,

**TIM RODWAY**  
DIRECTOR / M +44 (0)7818 061220



**RODWAY PLANNING CONSULTANCY / T +44 (0)1273 780 463 / [RODWAYPLANNING.CO.UK](http://RODWAYPLANNING.CO.UK)**

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Planning Policy  
Mid Sussex District Council  
Oaklands  
Oaklands Road  
Haywards Heath  
West Sussex  
RH16 1SS  
**VIA EMAIL ONLY**

28<sup>th</sup> September 2020

Dear Sir/Madam

### **Site Allocations DPD - Regulation 19 Consultation**

Rodway Planning Consultancy are instructed by our clients, Fairfax Acquisitions Limited, to continue to promote sites in their control for residential development purposes.

These representations relate to the following sites:

- *SHELAA Site Reference: 63* – **Land north of Riseholme, Broad Street, Cuckfield**
- *SHELAA Site Reference: 207* – **Land at Dirty Lane/Hammerwood Road, Ashurst Wood**
- *SHELAA Site Reference: 495* – **Butchers Field, south of Street Lane, Ardingly**
- *SHELAA Site Reference: 568* – **Middle Lodge, Lindfield Road, Ardingly**
- *SHELAA Site Reference: 573* – **Batchelors Farm, Keymer Road, Burgess Hill**
- *SHELAA Site Reference: 634* – **Land west of Dirty Lane, Ashurst Wood**
- *SHELAA Site Reference: 781* – **Land to the south of Robyns Barn, Birchgrove Road, Horsted Keynes**
- *SHELAA Site Reference: 839* – **Land at Hazeldene Farm, north of Orchard Way, Warninglid**

It will be noted that Fairfax are also promoting the sites at **Ansty Cross Garage, Ansty** (*SHELAA site ref: 644*); and at **Woodfield House, Isaacs Lane, Burgess Hill** (*SHELAA site ref: 840*)

Both of these sites are included in the submission DPD as allocated sites (*see Policies SA33 and SA17 respectively*). We support the inclusion of these allocations.



We have recently provided the Local Authority with a separate, and specific representation update in relation to the site at Ansty Cross Garage (our letter [and enclosures] dated 24<sup>th</sup> July 2020 refers), and we wish to make no further remarks at this stage in this respect.

With relation to Woodfield House, the Council will be aware that Outline planning permission has now been granted for a scheme of 30 dwellings on this site (application DM/19/3769 refers), and we will not be providing any further comments in respect of this site either.

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We have had the opportunity to fully review the updated version of the DPD and the revised Sustainability Appraisal report. Accordingly, we wish to make the following comments in respect of the submission version of the Site Allocations DPD:

In summary, and on behalf of our clients, we continue to **object** to the DPD, and its omission of our client's other sites as allocations for future residential development. The detailed justification for our objection in respect of these sites is set out in our previous submissions, dated November 2019, in relation to the Regulation 18 public consultation. Essentially, we consider that the sites that are in our client's control to be suitable for residential redevelopment, and each merits inclusion within the Allocations DPD.

The submission version of the DPD is considered to be immaterially different from the previous Regulation 18 version of the plan, which was subject to public consultation in late 2019. It is understood that this consultation process elicited in excess of 1,300 responses from interested parties.

The Council will have assessed these responses and are required to have updated the DPD and its evidence base on this basis. It is understood that updated transport evidence accompanies the submission draft Site Allocations DPD to address comments made during the Reg 18 consultation. This includes a revised Strategic Transport Assessment (February 2020), prepared by transport consultants SYSTRA, with input from West Sussex County Council and Highways England.

However, the changes to the DPD appear to be negligible, with the main policies and allocations remaining almost identical to that set out within the Reg 18 version. The Reg 19 version has only minor amendments to policy wording (to add clarity or additional requirements to site policies). No new sites have been added, and all the previous proposed allocations remain. This is disappointing given the evidence we have previously provided relating to the suitability of our clients sites, and the flaws in the analysis work that underpins the allocation of some of the included sites (for example, the sites on land south of Burgess Hill).



We note that the DPD seeks to meet the residual housing needs following adoption of the District Plan in 2018. The District Council advise that the residual figure is currently 1,280 units. The housing proposed to be allocated by the submission draft Site Allocations DPD is 1,764 dwellings, which represents an over-supply of 484 dwellings when compared with the residual requirement. Although any over-supply is welcomed, in order to provide resilience and flexibility, we strongly contend that the DPD does not go far enough in this respect. This therefore represents a missed opportunity to boost the supply of housing in the District over the coming years, thereby strengthening the District's currently marginal 5-year housing land supply position.

In this respect it is essential that the housing need context is considered. We note that the current District Plan requirement is 876 units per annum, rising to 1,090 units per annum after 2023/24 (Policy DP4 refers). However, the current standard method for calculating housing need is that a total of 1,114 dwellings should be provided in Mid Sussex each year, and if the Government's proposed new standard method is applied, this increases further to 1,305 units per year. Importantly, it is understood that the District's average delivery over the past 3 years has been just 760 dwellings per year.

Without taking the presented opportunity to allocate a significant level of housing now (in the DPD), there is a considerable, and tangible risk, that Mid Sussex will find itself with a significant housing shortfall in the coming years, which will bring with it social and economic implications, as well as the Development Plan policies relating to housing becoming out-of-date by virtue of Paragraph 11 of the NPPF. We urge the Inspector to reject the DPD as currently proposed.

When considering individual sites for allocation, we maintain our position that **ALL** of the Fairfax sites are suitable for residential development. We can confirm that these sites all remain available, sustainable and deliverable and should be allocated for residential redevelopment. The District Council's DPD provides the mechanism for acting on this positive recommendation.

As part of our previous submissions, we have demonstrated that development of the Fairfax sites would accord with the requirements of national planning policy, principally in that they would provide sustainable development without compromising the District's overarching development strategy, or adversely impacting on landscape quality and other matters of importance.

As currently submitted, we therefore do not consider that the submission version of the DPD is sound. We submit that the DPD should be revised so as to allocate sites that will deliver a significantly increased housing provision, so as to meet the housing needs of the District, when taking into account market signals, improve affordability, and help meet the unmet affordable housing needs of the District.

This will require the allocation of further sites (including those promoted by our clients) for future residential development. This revised strategy would represent a more robust approach to meeting the District Council's significant need for new housing.

We would be grateful if we could continue to be informed of the DPDs progression, and be given the opportunity to make further written representations if or when possible. We would also like to confirm that we would like the opportunity to be present at any Examination Hearings, with a view to making verbal representations to the Planning Inspector if required.

Yours faithfully,



Tim Rodway  
Director

*c.c. Fairfax Acquisitions Limited*



RODWAY PLANNING  
CONSULTANCY LIMITED

Planning Policy  
Mid Sussex District Council  
Oaklands  
Oaklands Road  
Haywards Heath  
West Sussex  
RH16 1SS  
**VIA EMAIL ONLY**

28<sup>th</sup> September 2020

Dear Sir/Madam

**Site Allocations DPD - Regulation 19 Consultation**

Rodway Planning Consultancy are instructed by our clients, Fairfax Acquisitions Limited, to continue to promote sites in their control for residential development purposes.

These representations relate to the following sites:

- **SHELAA Site Reference: 63 – Land north of Riseholme, Broad Street, Cuckfield**
- **SHELAA Site Reference: 207 – Land at Dirty Lane/Hammerwood Road, Ashurst Wood**
- **SHELAA Site Reference: 495 – Butchers Field, south of Street Lane, Ardingly**
- **SHELAA Site Reference: 568 – Middle Lodge, Lindfield Road, Ardingly**
- **SHELAA Site Reference: 573 – Batchelors Farm, Keymer Road, Burgess Hill**
- **SHELAA Site Reference: 634 – Land west of Dirty Lane, Ashurst Wood**
- **SHELAA Site Reference: 781 – Land to the south of Robyns Barn, Birchgrove Road, Horsted Keynes**
- **SHELAA Site Reference: 839 – Land at Hazeldene Farm, north of Orchard Way, Warninglid**

It will be noted that Fairfax are also promoting the sites at **Ansty Cross Garage, Ansty** (*SHELAA site ref: 644*); and at **Woodfield House, Isaacs Lane, Burgess Hill** (*SHELAA site ref: 840*)

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CONSULTANCY LIMITED

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RODWAY PLANNING  
CONSULTANCY LIMITED

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RODWAY PLANNING  
CONSULTANCY LIMITED

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Yours faithfully,

Tim Rodway  
Director

*c.c. Fairfax Acquisitions Limited*



## Site Allocations DPD: Regulation 19 Consultation Response

**Policy:** SA10

**ID:** 753

**Response Ref:** Reg19/753/1

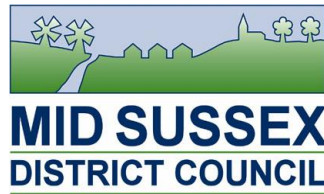
**Respondent:** Mr J Pearson

**Organisation:** Lewis and Co Planning

**On Behalf Of:** Globe Homes

**Category:** Promoter

**Appear at Examination?** ✓



## **Site Allocations Development Plan Document Regulation 19 Submission Draft Consultation Form**

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

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

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

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

The Site Allocations DPD is available to view at:

[www.midsussex.gov.uk/planning-building/development-plan-documents/](http://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 28<sup>th</sup> 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/](http://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](mailto:LDFconsultation@midsussex.gov.uk)

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



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

---

### 1. Personal Details

Title	<input type="text" value="Mr"/>
First Name	<input type="text" value="Joseph"/>
Last Name	<input type="text" value="Pearson"/>
Job Title (where relevant)	<input type="text" value="Senior Planning Consultant"/>
Organisation (where relevant)	<input type="text" value="Lewis &amp; Co Planning"/>
Respondent Ref. No. (if known)	<input type="text"/>
On behalf of (where relevant)	<input type="text" value="Globe Homes"/>
Address Line 1	<input type="text" value="2 Port Hall Road"/>
Line 2	<input type="text" value="Brighton"/>
Line 3	<input type="text"/>
Line 4	<input type="text"/>
Post Code	<input type="text" value="BN1 5PD"/>
Telephone Number	<input type="text" value="01273 413700"/>
E-mail Address	<input type="text" value="Joseph.pearson@lewisplanning.co.uk"/>



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

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

## Part B – Your Comments

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

**Name or Organisation:**

Globe Homes

### 3a. Does your comment relate to:

Site  
Allocations  
DPD

☒

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

10 + 11

Draft Policies Map

### 4. Do you consider the Site Allocations DPD is:

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

Yes ☐

No ☒

4b. Sound

Yes ☐

No ☒

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

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

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

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

See supporting letter for full details. The assessments that inform allocations within the DPD are not accurate and result in the allocation of less sustainable sites for new residential development.

The DPD has not been positively prepared or justified and as a result is not effective or consistent with national policy as more suitable and sustainable development sites have been excluded without good reason.

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

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

The assessment of our client's site at land to the rear of 2 Hurst Road and to the west of London Road, Hassocks is inaccurate and the Sustainability Appraisal draws conclusions that are not supported by its methodology. Our client's site forms one of the most sustainable locations for new residential development and should be allocated accordingly.

See supporting letter for further details.

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

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

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

☐

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

☒

**Yes**, I wish to participate at the oral examination

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

The Council have failed to accurately assess our client's site despite representations to them throughout the preparation process setting out the inaccuracies in their previous assessments.

It is therefore imperative that these assessments and the decision to allocate other sites within the DPD are closely scrutinised by the Inspector and we would be happy to participate in the oral part of the examination so these matters can be fully considered.

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

**10. Please notify me when:**

(i) The Plan has been submitted for Examination

☒

(ii) The publication of the recommendations from the Examination

☒

(iii) The Site Allocations DPD is adopted

☒

Signature:

Joseph Pearson

Date:

10/09/2020

**Thank you for taking time to respond to this consultation**

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

Sent by email only to: [LDFconsultation@midsussex.gov.uk](mailto:LDFconsultation@midsussex.gov.uk)

10<sup>th</sup> September 2020

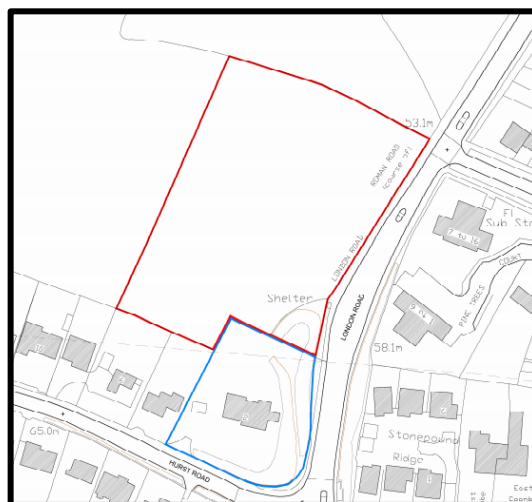
Dear Sir/Madam,

## Site Allocations DPD Consultation

Thank you for the opportunity to comment on the Site Allocations Development Plan Document. We write to you on behalf of Globe Homes who are promoting a site comprised of land to the rear of 2 Hurst Road and to the west of London Road.

These comments follow our earlier representations on the Regulation 18 (Issues and Options) Consultation for this Development Plan Document (attached at Appendix A).

Site ownership is shared with the Clayton with Keymer Parochial Church Council (PCC) who own the north-eastern part of the site. The PCC are also promoting the site and support a residential allocation of the whole site.



*Site Location Plan*

## **Summary**

The assessments that inform the allocations within the proposed submission Site Allocations DPD do not accurately reflect the merits of our client's site and lead to decisions to allocate less sustainable sites for new residential development contrary to national policy and guidance. For example:

- The rationale applied to our client's site contradicts assessments on other allocated sites and leads to unjustified and inconsistent conclusions
- The sustainability appraisal draws conclusions that are not supported by its methodology
- The scoring for our client's site (within the sustainability appraisal) gives neutral scores to clear positive benefits, which would show our client's site as a more sustainable location for development than other allocated sites

We consider that the proposed submission documents fail to meet the legal requirements for the Sustainability Appraisal and the tests of soundness in terms of the Site Allocations DPD's justification, effectiveness and consistency with national policy.

## **Site Description**

Our client's site is located within Hassocks in the south of the District and lies at the rear of 2 Hurst Road, to the west of London Road. Hassocks is a category 2 settlement with a wide range of services and railway station.

Land at the rear of 2 Hurst Road is the most sustainable site within Hassocks for new residential development and performs significantly better in terms of sustainable development objectives than the majority of site allocations within the DPD. The site is within 500m of the train station and village centre, under 15mins (1.2km) walking distance from three schools (Hassocks Infants School, Downlands Community School and Windmills Junior School) and 950m from the village Health Centre.

The site is referred to in the Site Selection paper as '*Land opposite Stanford Avenue, London Road, Hassocks*' (SHLAA Reference 210). The site has been identified as suitable, available and achievable for residential development. Ongoing transport and archaeology work shows that any potential adverse impacts can be appropriately mitigated or avoided entirely. The site scores very favourably against most of the identified environmental criteria. The site also adjoins a recent development (to the north) and its development would help create a new defensible western boundary to the settlement.

The site is unaffected by flood risk, would not affect any designated heritage assets, ancient woodland, SSSIs, local nature reserves, or other notable constraints. The District Council's arboricultural experts have concluded that any adverse impacts on TPO trees within and surrounding the site can be avoided or appropriately mitigated.

Close attention has been given to the access arrangements for the site to ensure that any development of the site would not result in severe impacts to the highway network, particularly given the close proximity of the nearby junction. Off-site highway works have been identified by our client's appointed highway consultant and further work is being undertaken to fully address advice from West Sussex County Council.



*Outline plan showing how 25 homes could feasibly be accommodated within the site (alongside the new Barratt Homes development to the north)<sup>1</sup>*

Proposals for 25 new homes on the site were refused in 2018 due to the location of the site outside (but adjoining) the defined built-up area boundary. The Site Selection Paper considers the site to have a potential housing yield of 45 new units. The site can therefore accommodate a significant development that would provide clear benefits to the parish and deliver much needed new homes.

Our client and the District Council (through their SHELAA process) are in agreement that between 25 and 45 homes would be an appropriate yield for the site. It should be noted that the approved development on the Barratt Homes site to the north of the site would be delivered at a density of 24.4 dwelling per hectare. The 25-home scheme proposed would deliver a comparable density appropriate to the character of the wider area and would ensure that existing natural features within the site (including TPO trees) can be comfortably incorporated into the development.

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<sup>1</sup> Indicative plan - not intended as a final layout

Whilst the site is clearly appropriate for new housing development, failure to allocate the site for a larger quantum of development would likely result in the site coming forward as a windfall site of 9 units or less. This would be a less efficient use of the site, would not generate a requirement for affordable housing types and may prevent the District Council from securing infrastructure contributions. Support through a specific allocation in the Site Allocations DPD would make the proposals an exception to District Plan Policy DP12 and would allow a better-quality development to proceed in principle.

The allocation of this site would create a coherent overall approach to the growth and development of Hassocks over the Plan period to 2031. A self-contained residential development within our client's site, alongside other sites to the western side of London Road would also complete a defensible western boundary to the village.

### **Proposed Submission Site Allocations DPD**

The Site Allocations DPD seeks to allocate new housing land to meet what is described as the District's 'residual' housing need to 2031. However, the clear backdrop to this document is an urgent need for additional housing across the sub-region – with unmet need in neighbouring authorities highlighted under Policy DP5 of the District Plan.

Whilst a future review of the Plan is expected to address this unmet sub-regional need, it is evident that the Site Allocations DPD should deliver new housing wherever it is appropriate and sustainable to do so, as the issues of unmet needs in neighbouring authorities worsen. This document cannot be considered in a vacuum and its soundness must be considered in the context of present-day evidence of housing needs.

The Government's housing delivery test provides reliable evidence that five of the eight local authorities within the Coastal West Sussex and Greater Brighton Strategic Planning area have failed to deliver their minimum housing requirement over recent years (in addition to the unmet need not addressed through their Local Plans). This under-delivery will further exacerbate the scale of unmet needs across the sub-region identified through the District Plan and the social and economic sustainability impacts of failing to adequately address these needs.

There is therefore an evidenced need for additional housing development where appropriate sites are available to meet this wider unmet need within the Coastal West Sussex and Greater Brighton sub-region. The authorities struggling to deliver their minimum housing requirements include Adur (56% delivered), Brighton (70% delivered) and Lewes (93% delivered) – those authority areas closest to our client's site.

In addition to these needs across relevant housing market areas, the proposed new Standard Method for housing need shows that the District Plan strategy still has an under-provision of housing as the figures show an annual increase in housing need of 191 homes a year in Mid Sussex alone. Across the wider housing market areas that affect Mid Sussex the shortfall is more pronounced, with a 1,108 home shortfall (per annum) in the North West Sussex area



alone (Crawley, Horsham and Mid Sussex) and a further 2,039 home shortfall (per annum) across the Coastal West Sussex area.

Although the Site Allocations DPD is not intended to provide a full review of the District Plan housing strategy, these objective facts provide an up-to-date background of the worsening housing crisis that is affecting the local area. Much of this information has been available to the local planning authority through the preparation of the DPD and should have informed the decisions being made on the Site Allocations DPD itself through the Sustainability Appraisal and assessment of alternatives. This is discussed further below.

Policy SA GEN is clear that site allocations should support sustainable transport objectives and provide a high degree of integration and connectivity between new and existing communities and our client's site offers significantly better potential for integration than other edge of settlement sites proposed for allocation.

### **Sustainability Appraisal**

The DPD states that 'reasonable alternatives' were assessed through the Sustainability Appraisal. We previously raised concerns about significant factual flaws in the assessments for Hassocks and flaws in the methodology for considering marginal sites.

We do not consider that our client's site should be considered a 'marginal site' as it scored lower on some objectives than we believe is accurate and otherwise achieves a comparable score to the allocated site at Shepherds Walk.

The Council's conclusion (page 133) that Option (b) [the Shepherds Walk site] performs "more positively" is fundamentally incorrect as the same scores are achieved across all 16 Objectives (albeit with a minor variation between different objectives). The conclusion goes on to state that the Shepherds Walk site "*can contribute towards growth required at category 2 in the settlement hierarchy*" but then rejects our client's site on the basis that it is not needed – this is entirely contradictory.

In addition to the above, our client's site is given a neutral score when assessed in terms of education, despite being within walking distance of local schools – clearly a positive.

The site is within walking distance of all local services and lies in close proximity to Hassocks railway station. There is a bus stop directly outside the site. Sustainable modes of transport are therefore very much a genuine travel choice and private car use would be minimised. Despite this, the site is given a score of "?" when assessed against the District's Transport objectives.

The Sustainability Appraisal assessment of the site therefore poorly reflects actual performance against sustainability objectives and this flawed assessment likely leads to flawed conclusions discussed further below. The site has been identified as a 'marginal site' despite being clearly suitable for sustainable residential development.

### Reasonable alternatives

We are also concerned that the Council have not rigorously considered the reasonable alternative of allocating more of, or all, remaining sites (that meet the Council's own suitability criteria). Their reasons for rejecting this alternative are that:

- The District Plan supports a minimum requirement of 16,390 homes throughout the Plan period, and a significant increase in housing delivery *may* not be supported by the existing evidence base
- Allocating additional housing is not in accordance with the District Plan strategy
- There *may* be negative in-combination effects

These conclusions are not based on any evidence and don't demonstrate any genuine attempt to investigate whether this approach could lead to any of the negative effects described in this section of the Sustainability Appraisal. We would expect to see an actual assessment of the in-combination impact of allocating all suitable sites within each settlement – especially given the significant amount of work already invested into the site selection process. We doubt that any 'in-combination' adverse impacts would genuinely outweigh the benefits of additional housing delivery (particularly given the known under-delivery of housing across many neighbouring local authority areas).

For example, in Hassocks only two sites have been included in this forty-seven site shortlist. The allocation of both sites would clearly not result in an unbalanced spatial distribution or deliver a significantly higher amount of housing for the settlement than that envisaged in the District Plan housing strategy.

A slightly more robust assessment of these considerations would likely result in different policy outcomes and the preparation of the Site Allocations DPD (subject to similar scrutiny to the District Plan) provides a reasonable opportunity to reconsider some of the evidence base that underpins the District Plan strategy.

It may well be the case that in some settlements the in-combination effects would be significant enough to outweigh the benefits of allocating all sites (Ansty may be one such location where this could be the case) but the assumptions given for ruling out the allocation of additional sites are broad and generalised and this position has not been justified.

### **Air Quality**

In the Proposed Submission Site Allocations DPD the site remains a 'marginal site' which has been considered for allocation but excluded for the following reason (paragraph 6.47 of the Sustainability Appraisal):

*"The site at Hassocks is on the edge of an Air Quality Management Area, and may impact upon it. Hassocks need has been exceeded by better performing sites, including a strategic allocation within the District Plan"*

This is entirely speculative, and has not been justified with no further investigation undertaken or contact with the site owners about this matter. The Council have produced air quality modelling for Stonepound Crossroads AQMA<sup>2</sup> to assess potential scenarios from the Site Allocations DPD but they have not included any scenario where our client's site is allocated – despite this clearly being a central matter in their decision to exclude the site and one of only two potential development options within the settlement.

Notwithstanding this, the modelling shows that there will be a negligible impact on air quality at Stonepound Crossroads and the long-term trend since 2013 has been a downward trend of NO<sub>2</sub> levels at this location. Modelling shows that the annual mean NO<sub>2</sub> concentrations are predicted to be well below the national (maximum) objective of 40 µgm<sup>-3</sup> with results at relevant receptors ranging from 12.9 to 29.9 µgm<sup>-3</sup>. The highest anticipated increase from the Site Allocations DPD is a 1.2% increase and in this location guidance from the Institute of Air Quality Management<sup>3</sup> is clear that even a change of up to 5% would have a negligible impact.

This modelling shows that Hassocks can accommodate additional development without having a significant adverse impact on air quality – which will continue to improve to the end of the Plan period at this location, particularly as motor vehicle technology advances and fleet buying choices change. If the local planning authority are concerned about the potential for a significant adverse impact from residential development of our client's site then they should incorporate that scenario into their modelling.

In addition to the above, our client's site is much more sustainably located than other 'marginal' sites identified for allocation. The site would therefore have a significantly reduced impact on air quality and pollution than the identified sites that would necessitate car use for many normal day-to-day activities. Further details are provided below.

### **Comparison with allocated sites**

Instead of allocating our client's site, the Council have prioritised the allocation of three additional 'marginal' sites in Burgess Hill. The District Plan and other site allocations already focus a significant proportion of the District's housing development in Burgess Hill at a scale vastly exceeding Burgess Hill's own need (as stated within the 'Justification' at 6.47 of the Sustainability Appraisal).

In contrast, the local planning authority have stated that 'Hassocks need has been exceeded' in their conclusions for our client's site – in direct contradiction to their decision to allocate these other marginal sites.

There is no direct comparison of all marginal sites, which have been instead subjected to arbitrary and sometimes contradictory commentary. Compared comparatively to the other marginal sites that have been supported through the Sustainability Appraisal, our client's site scores significantly better in terms of access to services:

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<sup>2</sup> <https://www.midsussex.gov.uk/media/4726/reg-19-sites-dpd-stonepound-crossroads.pdf>

<sup>3</sup> Land-Use Planning & Development Control: Planning For Air Quality (January 2017)

	<b>Train Station</b>	<b>Town/Village Centre</b>	<b>Schools</b>	<b>Health Centre</b>
<b>Land to the rear of 2 Hurst Road</b>	500m	500 - 750m	Hassocks Infants School: 750m  Downlands Community School: 1.2km  Windmills Junior School: 1.3km	950m
<b>Land south of Folders Lane and east of Keymer Road, Burgess Hill (Site 557)</b>	1.2km	1.4km	Birchwood Grove Primary School: 1.05km  Burgess Hill Girls School: 1.05km	1.15km
<b>Land east of Greenacres, Keymer Road and south of Folders Lane (Site 738)</b>	1km-1.5km	1.2km-1.4km	Birchwood Grove Primary School: 500-800m  Burgess Hill Girls School: 800m-1km	880m-1.2km
<b>Land south of 96 Folders Lane, Burgess Hill (Site 827)</b>	1.9km	2.1km	Birchwood Grove Primary School: 850m  Burgess Hill Girls School: 1.5km	1.75km
<b>Haywards Heath Golf Course (Site 503)</b>	1.8km – 2.5km	3.2km	Lindfield Primary Academy: 1.5km – 2.2km  Blackthorns Community Primary Academy: 1.65km - 2.3km  Oathall Community College: 1.35km - 2.05km	1.7km – 2.3km

Given the distances from relevant services, walking and other sustainable modes of transport will be a genuine travel choice for future residents. In contrast, distances on the proposed allocations will make this a less attractive option for future residents despite these sites being within a Category 1 settlement. The logic of allocating these sites over our client's site is therefore not supported by the sustainability objectives identified by the Council in their preparation of the Site Allocations DPD. We believe that our client's site should be prioritised for allocation on this basis.

Whilst the Category 1 settlements have a greater range of services available, this does not necessarily provide sustainability benefits if those services can only reasonably be reached by private car. The methodology for selecting these sites over other 'marginal' sites is therefore flawed and this exercise has meant these sites have not been assessed on an objective evidence-led basis.

The Site Allocations DPD assessed two suitable sites in Hassocks and allocates the other Hassocks site, at Shepherds Walk. Shepherds Walk is further from all services, partially within a flood zone and is three times further from the train station (500m from our client's site) but both have a '?' score for transport. The Sustainability Appraisal shows the Shepherds Walk site as performing better in terms of access to education even though the site is 600m further from any education facilities in the village than our client's site. These significant flaws in the assessment result in the Council incorrectly concluding that the Shepherds Walk site is the 'most strongly performing site in Hassocks'.

Allocations identified within the current draft of the DPD therefore do not represent the most sustainable and appropriate strategy for meeting the District's residual housing needs. We consider that the allocation and residential development of our client's site would better meet the objectives of the Site Allocations DPD. A residential development of the site would integrate well with the village of Hassocks and represent a highly sustainable location for delivering the additional housing required. The site has no significant development constraints.

The site has been assessed through the Mid Sussex Strategic Housing and Employment Land Availability Assessment (Site Ref. 210) and the Site Selection process forming part of the evidence base for the Site Allocations DPD. These assessments find the site to be suitable, available and achievable.

Although our client's site performs better than other allocated sites, the significant unmet housing needs across the subregion show that there is a clear need for appropriate housing sites to be allocated for development and the site could be allocated in addition to (rather than instead of) other allocations within the DPD.

### **Other matters**

The District Council's Site Selection Paper 3 negatively describes the landscape capacity of the site as 'low' but also indicates that the site is screened from public views and would only

impact on private views from existing properties to the south of the site. The assessment is clear that this scoring relates to views out of the existing settlement rather than views towards Hassocks from the surrounding countryside (or National Park) and notes that the natural screening around the eastern and northern edges of the site would minimise any impact if retained. The site is surrounded by development on three sides and the site, along with the adjacent field to the west, is well screened from longer views.

The site would deliver a complementary development alongside the Barratt Homes development on London Road. Combined, the developments will set a new, defensible edge to the village that will reinforce the policy intentions of other District-wide and Neighbourhood Plan policies.

## **Conclusion**

We believe that the site clearly presents a positive opportunity for residential development in a highly sustainable location that positively contributes to the objectives of the District Plan. The assessment of marginal sites is not sufficiently robust and results in less sustainable sites being identified for allocation.

Lewis & Co Planning would welcome the opportunity to discuss these matters in greater detail. Please contact Joseph Pearson or Simon Bareham on 01273 413700.

Yours faithfully,

Lewis & Co Planning  
[Joseph.pearson@lewisplanning.co.uk](mailto:Joseph.pearson@lewisplanning.co.uk)

## **Appendix A – Site Allocations DPD Regulation 18 Consultation Response**

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

Sent by email only to: [LDFconsultation@midsussex.gov.uk](mailto:LDFconsultation@midsussex.gov.uk)

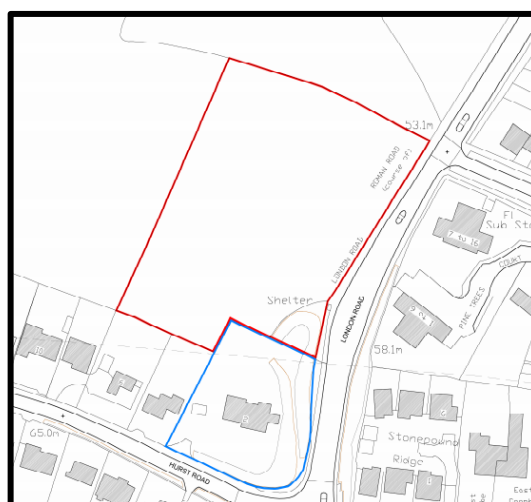
20<sup>th</sup> November 2019

Dear Sirs,

## Site Allocations DPD Consultation

Thank you for the opportunity to comment on the Site Allocations Development Plan Document. We write to you on behalf of Globe Homes who are promoting a site comprised of land to the rear of 2 Hurst Road and to the west of London Road.

Site ownership is shared with the Clayton with Keymer Parochial Church Council (PCC) who own the north-eastern part of the site. The PCC are also promoting the site and support a residential allocation of the whole site.



*Site Location Plan*

Allocations identified within the current draft of the DPD do not represent the most sustainable and appropriate strategy for meeting the District's residual housing needs. We consider that the allocation and residential development of our client's site would better meet the objectives of the Site Allocations DPD. A residential development of the site would integrate well with



the village of Hassocks and represent a highly sustainable location for delivering the additional housing required. The site has no significant development constraints.

The site has been assessed through the Mid Sussex Strategic Housing and Employment Land Availability Assessment (Site Ref. 210) and Site Selection Paper 3, which forms part of the evidence base for the Site Allocations DPD.

These assessments find the site to be suitable, available and achievable. Ongoing transport and archaeology work shows that any potential adverse impacts can be appropriately mitigated or avoided entirely. The site scores very favourably against the identified environmental criteria and has excellent access to existing services.

The District Council's Site Selection Paper 3 negatively describes the landscape capacity of the site as 'low' but also indicates that the site is screened from public views and would only impact on private views from existing properties to the south of the site. The assessment is clear that this scoring relates to views out of the existing settlement rather than views towards Hassocks from the surrounding countryside (or National Park) and notes that the natural screening around the eastern and northern edges of the site would minimise any impact if retained. The site is surrounded by development on three sides and the site, along with the adjacent field to the west, is well screened from longer views.

We firmly believe that our client's site at 2 Hurst Road provides a more sustainable location for residential development than other allocated sites. The site offers excellent access to local shops, services and facilities, would result in no significant adverse impacts and allocation within the Plan would deliver a complementary development alongside the Barratt Homes development on London Road. Combined, the developments will set a new, defensible edge to the village that will reinforce the policy intentions of other District-wide and Neighbourhood Plan policies.

Our representations below set out our concerns with conclusions reached in the Plan preparation process thus far and the merits of our client's site both individually and comparably.

## **Sustainability Appraisal**

The Sustainability Appraisal is a detailed and useful piece of work that rightly informs the selection of sites for allocation. However, there are significant factual flaws in the assessments for Hassocks and flaws in the methodology for considering marginal sites.

The site has successfully passed through each of the three stages of the Council's methodology for refining the sites into a shortlist for potential allocation. The site, referred to in the Site Selection paper as '*Land opposite Stanford Avenue, London Road, Hassocks*', was not ruled out following the high level assessment (Site Selection Paper 2) or the detailed site assessment (Site Selection Paper 3) but has instead been excluded through the Sustainability Appraisal process for the following stated reason:



*“The SA finds that although the site performs reasonably strongly in relation to the SA objectives, it is not the most strongly performing site in Hassocks. Allocation of Site 210 is therefore unnecessary to meet the spatial strategy.”*

#### Flawed Assessment of Hassocks Sites

This is based on a flawed assessment of the other site at Shepherds Walk in Hassocks (Site 221).

For example, the site options assessment for Hassocks within the Sustainability Appraisal shows the Shepherds Walk site as performing better in terms of access to education even though the site is 600m further from any education facilities in the village than our client's site.

Other than that incorrect assessment, our client's site performs significantly better against other objectives. For example, the allocated Shepherds Walk site is further from all services, partially within a flood zone and is three times further from the train station (500m from our client's site – but both have a '?' score for transport). These significant flaws in the assessment result in the Council incorrectly concluding that the Shepherds Walk site is the 'most strongly performing site in Hassocks'.

We ask that this assessment be revisited as we consider that a factually accurate assessment would show our client's site to be the most sustainable growth option for Hassocks.

#### Subjective Assessment of Marginal Sites

Our client's site is one of ten 'marginal' sites that have been excluded from allocation despite the positives of potential development outweighing any potential negative impacts. These sites have been subject to further consideration as additional sites that would provide flexibility but there has been no comparison between sites.

Instead our client's site has been rejected on the basis of its proximity to an Air Quality Management Area, despite there being no evidence that the development would result in harm to local air quality and couldn't result in improvements to the AQMA. Other sites, including the allocation at Shepherds Walk, would utilise this busy junction on a day-to-day basis but have not been rejected on this basis.

Compared comparatively to the four marginal sites that have been supported through the Sustainability Appraisal, our client's site scores significantly better in terms of access to services:

	<b>Train Station</b>	<b>Town/Village Centre</b>	<b>Schools</b>	<b>Health Centre</b>
<b>Land to the rear of 2 Hurst Road</b>	500m	750m	Hassocks Infants School: 750m  Downlands Community School: 1.2km  Windmills Junior School: 1.3km	950m
<b>Land south of Folders Lane and east of Keymer Road, Burgess Hill (Site 557)</b>	1.2km	1.4km	Birchwood Grove Primary School: 1.05km  Burgess Hill Girls School: 1.05km	1.15km
<b>Land east of Greenacres, Keymer Road and south of Folders Lane (Site 738)</b>	1km-1.5km	1.2km-1.4km	Birchwood Grove Primary School: 500-800m  Burgess Hill Girls School: 800m-1km	880m-1.2km
<b>Land south of 96 Folders Lane, Burgess Hill (Site 827)</b>	1.9km	2.1km	Birchwood Grove Primary School: 850m  Burgess Hill Girls School: 1.5km	1.75km
<b>Haywards Heath Golf Course (Site 503)</b>	1.8km – 2.5km	3.2km	Lindfield Primary Academy: 1.5km – 2.2km  Blackthorns Community Primary Academy: 1.65km - 2.3km	1.7km – 2.3km

			Oathall Community College: 1.35km - 2.05km	
--	--	--	--	--

Clearly, the services available to prospective residents of our client's site would be like to use all these services on foot, with easy access to the train station offering significant employment and leisure opportunities further afield without the need for private car use. The development of this site would therefore have a significantly reduced impact on air quality and pollution than the identified sites that would necessitate car use for many normal day-to-day activities.

Whilst the Category 1 settlements have a greater range of services available, this does not necessarily provide sustainability benefits if those services can only reasonably be reached by private car. The methodology for selecting these sites over other 'marginal' sites is therefore flawed and this exercise has meant these sites have not been assessed on an objective evidence-led basis.

### Reasonable alternatives

We are also concerned that the Council have not rigorously considered the reasonable alternative of allocating more of, or all of, the remaining 47 sites (that meet the Council's own suitability criteria). Their reasons for rejecting this alternative are that:

- The District Plan supports a minimum requirement of 16,390 homes throughout the Plan period, and a significant increase in housing delivery *may* not be supported by the existing evidence base
- Allocating additional housing is not in accordance with the District Plan strategy and would be better delivered following sufficient testing
- There *may* be negative in-combination effects

These conclusions are not based on any evidence and don't demonstrate any genuine attempt to investigate whether this approach could lead to any of the negative effects described in this section of the Sustainability Appraisal. We would expect to see an actual assessment of the in-combination impact of allocating all suitable sites within each settlement – especially given the significant amount of work already invested into the site selection process. We doubt that any 'in-combination' adverse impacts would genuinely outweigh the benefits of additional housing delivery (particularly given the known under-delivery of housing across many neighbouring local authority areas).

For example, in Hassocks only two sites have been included in this forty-seven site shortlist. The allocation of both sites would clearly not result in an unbalanced spatial distribution or deliver a significantly higher amount of housing for the settlement than that envisaged in the District Plan housing strategy.

A slightly more robust assessment of these considerations would likely result in different policy outcomes and the preparation of the Site Allocations DPD (subject to similar scrutiny

to the District Plan) provides a reasonable opportunity to reconsider some of the evidence base that underpins the District Plan strategy.

It may well be the case that in some settlements the in-combination effects would be significant enough to outweigh the benefits of allocating all sites (Ansty may be one such location where this could be the case) but the assumptions given for ruling out the allocation of additional sites are broad and generalised.

### **Land to the rear of 2 Hurst Road**

Our client's site has excellent access to local services. Hassocks Railway Station is under 500m from the site, the village centre is under 700m away and local primary school and GP services are all within a 15-minute walk.

For all of the identified services, our client's site performs better than the proposed allocation at Shepherds Walk as well as allocations within the draft Neighbourhood Plan and adopted District Plan.

On this basis, the published site assessments are flawed and don't fairly assess the sustainability of the site and its location within the village. The District Council's conclusion that the residual housing need for Hassocks *"could be met at more sustainable locations"* is not justified as demonstrated above.

The District Council have not objected to residential development at this location in principle. Proposals for 25 new homes on the site were refused last year due to its location of the site outside the defined built-up area boundary and the lack of an allocation or other policy within the Development Plan which would overcome that issue. However, the site is contiguous with the built-up area boundary of Hassocks and surrounded by development on three sides. It would therefore be a suitable windfall site for a development of up to nine new homes under District Plan Policy DP6.

However, we do not consider this to be a more sustainable approach than allocating the site for a larger development that would maximise the benefits of developing the site. The Site Selection Paper considers the site to have a potential housing yield of 45 new units. The site can therefore accommodate a much more significant development that would provide clear benefits to the parish and deliver much needed new homes.

When compared to the allocated sites to the north of Hassocks the site clearly has a less significant impact on the wider countryside. Support through a specific Plan policy would make the proposals an exception to District Plan Policy DP12 and would allow a better-quality development to proceed in principle.

The allocation of this site would create a coherent overall approach to the growth and development of Hassocks over the Plan period to 2031. A self-contained residential development within our client's site, alongside other sites to the western side of London Road

would complete a defensible western boundary to the village and would serve to reinforce other policy objectives within the Plan such as local and neighbourhood plan policies on Local Gaps.

Any allocation should optimise the potential of the site to accommodate development in accordance with paragraph 123 of the National Planning Policy Framework and District Plan Policy DP26 (Character and Design). This is particularly true of sites that are well served by public transport, and the proposed site has excellent access to train services.

Our client and the District Council (through their SHELAA process) are in agreement that between 25 and 45 homes would be an appropriate yield for the site. It should be noted that the approved development on the Barratt Homes site to the north of the site would be delivered at a density of 24.4 dwelling per hectare. The 25-home scheme proposed would deliver a comparable density appropriate to the character of the wider area and would ensure that existing natural features within the site (including TPO trees) can be comfortably incorporated into the development.

Under existing planning policies, this scale of development could likely only be delivered through allocation in a development plan document and would be best achieved through allocation in the emerging Site Allocations DPD or Neighbourhood Plan.

The site is unaffected by flood risk, would not affect any designated heritage assets, ancient woodland, SSSIs, local nature reserves, or other notable constraints. Further work is being undertaken to fully assess the site's archaeological potential and ensure any impacts on any identified archaeological assets are appropriately mitigated. The District Council's arboricultural experts have concluded that any adverse impacts on TPO trees within and surrounding the site can be avoided or appropriately mitigated.

Close attention has been given to the access arrangements for the site to ensure that any development of the site would not result in severe impacts to the highway network, particularly given the close proximity of the nearby junction. Off-site highway works have been identified by our client's appointed highway consultant and further work is being undertaken to fully address advice from West Sussex County Council.



*Outline plan showing how 25 homes could feasibly be accommodated within the site (alongside the new Barratt Homes development to the north)<sup>1</sup>*

## Summary

We believe that the site clearly presents a positive opportunity for residential development in a highly sustainable location the positively contributes to the objectives of the District Plan. We do not consider that two sites identified as suitable growth options for Hassocks have been accurately compared. Similarly, the assessment of marginal sites is not sufficiently robust and results in less sustainable sites being identified for allocation.

Lewis & Co Planning would welcome the opportunity to discuss these matters in greater detail. Please contact Joseph Pearson or Simon Bareham on 01273 413700.

Yours faithfully,

Lewis & Co Planning  
[Joseph.pearson@lewisplanning.co.uk](mailto:Joseph.pearson@lewisplanning.co.uk)

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<sup>1</sup> Indicative plan - not intended as a final layout

## Site Allocations DPD: Regulation 19 Consultation Response

**Policy:** SA10

**ID:** 757

**Response Ref:** Reg19/757/4

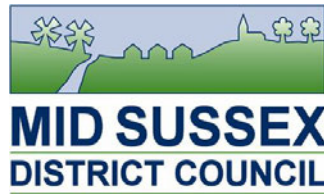
**Respondent:** Mr C Noel

**Organisation:** Strutt and Parker

**On Behalf Of:** Croudace Henfield Road Albourne

**Category:** Developer

**Appear at Examination?** ✓



## **Site Allocations Development Plan Document Regulation 19 Submission Draft Consultation Form**

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

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

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

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

The Site Allocations DPD is available to view at:

[www.midsussex.gov.uk/planning-building/development-plan-documents/](http://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 28<sup>th</sup> 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/](http://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](mailto:LDFconsultation@midsussex.gov.uk)

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



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

---

### 1. Personal Details

Title	<input type="text" value="Mr"/>
First Name	<input type="text" value="Craig"/>
Last Name	<input type="text" value="Noel"/>
Job Title (where relevant)	<input type="text"/>
Organisation (where relevant)	<input type="text" value="Strutt and Parker"/>
Respondent Ref. No. (if known)	<input type="text"/>
On behalf of (where relevant)	<input type="text" value="Croudace Homes"/>
Address Line 1	<input type="text" value="201 High Street"/>
Line 2	<input type="text" value="Lewes"/>
Line 3	<input type="text"/>
Line 4	<input type="text"/>
Post Code	<input type="text" value="BN7 2NR"/>
Telephone Number	<input type="text" value="01273407045"/>
E-mail Address	<input type="text" value="craig.noel@struttandparker.com"/>



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

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

## Part B – Your Comments

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

**Name or Organisation:**

Craig Noel – Strutt and Parker on behalf of Croudace Homes

### 3a. Does your comment relate to:

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

### 3b. To which part does this representation relate?

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

4a. In accordance with legal and procedural requirements; including the duty to cooperate.	Yes	<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 checked="" type="checkbox"/>
(2) Justified	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(3) Effective	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(4) Consistent with national policy	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

Please refer to representation from Strutt & Parker dated 28<sup>th</sup> September 2020

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

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

Please refer to representation from Strutt & Parker dated 28<sup>th</sup> September 2020

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

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

Please refer to representation from Strutt & Parker dated 28<sup>th</sup> September 2020

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

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

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

☐

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

☒

Yes, I wish to participate at the oral examination

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

We reserve a right to participate at the oral part of the examination

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

10. Please notify me when:

(i) The Plan has been submitted for Examination

☒

(ii) The publication of the recommendations from the Examination

☒

(iii) The Site Allocations DPD is adopted

☒

Signature:



Date:

28/09/2020

**Thank you for taking time to respond to this consultation**



## **Mid Sussex District Council Site Allocations DPD**

### **Regulation 19 Consultation**

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**Representations on behalf of Croudace Homes**

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**Our ref: CN 208855**

28<sup>th</sup> September 2020

Appendix 1 – Site Plan, Land South of Henfield Road, Albourne

Appendix 2 – Representation on behalf of Croudace Homes – Regulation 18 Consultation

### Introduction

- 1.1. Strutt and Parker are instructed by Croudace Homes (South Thames) to respond to the Regulation 19 consultation Site Allocations Development Plan Document (SADPD) published by Mid Sussex District Council in July 2020. Croudace has a legal interest in land at Albourne which it is promoting for new housing alongside additional open space, a community orchard and a potential scheme to assist the village primary school to facilitate a safer drop-off and pick-up arrangement for parents.
- 1.2. Croudace are a well-established five-star house builder with an excellent track record of housing delivery. They are committed to bringing this opportunity forward.
- 1.3. Land South of Henfield Road is identified edged red on the plan at Appendix 1. Our representation on behalf of Croudace Homes in response to the Regulation 18 SADPD (attached at Appendix 2) included a summary of information on the technical work undertaken in support of the proposal.
- 1.4. The site was not considered further by MSDC following the detailed site assessment (February 2020), ostensibly for sustainability reasons.
- 1.5. This representation focusses on the spatial strategy for the District, its relationship to sustainability, and the associated housing numbers addressed through the Regulation 19 proposals.

### Spatial Strategy for the District

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

## MSDC SADPD Reg 19: Representations on behalf of Croudace Homes

homes required are proposed in the Regulation 19 SADPD, providing a shortfall of 133 dwellings. This position is shown in the table below:

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

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



- 2.5. The number of dwellings at Site Allocation 27 (Land at St Martins Close (West) Handcross) has reduced from 65 to 30 dwellings because the Slaughtam Neighbourhood Plan is now made and Land at St Martins Close (East) is now a commitment as at 1<sup>st</sup> April 2020. Therefore, only 30 units are identified to avoid double counting. However, there would still be a shortfall of 103 units in Category 3 if the additional 30 dwellings had been included in the housing figures.
- 2.6. The Settlement Sustainability Review (May 2015) forms part of the evidence base for the Mid Sussex District Plan (2014-2031). Paragraph 1.4 notes the Settlement Sustainability Review (May 2015) identifies strategic allocations for housing at Burgess Hill. However, additional “housing development is proposed to be met at the district’s other towns and villages to help meet the needs of existing communities.” This suggests housing supply should be proposed across the numerous settlements and not concentrated to only a select number.
- 2.7. As Table 1 shows, there is over-provision in the Category 1 settlements against under provision in Category 2 and 3 settlements. The approved settlement hierarchy constitutes a policy for delivering the spatial strategy, ensuring a sustainable pattern of development across the District. It would be wrong therefore to regard additional provision in Category 1 settlements as essentially more sustainable than provision in accordance with the spatial strategy. The latter has been formulated to produce an appropriate balance of development across settlements in the interests of sustainability.
- 2.8. The settlement hierarchy table included as part of District Plan Policy DP6 outlines the characteristics and functions of a Category 3 settlement: “Medium sized villages providing essential services for the needs of their own residents and immediate surrounding communities.” As a result, settlements within Category 3 should be considered as sustainable settlements.
- 2.9. Thus, there is sufficient justification for amending the Site Allocations DPD to increase the number of sites and units allocated within Category 3 settlements, to ensure consistency with the District Plan and the approved spatial strategy, and in turn support a sustainable pattern of development.

### Housing Supply

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

is a narrow proportion of the sites that were positively assessed and were regarded as having potential for allocation following the Detailed Evidence Testing stage.

- 3.4. Whilst there is an over-supply from the 22 sites proposed for allocation, this may not be a sufficient buffer should sites fall out of the allocations process between now and adoption. In addition, the non-deliverability of any proposed site allocation could result in the Council jeopardising housing supply for the District.
- 3.5. MSDC should consider allocating more sites in the SADPD to ensure a continuous supply of sites during the plan period. Therefore, it would be sensible to look at settlements that are not currently meeting the residual housing requirement, most notably Category 3 settlements, to provide the necessary flexibility.

### **Assessed Housing Options and Sustainability Appraisal**

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

- 4.6. Paragraph 1.36 of the Sustainability Appraisal (July 2020) says that additional sites should ideally be drawn from sites from the highest settlement category in the hierarchy. As noted at paragraph 4.5, all additional sites were only considered from Category 1 settlements.
- 4.7. Housing supply should not be directed primarily at Category 1 settlements, not only because that would be contrary to the Spatial Strategy in the District Plan, but indeed because Category 3 settlements should be considered as sustainable locations to provide housing in Mid Sussex. There is strong justification that settlements in Category 3 of the Settlement Hierarchy should be considered as sustainable locations for site allocations as locations outside of the main town centres become increasingly desirable places to live, and there is less need to commute to offices in the main towns. An increase in home-working has eased pressures on public transport links in the District, and will continue to do so as employers prepare for the longevity of home-working.
- 4.8. The assessment criteria in the Sustainability Appraisal should be reviewed as a result of rapidly changing employment environments in response to the COVID-19 crisis; the pandemic has shifted transport movements and commuting patterns, in particular.

### Windfalls

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

### Suitability of Albourne

- 6.1. Albourne is acknowledged to be one of 13 settlements within Category 3 in the settlement hierarchy, identified as a Medium-Sized Village that provides essential services and which is capable of accommodating additional residential development. The District Plan identifies a minimum residual requirement for Category 3 settlements of 311 dwellings. This has been increased to 371 in the context of the current Regulation 19 consultation. The current draft SADPD delivers 238 units in such settlements, an under-provision of 133 units.
- 6.2. Under-provision is also apparent within Albourne itself. Table 12 produced at paragraph 6.12 of the sustainability appraisal demonstrates that (in addition to the 133-unit shortfall across Category 3 Settlements), the Regulation 19 SADPD under-delivers against the expectation for sustainable growth for Albourne – namely a further 36 dwellings. The SADPD does not allocate any sites in Albourne, leaving at least 36 units to be found if the residual for the village is to be met. The Albourne Neighbourhood Plan (made September 2016) identifies very little in the way of housing allocations to meet this identified shortfall (only 2 dwellings under policy ALH2).
- 6.3. In terms of sustainability and connectivity, Albourne is a Category 3 settlement in the District Plan hierarchy. Bus stops within 350m of the Croudace site serve Sayers Common, Hurstpierpoint, Keymer, Burgess Hill, Horsham, Crawley, and Brighton. The closest train station is at Hassocks – a 15-minute cycle journey or 25-minute bus journey away. Albourne's position within the settlement hierarchy recognises that there is access to sufficient services and facilities to justify additional housing during the plan period.
- 6.4. Of the thirteen Category 3 settlements, eight fall entirely within the AONB. Albourne on the other hand is not subject to any national or local landscape designations. The Croudace site at Land South of Henfield Road is well-placed to help to re-balance the spatial strategy, address the sustainable needs of Albourne itself, and do so while delivering additional benefits including affordable housing, open space and improved arrangements to support the primary school. It is wrong for this site to be ruled out on sustainability grounds when it would clearly contribute towards achieving the balance of growth anticipated by the spatial strategy established in the adopted Local Plan, following a full sustainability appraisal.

### Albourne Primary School

- 7.1. One of the key advantages of Land South of Henfield Road is that Albourne Primary School abuts the site to the east. The school takes pupils from Hurstpierpoint, Sayers Common, Poynings, Pyecombe, Newtimber and Albourne itself.
- 7.2. The majority of children are driven to school as a result, but there is no suitable parking or drop-off arrangements. Parents tend to park along Henfield Road/Holders, and have to cross the main road to get to the school gates.
- 7.3. There are community aspirations for a safe drop-off/pick up arrangement to be made, which is not currently possible within the school's control. There is an opportunity to find a solution to this problem through the allocation of the Croudace site in the SADPD.

- 7.4. Croudace are conducting an online survey which aims to seek the views of parents to establish whether there is a need for a drop-off/parking area to serve Albourne Primary School and how this could be delivered.
- 7.5. The survey is still 'live.' However, responses to thus far establish that 79% travel to the Primary School by car, and all car users would find a dedicated parking area close to the school useful, with most saying they would use a dedicated parking area every day.
- 7.6. The survey responses are further evidence that a school drop-off/parking area would be of great benefit to parents at school.


### Summary

- 8.1. It is evident from the figures published in the Regulation 19 SADPD that there remains a significant shortfall of homes in Category 3 settlements across the District. In particular, there are no sites identified in Albourne, despite the findings of the sustainability appraisal.
- 8.2. Our representation at Regulation 18 highlighted that there are suitable sites to meet an acknowledged shortfall in housing provision against the District Plan's residual minimum requirements, both in Albourne, and in Category 3 settlements generally.
- 8.3. As noted in our previous representation, the Regulation 19 SADPD over-relies on windfall development, and more so in the latest iteration of the DPD. If the SADPD relies too heavily on windfall despite the availability of suitable residential sites, it cannot be considered justified, effective or consistent with national policy and therefore would be unsound. Difficulties with delivery on some of the District Plan's strategic sites and the unproven response to Policy DP6 mean that further site allocations are the safest way to ensure that a five-year supply is maintained through the Plan period.
- 8.4. Land South of Henfield Road, Albourne is well-suited to meet an acknowledged shortfall in housing provision against the District Plan's residual minimum requirements in Albourne, and in Category 3 settlements generally. An allocation of this site has the potential to deliver policy-compliant affordable housing in a sustainable manner, and further local benefits including a much-needed solution to primary school parking /drop-off problems which would be a great benefit to teachers and parents. Land South of Henfield Road is in single ownership and Croudace are in a position to commit to the delivering homes at the at the site within a short phasing timeline.
- 8.5. We do not consider the SADPD to be 'sound' in its current form. In addition to the heavy reliance on windfall sites, the approach to reasonable alternatives presented in the Sustainability Appraisal (July 2020) is not consistent with the spatial strategy of the District Plan. The SADPD not only under-provides for housing in Category 3 settlements, but MSDC also risk not meeting housing numbers across the District if any of the proposed site allocations are non-deliverable.

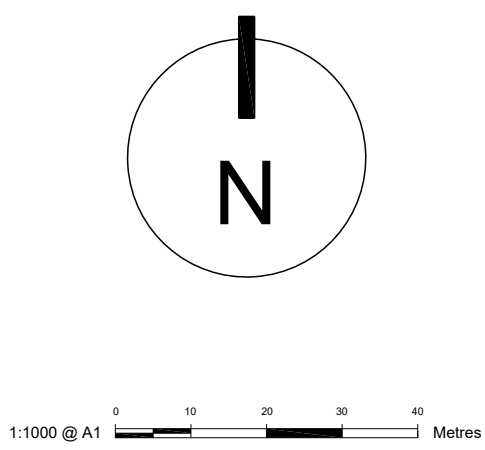




**KEY**



Boundary of Proposed Housing  
Area Approx. 2.98Ha





**Mid Sussex District Council  
Site Allocations DPD**

**Regulation 18 Consultation**

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**Representations on behalf of Croudace Homes**

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**Our ref: CN 208855**

19 November 2019

Appendix A – Site Plan, Land South of Henfield Road, Albourne

Appendix B – Housing Supply Technical Note, Strutt & Parker

Appendix C - Transport Note, Paul Basham Associates

Appendix D - Technical Note, Arc Landscape Design and Planning Ltd

Appendix E – Concept Plan, Paul Brown RIBA



Strutt and Parker are instructed by Croudace Homes (South Thames) to respond to the Regulation 18 consultation Site Allocations Development Plan Document (SADPD) published by Mid Sussex District Council on 9<sup>th</sup> October 2019. Croudace has a legal interest in land at Albourne which it is promoting for new housing alongside a new car park for the village primary school to facilitate a safer drop off and pick up arrangement for parents.

### **Issue 1: Deliverability**

- 1.1. The Croudace interest is in Land South of Henfield Road, Albourne, more particularly as identified edged red on the plan at Appendix A.
- 1.2. The legal interest in the land was secured relatively recently, and the site has not therefore been previously assessed through the formal SHELAA process, nor the Council's site assessment work for the purpose of preparation of the Regulation 18 SADPD. Nevertheless, the interest extends to all land needed to deliver the site and there are currently no known obstacles to achieving the development.
- 1.3. Croudace are a well-established house builder with an excellent track record of housing delivery, and are presently building homes in Mid-Sussex to house local families. They are committed to bringing this opportunity forward.

### **Issue 2: Insufficient Site Allocations**

- 2.1. Objection is made to the Regulation 18 draft plan on the basis that the Site Allocations DPD fails to identify a sufficient number of sites in order to be likely to deliver the residual housing requirement established under District Plan DP4. This should be remedied at Regulation 19 stage by the identification of more otherwise acceptable sites.
- 2.2. The Site Allocations DPD proposes to meet the residual requirement through the allocation of just 22 further sites. This runs a significant risk. The strategic sites identified in the District Plan are themselves relatively small in number, and that approach is already proving to be problematic in terms of housing delivery (see section 5 below). One of the potential advantages of preparing a Site Allocations DPD after a period of monitoring progress with strategic sites is the ability to balance the positive benefits that larger strategic allocations can produce with the greater predictability that smaller site allocations can provide. However, the potential advantages are significantly compromised by the Regulation 18 approach as the sites proposed for identification are insufficient in number to adequately compensate for the over-reliance of the District Plan on a small number of larger sites. Whilst it is acknowledged that the SADPD identifies sites with more than sufficient capacity to meet the residual requirement (assuming for the time being that the increased reliance on windfalls is acceptable), the limited number of sites nevertheless places the overall level of delivery at risk, given that the relationship with the

District Plan is not effectively balanced. Nor is there evidence that the approach established under DP6 to support the release of small sites is helping to re-address that balance.

### Issue 3: Under-delivery of sites in Category 3 settlements

- 3.1. It is notable that the SADPD under-delivers housing numbers in Category 3 settlements when assessed against District Plan targets. This should be addressed in the Regulation 19 Plan by identification of additional sites in Category 3 Medium Sized Villages. This will have a number of advantages in addition to meeting the District Plan targets, including ensuring that the spatial distribution of affordable housing provision more accurately mirrors that anticipated in the District Plan.
- 3.2. The District Plan table which identified the spatial distribution of the housing requirement (p32 of the District Plan) also provides minimum figures for each of the settlement Categories.
- 3.3. The minimum housing requirement for Category 1 settlements (Towns) has been revised to 840 dwellings, down from 1,272 units. In Category 2 settlements (Local Service Centres), this has decreased from 838 dwellings to 222 dwellings (partly as a result of consented appeals in Copthorne and Crawley Down in 2018). It is noteworthy that the number of units needed in Category 3 has increased from 311 dwellings to 439. In Category 4 the requirement has decreased from 19 units to 6.
- 3.4. What is particularly noteworthy is that while the minimum residual requirement for Category 3 has increased, this is the category that is most underrepresented in the proposed site allocations. Only 303 of the minimum 439 homes required are proposed in the Regulation 18 SADPD, providing a shortfall in that category of 136 dwellings. This position is shown in the table below:

Category	Settlements	District Plan Allocations	Minimum Requirement (2014-2031)	Minimum Residual (2017 +)	Minimum Residual Reg 18 SADPD	Reg18 SADPD Sites
1 Towns	Burgess Hill, E Grinstead, Haywards Heath	3,980 (3,287 in Plan period)	10,653	1,272	840	1412
2 Larger Village	Crawley Down, Cuckfield, Hassocks	500	3,005	838	222	235
3 Medium Village	Albourne, Ardingly, Ashurst Wood, Balcome, Bolney, Handcross, Horsted Keynes, Pease Pottage,	600	2,200	311	439	303

	Sayers Common, Scaynes Hill, Sharpthorne, Turners Hill, West Hoathly					
4 Smaller Village	Ansty, Staplefield, Slaugham,, Twineham and Warninglid	0	82	19	6	12
5	Hamlets	N/A	N/A	N/A	N/A	N/A

- 3.5. Thus, there is a prima facie case for amending the Site Allocations DPD at Regulation 19 stage to increase the number of sites and units allocated within Category 3 settlements, to ensure consistency with the District Plan and the approved spatial strategy.

#### Issue 4: Windfalls

- 4.1. The SADPD places significantly greater reliance on windfall sites than the District Plan, without providing suitable evidence to support the assumptions made. The Council is therefore encouraged to rely less on non-identified sources of housing growth (which by their nature are unpredictable in relation to the realisation of the spatial strategy) and to plan more effectively by identifying additional sites for allocation in the Regulation 19 version of the SADPD.
- 4.2. The District Plan makes provision for a windfall allowance of 45 dwellings per annum on small sites of up to 5 units, from year 6 of the plan period, contributing a total of 450 units over the plan period 2014-2031.
- 4.3. The Regulation 18 SADPD proposes to increase that allowance to 84 dwellings per annum, amounting to a total of 588 dwellings over the final 7 years of the Plan period (2024-2031). Part of this increase is attributed to now including sites of up to 9 units in the assessment.
- 4.4. This is the figure that has been used for the purpose of assessing the residual housing requirement for the SADPD.
- 4.5. Strutt & Parker has produced a separate paper analysing the justification for this approach. A copy is provided as Appendix B to these representations. The conclusions of the analysis are that:
- The extension of the qualifying sites to include those with a capacity of up to 9 units risks double-counting of sites identified in one of the many neighbourhood plans in the District;
  - The Council's latest assessment relies on evidence produced over a short period of time in a relatively buoyant housing market;

- Evidence of delays in achieving the anticipated housing trajectory from strategic sites is likely to result in a significant deficit against the housing requirement later in the Plan period;
  - The windfall allowance should be reduced, and further sites allocated through the SADPD process instead.
- 4.6. There are a number of potential implications from over-reliance on windfalls. Not only is the spatial strategy put at risk (there being a reduced ability to steer the quantity of development to locations consistent with the District Plan's strategy), the potential benefits arising from site allocation policies themselves are also much reduced. In particular, the likely quantum of affordable housing delivery is put at greater risk given that windfall sites are much less likely to deliver affordable provision. In addition, site-specific infrastructure requirements are more readily made out in policies supporting the delivery of allocated sites, meaning that generally speaking greater public benefit can be anticipated in Plans where a higher proportion of the number of dwellings targeted are to be provided on sites specifically allocated in Local Plans. All these issues can be overcome by identifying more housing sites through the SADPD process.

#### **Issue 5: Strategic Sites under-delivery**

- 5.1. The District Plan's strategic sites are very unlikely to meet the anticipated target numbers within the Plan period. As a result, there is a strong case for the identification of additional provision through further site identification through the SADPD (rather than reliance on an increased level of windfalls). This should be addressed by further site identification at the Regulation 19 stage.
- 5.2. The District Plan includes strategic site allocations at Burgess Hill, Hassocks and Pease Pottage, totalling 5,080 units. Of this total, 4,867 are expected to be delivered during the plan period to 2031.
- 5.3. There are however already signs that this trajectory will not be met.
- 5.4. At Burgess Hill, outline planning permission has only very recently been granted for the Northern Arc scheme, and then for 3,040 dwellings rather than the 3,500 contemplated in the District Plan strategic allocation. The Council's Housing Land Supply Position Statement, produced in July 2019 nevertheless anticipated completions to begin in 2021/22.
- 5.5. Given that the recent permission (DM/18/5114) is in outline only and that reserved matters and/or discharge of conditions applications have yet to be submitted, completion of any units in a little over 12 months seems very unlikely.
- 5.6. Delivery is expected to reach 156 dwellings per annum by 2023/2024 but even at that rate, the level of provision originally anticipated within the Plan period will not be reached.

- 5.7. At Hassocks, an outline application for 500 units has been presented to MSDC but remains undetermined, with no committee date yet fixed. Again, the July 2019 HLS Position Statement assumes first completions in 2021/22. This site is far less complex than the Northern Arc scheme, but this start date remains ambitious. The site ought to provide 50 dwellings per annum once commenced as suggested in the Position Statement.
- 5.8. The Kings Way (Burgess Hill) and Pease Pottage strategic sites are progressing acceptably but together are not large enough to compensate for likely delays with the others. It is therefore important that greater certainty be afforded through the SADPD process to bolster supply. Such certainty cannot be reliably achieved through an increased windfall allowance. Instead, additional site allocations should be made at Regulation 19 stage.

### **Issue 6: Assessed Housing Options and the Sustainability Appraisal**

- 6.1. MSDC are required to assess potential reasonable alternative strategies against the selected approach developed for the purposes of the Regulation 18 version of the SADPD. The Council purports to have carried out that exercise by considering three potential Options for the SADPD consultation, as set out in the committee report.
- 6.2. The Options presented however were not sufficiently different in terms of addressing the approved spatial strategy. 20 of the 22 sites ultimately identified in the selected Option were common to all 3 Options.
- 6.3. Option 2 included two additional sites at Burgess Hill (Category 1 settlement) while Option 3 included those sites plus a 3<sup>rd</sup> site at Haywards Heath (again a Category 1 settlement). This means that the choice around options was solely a choice around the overall number of units to be delivered in excess of the minimum residual requirement. There was no reasonable alternative presented in relation to the spatial strategy and the distribution of development between the settlement categories. Options 2 and 3 simply added additional dwellings to Category 1 settlements and did not seek to redress imbalances between the other settlement categories. The choice provided was against delivering either 112, 455 or 742 dwellings above the minimum residual requirement. In each scenario, the minimum target provision was exceeded in Category 1, 2 and 4 settlements. None of the Options met the Category 3 target residual minimum.
- 6.4. This is surprising given that there are nearly the same number of settlements in Category 3 (13) than in all of the other settlement categories where sites are proposed for allocation combined (14). It is not credible that there are no potentially suitable additional Category 3 sites that might be considered as reasonable alternatives for the purpose of the sustainability appraisal.
- 6.5. This is all the more pertinent given that the minimum residual provision targeted in the District Plan for Category 3 settlements is the only requirement to have increased under the analysis carried out in support of the SADPD (see section 3 and table above).

**Issue 7: Suitability**

- 7.1. Albourne is acknowledged to be one of 13 settlements within Category 3 in the settlement hierarchy, identified as a Medium-Sized Village that provides essential services and which is capable of accommodating additional residential development. The District Plan identifies a minimum residual requirement for Category 3 settlements of 311 dwellings. This has been increased to 439 units as at 1<sup>st</sup> April 2019 in the context of the current Regulation 18 consultation. The current draft SADPD delivers 303 units in such settlements, an under-provision of 136 units.
- 7.2. Under-provision is also apparent within Albourne itself. The table produced at paragraph 6.42 of the sustainability appraisal demonstrates that (in addition to the 136-unit shortfall across Category 3 Settlements), the Regulation 18 SADPD under-delivers against the spatial strategy expectation for Albourne – namely 39 dwellings. The SADPD does not allocate any sites in Albourne, leaving at least 39 units to be found if the residual for the village is to be met. The Albourne Neighbourhood identifies very little in the way of housing allocations to meet this identified shortfall (only 2 dwellings under policy ALH2).
- 7.3. The site South of Henfield Road consists of 3 hectares of agricultural land in total, to the west of Albourne and adjacent to the settlement confines. The land proposed for allocation lies to the south of a mature hedgerow/tree boundary which runs east/west and which itself is behind a further hedgerow running along the southern side of Henfield Road. The eastern boundary is formed by the rear of the Primary School site, with a public footpath forming the southern boundary. The western boundary of the site runs broadly north/south and follows a change in the topography of the site following the site's lowest contours before the land rises again to the west. Croudace also control land with an extensive frontage to Henfield Road (including the adjacent orchard), from which the existing access to the site itself is taken via a field gate. The site is currently uncultivated.
- 7.4. Public Right of Way (PROW) 15\_1AL forms the southern boundary and connects the site with The Street. The site lies some 1.8km from the South Downs National Park and the High Weald AONB is some 5.7km to the north of the site.
- 7.5. The site benefits from minimal overlooking by existing properties and its development would have minimal adverse impact on the amenity of existing residents and businesses. Nevertheless, the site lies immediately adjacent to the settlement confines and provides a logical potential extension to the village.
- 7.6. In terms of settlement structure, Church Lane and Henfield Road (B2116) and associated mature hedgerows provide a natural enclosure to the land within Croudace's control. Further afield, the B2118 London Road forms a natural boundary to the east of the village, restricting further growth in that direction with the need to prevent coalescence with Hurstpierpoint. A23 road noise also restricts growth to the east.

- 7.7. To the north and south of the village, two promoted sites were discounted at the SHELAA Stage 1 (ref. 58 and 789). This is compounded by a Local Gap policy in the Neighbourhood Plan which prevents development to the north and east of the village (policy C3). Growth to the west of the village is the only remaining area where additional housing could be located, and which has not been explored to date given the late stage at which the Croudace site has been presented to Mid Sussex. Indeed, none of the previously promoted sites in Albourne progressed beyond the high level site assessment (Stage 2) as all were considered to be non-compliant with the District Plan spatial strategy. Land South of Henfield Road would be compliant given its excellent relationship to the existing settlement and its scale relative to the settlement and its position in the hierarchy, whilst having the added benefit of providing a safe drop off and pick up area for the adjacent primary school.
- 7.8. In terms of sustainability and connectivity, Albourne is a Category 3 settlement in the District Plan hierarchy. Bus stops within 350m of the site serve Sayers Common, Hurstpierpoint, Keymer, Burgess Hill, Horsham, Crawley, and Brighton. The closest train station is at Hassocks – a 15-minute cycle journey or 25-minute bus journey away. Albourne's position within the settlement hierarchy recognises that there is access to sufficient services and facilities to justify additional housing during the plan period.
- 7.9. Transport work has been undertaken by Paul Basham Associates. Their assessment can be summarised as follows:
- Average traffic speeds (outside half-term break) indicate 85th percentile speeds of 39mph.
  - Visibility splays of 120m (DMRB standards), based on current vehicle speeds, can be achieved.
  - Access to the site should be taken from Henfield Road. While Croudace control an extensive frontage, a new access approximately 45m west of the junction between The Street and Henfield Road is proposed. This would involve the closure of the existing agricultural access between this point and the junction with The street. This access point is well-related to the village centre.
  - Relocating the 30mph speed limit change further west could help to reduce vehicle speeds and reduce visibility requirements, but this is not essential to the deliverability of the scheme. Pre-app discussions with WSCC Highways have indicated that this is not essential.
  - Additional pedestrian access can be provided to the south of the site where it abuts PROW No. 15\_1AI. This connects to The Street, past the school grounds.
- 7.10. The vehicular access to the site would be formed at the point that the two hedgerows referred to above join and would continue to provide a continuous hedgerow around the adjacent orchard, thereby minimising impact on the landscape and ecology.



- 7.11. Pre-application advice has been sought from WSCC as highways authority over the access and transport considerations associated with a potential development of 40 dwellings. The advice provided (in August 2019) considered a proposal to relocate the 30mph speed limit and suggested access arrangement improvements. This is discussed further in the accompanying Transport Note (Appendix C), where a number of access options have been explored.
- 7.12. Of the thirteen Category 3 settlements, eight fall entirely within the AONB. Albourne on the other hand is not subject to any national or local landscape designations, although views from the nearby South Downs National Park do need to be taken into consideration.
- 7.13. Arc Landscape Design and Planning Ltd have prepared a technical note (Appendix D) which explores the landscape impact of development on the site. While the prominent ridge of the South Downs is visible from views within the site, inter-visibility is limited. When viewed from the top of the South Downs ridge, the site is indiscernible within the wide panoramic views experienced from these locations. Again, whilst there are views out from the site looking north and north-west, due to the lower lying nature of the landscape to the north, combined with intervening boundary vegetation and woodland, there are no notable views back towards the site.
- 7.14. The report notes:
- Any new development comprising built form of up to two storeys would be visible over the existing hedgerow along Henfield Road from the properties to the north. There would also be views of new buildings from Wellcroft Cottages to the south, however these views would become increasingly screened over time once the trees and hedgerow along the southern boundary (recently planted) are established.
  - Users of the PROW as it crosses the site would experience a change in views looking to the north, however this change would be experienced for only a relatively short length (some 114m) of the much longer footpath. The relationship between the footpath and any new buildings should be carefully considered.
  - The site is largely indiscernible in views from the South Downs. The introduction of built form at the densities proposed is unlikely to increase visibility, however materials for south facing facades and roofing materials should be selected to tie in visually with existing properties in the nearby villages.
- 7.15. The illustrative Concept Plan at Appendix E shows one way in which the site could be developed.
- 7.16. The development of the site at an appropriate density that reflects the character of the existing settlement, together with sensitive design and appropriate use of materials and mitigation planting, will mean that development of this site will be suitable in terms of the Council's overall assessment. The net developable area of the site is approximately 2.3ha. This area is capable of delivering approximately 40 dwellings at a density of 17 dwellings/hectare.



- 7.17. Arc's report also considers the Council's landscape capacity studies undertaken in 2007, 2014 and 2015, and offers a site-specific opinion of the landscape capacity of the site. The site falls within a larger character area that was assessed as having medium/low landscape capacity in the 2014 LUC report. This character area received negative scores due to the presence of listed buildings and proximity to Sayers Common. In fact, the site being promoted here is not located close to any heritage assets and is sufficiently small scale and distant from Sayers Common such that its 'Landscape Sensitivity' and 'Landscape Value' should be assessed more favourably. The report concludes that the landscape capacity of the site, when assessed separately from the remainder of the character area, is 'Medium'.

### **Issue 8: Albourne Primary School**

- 8.1. One of the key advantages of Land South of Henfield Road is that Albourne Primary School abuts the site to the east. The school takes pupils from Hurstpierpoint, Sayers Common, Poynings, Pyecombe, Newtimber and Albourne itself. Many pupils travel from Hurstpierpoint in particular, where the primary school is at capacity.
- 8.2. The majority of children are driven to school as a result, but there is no suitable parking or drop-off arrangements. Parents tend to park along Henfield Road/Holders, and have to cross the main road to get to the school gates.
- 8.3. There are community aspirations for a safe drop-off/pick up arrangement to be made, which is not currently possible within the school's control. There is an opportunity to find a solution to this problem through the allocation of the Croudace site in the SADPD.
- 8.4. It is envisaged that a parking area could be provided in the north eastern part of the site (via the new residential access), with a footpath connection into the school grounds. These arrangements are shown indicatively in the Concept Plan (Appendix E).

### **9: Summary**

- 9.1. Land South of Henfield Road, Albourne is well-suited to meet an acknowledged shortfall in housing provision against the District Plan's residual minimum requirements in Albourne, and in Category 3 settlements generally. An allocation of this site at Regulation 19 stage has the potential to deliver policy-compliant affordable housing in a sustainable manner, and further local benefits including a much-needed solution to primary school parking /drop-off problems.
- 9.2. The Regulation 18 SADPD over-relies on windfall development. Difficulties with delivery on some of the District Plan's strategic sites and the unproven response to Policy DP6 mean that further site allocations are the safest way to ensure that a five-year supply is maintained through the Plan period.
- 9.3. The Council should give serious consideration to revising the windfall provision, and should instead target new sites at Category 3 settlements.

- 9.4. That a site with such positive merits as Land South of Henfield Road, Albourne should nevertheless be available and suitable suggests that the Council has yet to leave “no stone unturned” (in particular in Category 3 settlements) in seeking appropriate opportunities for further site allocation.



# **Mid Sussex District Council Site Allocations Development Plan Document**

**Regulation 18 Consultation Draft**

## **Housing Supply Technical Note**

**Prepared by Strutt & Parker**

**S&P Ref: 210906 / GW/SC**

October 2019

## **Executive Summary**

1. This technical note has been prepared by Strutt & Parker in response to the emerging Site Allocations Development Plan Document (DPD) Regulation 18 Consultation, to provide commentary on elements of the Council's housing supply, in particular its revised windfall estimate and the deliverability of strategic allocations.
2. The National Planning Policy Framework (NPPF) is clear that where a windfall allowance is included as part of housing supply, it should be justified by compelling evidence. There are a number of concerns at this stage with whether the Council's approach to calculating windfalls is justified, in particular due to the risk of double counting with neighbourhood plans, and the limited period used to estimate the revised windfall figure.
3. With respect to the deliverability of strategic allocations, the Council are relying on four strategic sites as a key element of their housing supply over the remaining plan period. Whilst development has commenced on two of these sites, there is a risk of the Burgess Hill Northern Arc in particular delivering significantly less housing within the plan period than expected.
4. We recommend the Council reappraise its approach to windfalls and revise the housing trajectory to understand the likely impact of these issues. Additional land for development should be allocated through the Site Allocations DPD to ensure it can maintain a five year supply of housing land over the remainder of the plan period.

## Windfalls

### Policy Background

5. Paragraph 70 of the NPPF 2019 states:

*'Where an allowance is to be made for windfall sites as part of anticipated supply, there should be compelling evidence that they will provide a reliable source of supply. Any allowance should be realistic having regard to the strategic housing land availability assessment, historic windfall delivery rates and expected future trends. Plans should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.'*

6. Windfalls are simply defined in the glossary of the NPPF as 'sites not specifically identified in the development plan.'
7. National Planning Practice Guidance simply refers back to paragraph 70 of the NPPF.

### Adopted District Plan

8. The adopted Mid Sussex District Plan (March 2018) sets out that a windfall of 45 dwellings per annum (dpa) can be delivered on small sites of up to 5 units, from year 6 of the plan period, contributing a total of 450 units over the plan period 2014-2031.
9. The basis of this windfall estimate is set out in the Council's Windfall Study dated November 2015. The figure has been derived by first calculating the average annual number of completions on previously developed sites of between 1-5 dwellings, for the seven years 2007-2014. This figure has then been discounted by 20% to ensure a robust figure which can be used as a reliable source of supply.

### Emerging Site Allocations DPD

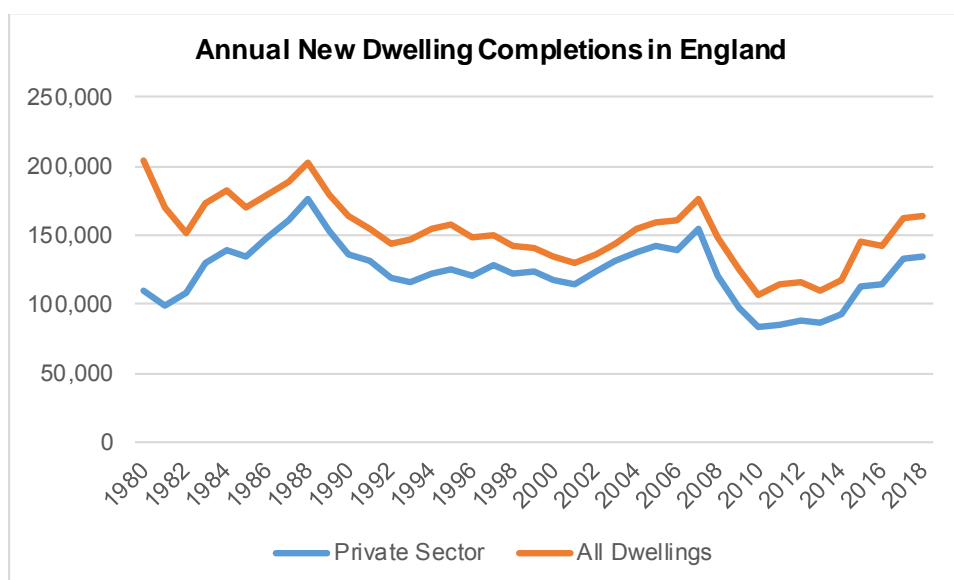
10. The emerging Site Allocations DPD proposes to include an increased windfall allowance of 84dpa, or a total of 588 dwellings over the final 7 years of the plan period (2024-2031). The Council have produced a Windfall Study Update (dated September 2019). This sets out that the figure of 84dpa has been derived by applying a broadly similar methodology as previously, although with a number of key differences. The primary difference is that the range of sites which have been considered as potential windfalls has been increased from sites with a capacity of 1-5 units to sites with 1-9 units. National Policy does not set any limit on the size of site which can be considered a windfall, and there is a logic in increasing the range to sites with a capacity of up to 9 units as this aligns with the definition of non-major development as defined in the NPPF. This change in approach does however need to be clearly justified by robust evidence.
11. An important factor which has to be considered is whether increasing the windfall site threshold creates a risk of double counting with sites between 6-9 dwellings which have been allocated

through the Development Plan. None of the District Plan, Small Site Allocations DPD or emerging Site Allocations DPD include any site allocations between 6-9 units. There are however a number of Neighbourhood Plans within Mid Sussex District for sites below 10 units including:

- Land at Hay Lane, Albourne – 2 dwellings
- Barn Cottage, Ansty – 8 dwellings
- 98-104 Maypole Road, Ashurst Wood – 5 dwellings
- Mount Pleasant Nursery, Ashurst Wood – 3 dwellings
- Willow Trees, Lewes Road, Ashurst Wood – 2-4 dwellings
- Spinney Hill, Ashurst Wood – 2-4 dwellings
- G&W Motors, Bolney – 9 dwellings
- Bolney House Garden, Bolney – 3-5 dwellings
- Site of 11 Manor Drive, Cuckfield – 3 dwellings
- Meadway Garage, Lowdells Lane, East Grinstead – 9 dwellings
- 67-69 Railway Approach, East Grinstead – 7 dwellings

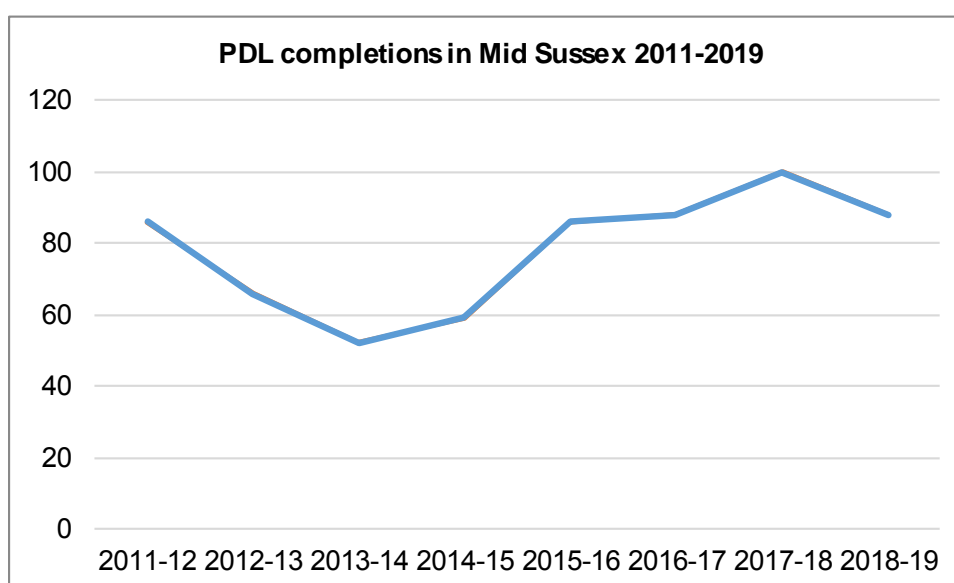
12. It is likely further sites with a capacity of less than 10 units will be allocated in future Neighbourhood Plans and Neighbourhood Plan reviews. There is a clear risk of double counting, and indeed the fact that a number of Neighbourhood Plan allocations are for sites of 5 dwellings or less, there is a clear question over whether the inclusion of any windfall allowance is robust. At the very least a significant discount should be applied to avoid double counting.
13. Another change to the Council approach to calculating its windfall estimate is that it has used a relatively short period to calculate its windfall estimate, the five years 2014-2019. This approach is flawed as it only captures completions from a relatively buoyant period in the housing market. Private sector house building, and housing building overall tends to reflect economic cycles, as illustrated by Table 1 below which shows annual completions in England since 1980.

**Table 1. – Annual New Dwelling Completions in England<sup>1</sup>**



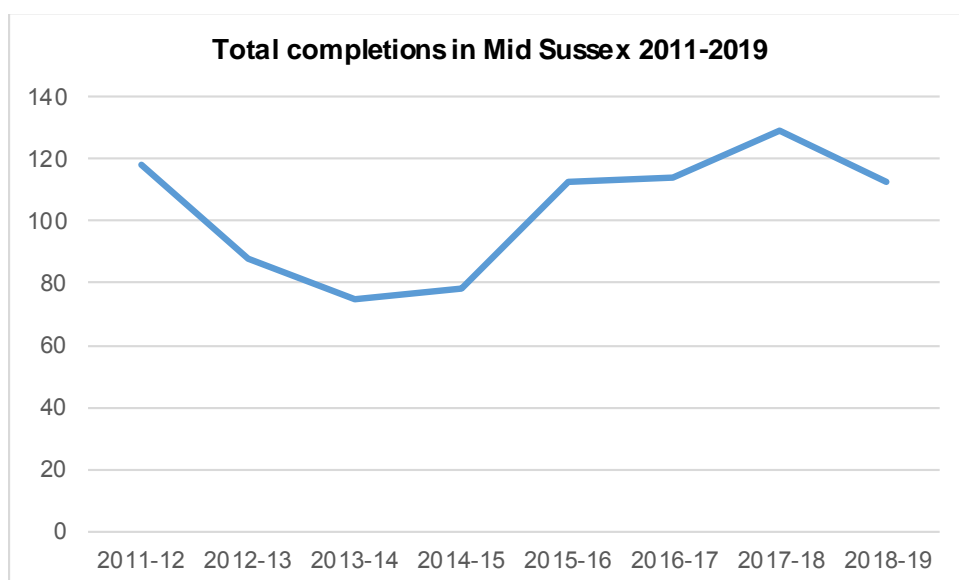
14. Making long term projections on the basis of a small range is statistically flawed, and in this case overinflates the Council's windfall estimate. We recommend a longer period is used in order to capture the full economic cycle and provide a more robust calculation. Using housing land supply data published on the Council's website, Tables 2 and 3 show the number of completions on sites of less than 10 units, on previously developed land and overall respectively. Table 4 shows net annual completions in England which illustrates how the trend in completions in Mid Sussex reflects the national trend.

**Table 2. – Net annual completions on previously developed sites for less than 10 units.**

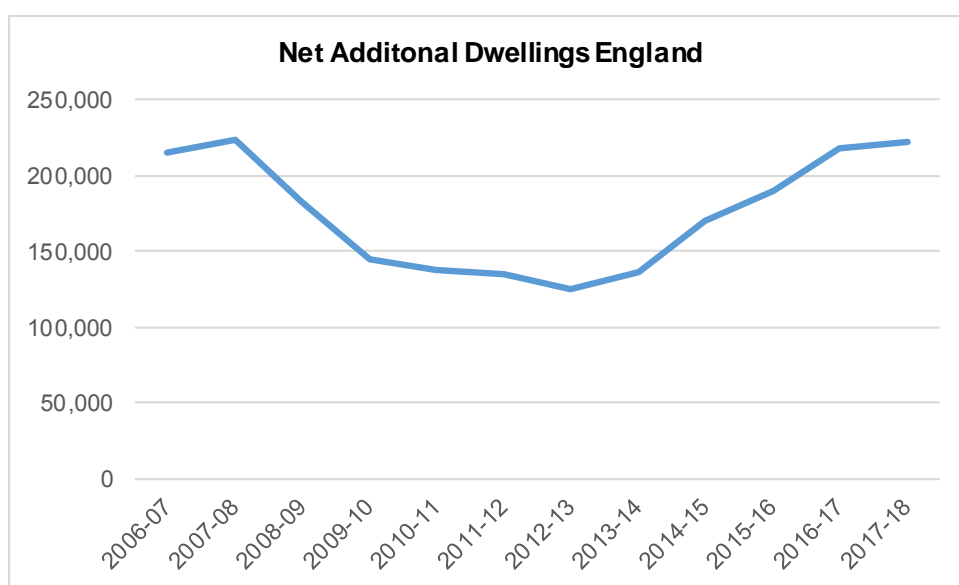


<sup>1</sup> MHCLG Table 244: permanent dwellings started and completed, by tenure, England, historical calendar year series

**Table 3. – Net annual completions on all sites for less than 10 units**



**Table 4. – Net annual completions in England<sup>2</sup>**



15. Using the period 2011-2019, and leaving the Council's methodology otherwise unchanged, the updated windfall figure would reduce from 84dpa to 78dpa.
16. Another underlying concern with the robustness of the Council's revised approach to calculating windfalls is that the Council is basing its revised windfall calculation on a dataset which does not relate to the policy change it is looking to reflect. Paragraph 2.24 of the consultation Draft Site Allocations DPD states that the windfall allowance is being:

<sup>2</sup> MHCLG Live Table 120: Components of housing supply; net additional dwellings, England 2006-07 to 2017-18



*‘updated to reflect changes in national policy and District Plan Policy DP6 that supports development of up to 9 dwellings that are contiguous to existing Settlement Boundaries and based on past performance.’*

17. As set out in paragraph 3.2 of the Windfall Study Update 2019, there has only been one monitoring year where Policy DP6 has been the policy position. As such past completions do not provide any real guidance as to what effect this policy change will have, if any, and it is not robust to use this change in policy to justify a change to the windfall estimate at this stage.
18. In summary, there are clear flaws in the Council’s approach to Windfalls, and there is no compelling evidence to justify an increase in the estimated contribution windfalls will make above 45dpa in the adopted District Plan. Indeed, the potential double counting with small sites allocated in Neighbourhood Plans brings into question whether a windfall allowance is justified at all.

## **Deliverability of Strategic Allocations**

19. The adopted District Plan includes four strategic housing allocations. Two of these allocations, Kings Way at Burgess Hill and East of Pease Pottage are progressing broadly as expected with development having commenced. Progress has been slower however on the other two allocations.

### North of Clayton Mills, Hassocks

20. An outline planning application (DM/18/4979) for up to 500 dwellings on this site was submitted in December 2018 but has not yet been determined. The Council's submitted Housing Land Supply Position Statement July 2019 sets out that completions on this site are expected from the monitoring year 2021/22, with delivery of 50dpa. At this build rate final completions would be in the final year of the plan period.
21. As the outline permission has yet to be determined, assuming this is approved, for completions to start in 2021/22 is ambitious although not necessarily unrealistic. As such it appears realistic that this site can deliver in full within the plan period, however any delays risk pushing completions beyond the end of the plan period.

### Northern Arc, Burgess Hill

22. An outline planning application (DM/18/5114) for 3,040 homes was submitted in December 2018 and finally approved on 4 October 2019. The Council's submitted Housing Land Supply Position Statement July 2019 states the first completions are expected in 2021/22, with delivery rising from 80 in the first year to 132 and 156 in subsequent years.
23. Assuming a delivery rate of 156dpa is maintained, this site would only delivery 1,460 dwellings over the plan period, significantly below the 3,500 dwellings it is allocated for. For a site of this size, for completions to start in 2021/22 appears overly ambitious.
24. Research by Lichfields<sup>3</sup> in 2016 found that sites of 2,000 units or more on average took six years from first submission of an application to full, hybrid, or first reserved matters approval. This reflects the inherent complexities of delivering sites of this size and associated infrastructure. At this rate, first completions are unlikely to take place until 2024-2025, with the site likely to deliver less than 1,000 units within the plan period to 2031.
25. Despite Homes England seeking to unlock supporting infrastructure, there does not appear to be any reliable evidence at this stage that this is likely to significantly accelerate delivery. Whilst the submitted Housing Land Supply Position Statement states at paragraph 3.5 that the majority of the dwellings this site is allocated for will be delivered within the plan period, this is manifestly not the case.
26. The Council however has the opportunity, through the Site Allocations DPD to allocate a number of additional deliverable small and medium-sized sites. This will provide greater

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<sup>3</sup> NLP (2016) *Start to Finish* (<https://lichfields.uk/media/1728/start-to-finish.pdf>)

certainty and help ensure the Council it is building the homes which are needed, and that it will be able to demonstrate a robust supply of housing over the remainder of the plan period, rather than opening the door for unplanned speculative development.

## **Conclusion**

1. National policy sets out that if an allowance of windfalls is to be included as part of housing supply, this should be justified by compelling evidence. There are a number of concerns at this stage with whether the Council's approach to calculating windfalls is justified. In particular, there is a risk of double counting with sites which have a capacity of less than 10 dwellings allocated through neighbourhood plans. This brings into question whether any windfall allowance is justified at all, and as a minimum we recommend a significant discount should be applied to address this issue. The Council has also used a short period of time during a relatively buoyant construction period to estimate its windfall allowance, which has the effect of overestimated the likely contribution from small sites to housing supply in future years.
2. The Council are relying on four strategic sites as a key element of their housing supply over the remaining plan period. Whilst development has commenced on two of these sites, there is a risk of the Burgess Hill Northern Arc in particular delivering significantly less housing within the plan period than expected. This is likely to result in a significant deficit against the housing requirement in the later years of the plan.
3. We recommend the Council review its approach to windfalls and the housing trajectory for the remainder of the plan period to take account of these concerns, allocating additional land for development through the Site Allocations DPD to ensure a five year supply of housing land can be maintained over the remainder of the plan period.

<b>Project Name:</b>	Land South of Henfield Road, Albourne
<b>Document Reference:</b>	093.0002/LPTR/5
<b>Document Name:</b>	Land Promotion Transport Report
<b>Prepared By:</b>	Martha Woodley (November 2019)
<b>Checked By:</b>	Harry Cross (November 2019)
<b>Approved By:</b>	James Rand (November 2019)

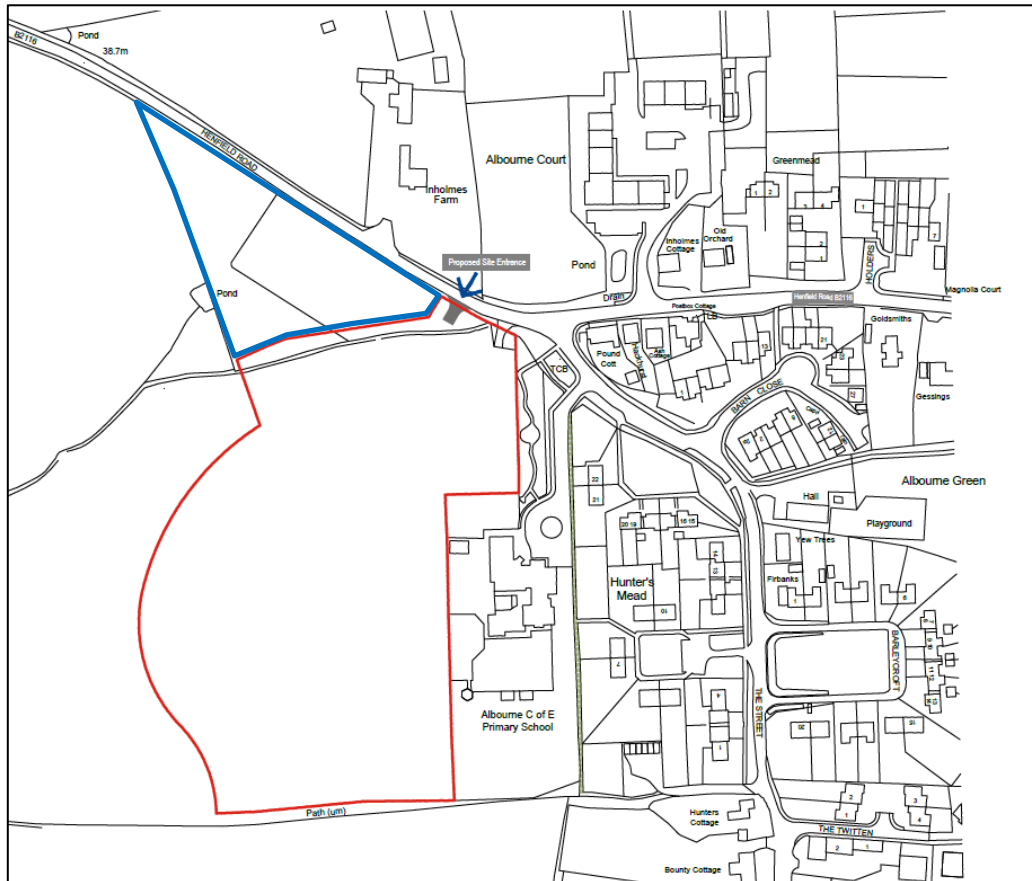
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## 1. INTRODUCTION

- 1.1 This Land Promotion Transport Report (LPTR) has been prepared by Paul Basham Associates on behalf of Croudace Homes to promote land South of Henfield Road, Albourne for a residential development of circa 40 dwellings. The site location and red line plan is shown below in **Figure 1** with wider land ownership demonstrated in blue.



**Figure 1:** Approximate Site Location

- 1.2 Mid Sussex District Council (MSDC) are in the process of preparing a Site Allocations Development Plan Document (DPD) which identifies sufficient housing sites to provide a five-year housing supply to 2031.
- 1.3 Mindful of the need for sustainable and deliverable sites, this LPTR will demonstrate the suitability and benefits of this particular site through an assessment of site accessibility, development capacity, trip generation and site access proposals before drawing conclusions from the assessment.
- 1.4 This LPTR has been informed by pre-application discussions with WSCC Highways which took place during an on-site meeting in August 2019. A copy of the formal highways pre-application response (Ref: PRE-72-19) is attached within **Appendix A**.

## 2. EXISTING CONDITIONS AND SITE ACCESSIBILITY

- 2.1 The site is situated towards the western edge of Albourne Village, approximately 1.4km south of Sayers Common where a village store is located. Hurstpierpoint is located approximately 1.7km east of the site offering a wider variety of amenities and services including several shops and restaurants, places of worship, a pharmacy, dentist, health centre, and library.
- 2.2 The site comprises undeveloped agricultural land bordered by Henfield Road to the north, Albourne CE Primary School to the east and neighbouring agricultural fields to the immediate south and west.
- 2.3 The site comprises two separate parcels of land, each with their own access. The triangular parcel of land which extends across the site frontage comprises of an orchard and is accessed via a gated access approximately 90m west of The Street/Henfield Road junction.
- 2.4 The rear parcel of land, also used for agricultural purposes, is served by a different gated access towards the north-east corner of the site on Henfield Road. This access is situated approximately 10m west of The Street/Henfield Road junction and is demonstrated in **Photograph 1**. The existing site conditions are demonstrated in **Photograph 2**.



**Photograph 1:** Existing Access Arrangement



**Photograph 2:** Existing Site Conditions

### Local Road Network

- 2.5 Henfield Road (B2116) is a single carriageway road with an approximate east-west alignment and measures approximately 6.5m in width. Within the vicinity of the existing site access the road is subject to a 30mph speed limit. Approximately 100m west of the existing site access and halfway across along the site frontage, the speed limit changes to

the national speed limit. The existing conditions along Henfield Road within the vicinity of the site are demonstrated in **Photographs 3** and **4**.



**Photograph 3:** Conditions on Henfield Road (Eastbound)



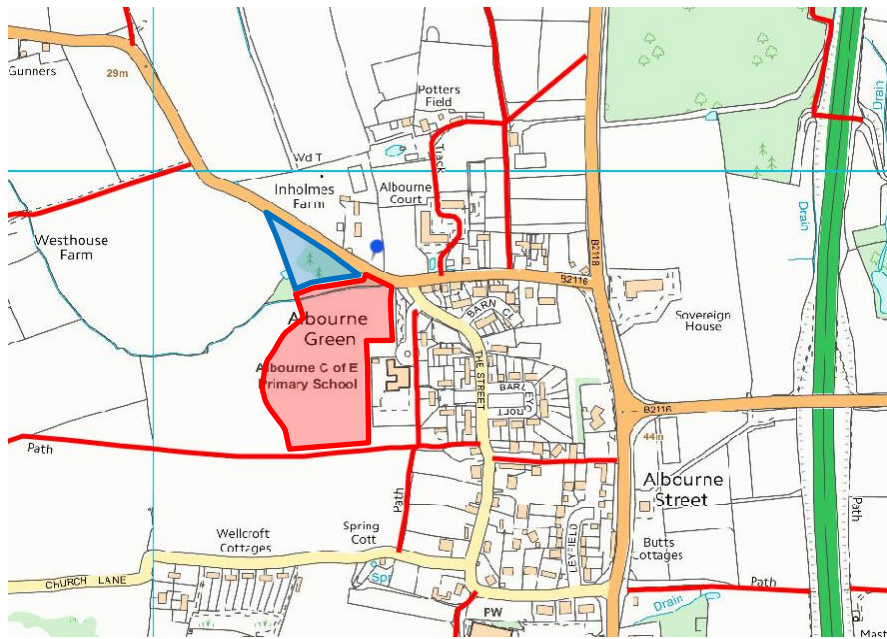
**Photograph 4:** Conditions on Henfield Road (Westbound)

- 2.6 The site has good connections with the wider strategic road network including the B2218 and A23 to the east and the A272 to the north. The A23 is accessible via a 3-minute drive (2.5km) from the site and provides connections with Crawley to the north (18 minutes) and Brighton to the south (23 minutes).

#### **Pedestrian Network**

- 2.7 Pedestrian footways are provided along Henfield Road between The Street/Henfield Road junction and the B2118/Henfield Road junction 250m to the east of the site. Footways then continue along the B2118.
- 2.8 Although the existing footway along Henfield Road does not currently extend to the site it is proposed that either the footpath will be extended or that a footpath is provided within the site to The Street eliminating the need for a footway along this stretch of carriageway.
- 2.9 The site is situated within the vicinity of a number of Public Right of Ways (PROWs), which provide pedestrian routes towards the neighbouring village of Hurstpierpoint as well as local facilities including the Singing Hills Golf Course and the Albourne Equestrian Centre. An overview of the PROW's within the vicinity of the site is illustrated in **Figure 2**.



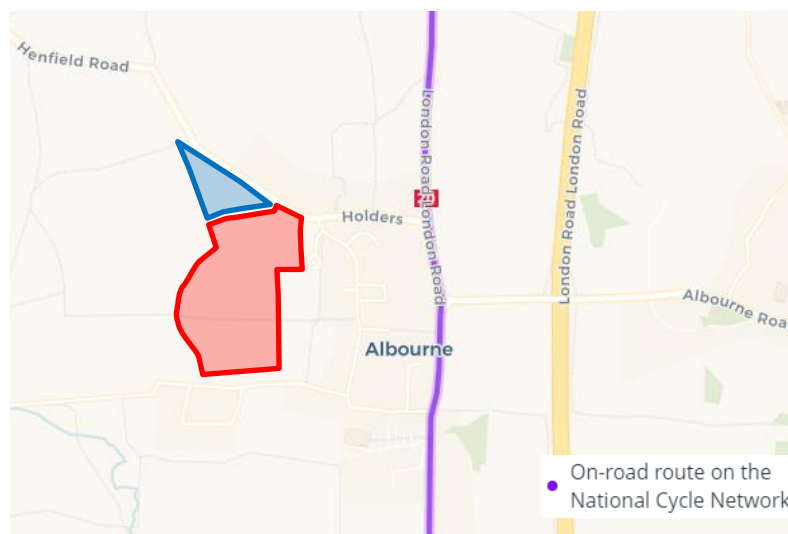


**Figure 2:** PROW's within the vicinity of the site

- 2.10 There is potential to provide an additional pedestrian connection to the village centre which joins with PROW No.15\_1A1. This particular PROW runs along the southern border of the site and provides connections with both The Street as well as the B2118 where several bus stops are situated.

### Cycle Network

- 2.11 The site is situated approximately 275m west of National Cycle Route (NCR) 20 which follows the route of the B2118 (**Figure 3**). The route connects the site with Crawley to the north via Sayers Common, Hickstead, Bolney, Staplefield, Handcross and Pease Pottage. To the south, the route connects the site with Brighton via Pyecombe, Withdean and Preston.



**Figure 3:** Local Cycle Routes (Sourced from: [www.sustrans.org.uk](http://www.sustrans.org.uk))

## Public Transport

- 2.12 The closest bus stops to the site are the 'Village Hall' and 'The Street' bus stops, both located within 150m of the site (a two-minute walking distance). Both stops are served by the 590 bus service which departs at 08:25 during the week and serves Sayers Common, Muddleswood, Hurstpierpoint, and Clayton.
- 2.13 Better served bus stops include the 'Traffic Lights' bus stops, located on the B2118, approximately 350m east of the site (five-minute walking distance). The northbound stop comprises a layby and sheltered seating, whilst the southbound stop comprises a flag and pole style stop with printed timetables.
- 2.14 A summary of the services provided within the vicinity of the site is outlined in **Table 1**.

Service	Stops At: (Closest Stop)	Route	Operator	Frequency		
				M-F	Sa	Su
590	Village Hall & The Street	Sayers Common – Hurstpierpoint – Keymer – Albourne	The Sussex Bus	Once a day: 08:25	No Service	
100	Traffic Lights	Burgess Hill – Henfield – Steyning – Storrington – Pulborough – Horsham	Compass Travel	Hourly	Hourly	No Service
273	Traffic Lights	Crawley – Hurstpierpoint – Brighton	Metrobus	Every 2 hours approx.		No Service
331	Traffic Lights	Keymer – Hurstpierpoint – Sayers Common	The Sussex Bus	Once a day: 15:31	No Service	

**Table 1:** Summary of Local Bus Services

## Rail Services

- 2.15 The closest railway station to the site is Hassocks Station, situated approximately 4.5km east of the site. The station can be accessed from the site via a 15-minute (approx.) cycle or 25 minute journey (approx.) via the 273 bus service from the 'Traffic Lights' stop.
- 2.16 The station benefits from ticket machines, sheltered cycle storage spaces, step free access and ramps for train access.
- 2.17 The station provides frequent train services to destinations including Burgess Hill (4 minutes), Haywards Heath (10 mins), Brighton (11 mins), London Victoria via Gatwick Airport (54 mins), and Cambridge (2 hours 20 mins).

- 2.18 It is therefore considered that the site has reasonable access to public transport and some local facilities. As such the site is considered to be relatively sustainably located.

### 3. ACCESS ARRANGEMENTS

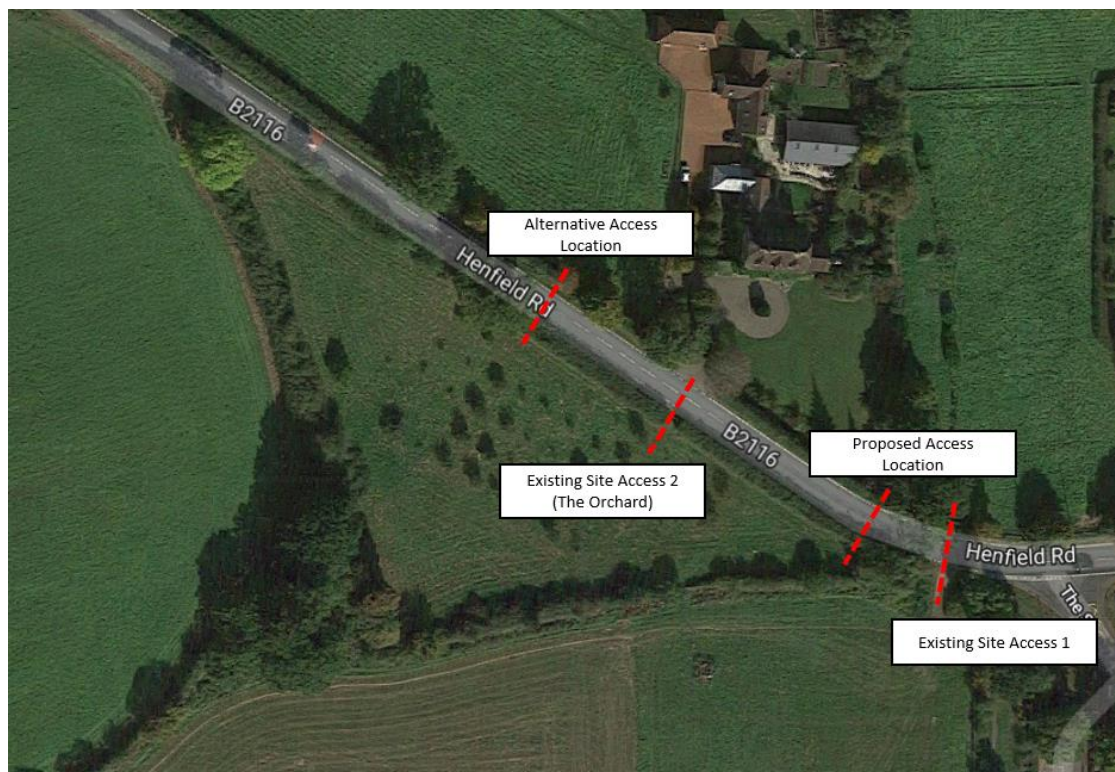
- 3.1 This LPTR has been prepared to support a development of circa 40 residential dwellings served via a single vehicular access onto Henfield Road. The existing accesses to the site will be closed-off (with hedgerow reinstated) with a new formalised access provided approximately 45m east of the existing orchard access and 50m west of the junction with The Street. The proposed access location has been informed by the formal pre-application response which stated the following:

*“On site it was observed that access on the slight outside bend and closer to junction with The Street could afford greater visibility and it is advised that maximum achievable visibility from the decided access location be demonstrated at full planning application stage and to ensure that splays are in accordance with 85th percentile speeds regardless of location inside or outside of the 30mph limit”.*

- 3.2 The feasibility of an access located further west on Henfield Road (approximately where the speed limit change is located) has previously been explored. However, despite this being a perfectly viable access (meeting all relevant standards in relation to junction spacing, visibility and tracking etc.) comments received from WSCC suggested that locating the access further east towards Albourne would be more favourable, and so this has therefore informed the current proposals.
- 3.3 Therefore, an indicative access has been designed to demonstrate the feasibility of the proposed arrangement. The proposed access is in the form of a bellmouth junction with access radii of 6m and an access road width of 5.5m. Sufficient space is, however, available for the geometries to be modified if required.
- 3.4 The indicative access location maintains appropriate junction spacing with The Street whilst allowing for the appropriate extents of visibility to be achieved. Speed surveys were undertaken along Henfield Road, Albourne in May 2019 outside the school holidays and recorded 85<sup>th</sup> percentile vehicle speeds of 35.79mph (WB) and 42.67mph (EB). The full outputs are attached within **Appendix B**.
- 3.5 WSCC suggested that a further speed survey be undertaken in order to record speeds further around the bend, though despite undertaking a survey in this suggested location in October 2019, the tubes were tampered with and a full week of data was unfortunately

unobtainable. Having said this, the speeds that were recorded were comparable with the existing survey (with eastbound 85<sup>th</sup> percentile speeds of 39mph) however for the purposes of robustness the existing 7 days' worth of data has been used for the purposes of this assessment and included for reference.

- 3.6 Visibility splays of 2.4m x 120m have been demonstrated to be achievable as required by DMRB for vehicle speeds of approximately 40mph and it is therefore considered that safe and suitable access is achievable in accordance with the requirements of NPPF. The parameters of the visibility assessment were agreed with WSCC during the pre-application discussions and a copy of the relevant drawing is attached within **Appendix C**.
- 3.7 Vehicle tracking exercises have been undertaken using the relevant-sized refuse vehicle to demonstrate the feasibility of the access proposals. The relevant drawing is attached within **Appendix D** which shows there is sufficient space for these vehicles to use the junction.
- 3.8 The location of the proposed access relative to the two existing access is demonstrated in **Figure 4**.



**Figure 4:** Proposed Access Location

### **Pedestrian Access**

- 3.9 As mentioned previously, pedestrian access would also be provided to the site. As part of the indicative access design, a footpath measuring 2m in width has been designed which would connect the site with 'The Street' to the east. There are also possibilities for footpaths within the site to connect with PROW No.15\_1A1 which runs along the southern site border. The precise form and location of these infrastructure provisions would be further considered as part of any planning application.

#### 4. TRIP GENERATION AND TRIP DISTRIBUTION

##### Trip Generation

- 4.1 To assess the impact that the proposed development would have on the local highway network a trip generation assessment has been undertaken using the TRICS database. In the absence of any survey data and for the sake of robustness it has been assumed that there are no trips generated from the existing site.
- 4.2 For the 40 residential dwellings, the TRICS database has been interrogated as follows:
- *Under land-use class 'residential' and sub-category 'Houses Privately Owned';*
  - *Sites in England and Wales (Excluding Scotland, Ireland and Greater London);*
  - *Weekdays Only;*
  - *Sites in 'Edge of Town' locations; and*
  - *Parameter of 0 to 80 units.*
- 4.3 The results of this TRICS assessment are found in **Table 2**, with full outputs contained within **Appendix E**.

TRICS (V.7.6.1)	AM Peak (0800-0900)			PM Peak (1700-1800)			12 hour Total Daily Trips
	Arrivals	Departures	Total	Arrivals	Departures	Total	
Trip Rate per Flat	0.112	0.367	0.479	0.361	0.142	0.503	4.575
Trip Generation (40 Units)	4	15	19	14	6	20	183

**Table 2:** Proposed Development Trip Generation

- 4.4 **Table 3** indicates that the proposed development is anticipated to generate 183 daily vehicle trips across a 12 hour day, 19 trips in the AM peak and 20 trips in the PM peak. This equates to approximately one vehicle trip every four minutes throughout the day.
- 4.5 The trip generation outlined in **Table 3** represents a worst-case scenario for 40 dwellings where all housing units have been treated as 'private houses'. The site layout would likely include a mix of affordable and private units; therefore, the trip generation is likely to be lower than outlined above. Regardless, this level of additional trip generation is negligible and would have a minimal impact on the operation of the local road network.

### Trip Distribution

- 4.6 Having estimated the number of trips likely to be generated by the site, the 2011 Census 'Travel to Work' data for Albourne (Output Area: E01031698) has been reviewed in order to assess the likely trip distribution from the proposed development. The trip distribution is summarised in **Table 3**.

Employment Destination	Route Description	% of total
Mid Sussex (North)	Eastbound on Henfield Road, Northbound on B2118, Northbound on A23	29%
Mid Sussex (South)	Eastbound on Henfield Road, Southbound on B2118, Southbound on A23	9%
Crawley	Eastbound on Henfield Road, Northbound on B2118, Northbound on A23	11%
Brighton & Hove	Eastbound on Henfield Road, Southbound on B2118, Southbound on A23	11%
Horsham	Eastbound on Henfield Road, Northbound on B2118, Northbound on A23	9%
Westminster – City of London	Eastbound on Henfield Road, Northbound on B2118, Northbound on A23	7%
Other	Eastbound on Henfield Road, Northbound on B2118, Northbound on A23	17%
	Eastbound on Henfield Road, Southbound on B2118, Southbound on A23	6%
	Westbound on Henfield Road, Southbound on A24	1%
<b>Total:</b>		<b>100%</b>

**Table 3:** 2011 Census 'Travel to Work Data' - Trip Distribution

- 4.7 The 2011 Census Travel to work data indicates that 99% of all trips are expected to travel eastbound on Henfield Road towards the B2118, with 73% of trips expected to travel northbound on the B2118 before joining the A23 (northbound). 26% of trips are expected to travel southbound along the B2118 and join the A23 (southbound). The remaining 1% of trips are expected to travel westbound along Henfield Road before joining the A24. The impact of these trips on the local road network will be minimal.



## 5. SUMMARY AND CONCLUSIONS

- 5.1 This LPTR has been prepared by Paul Basham Associates on behalf of Croudace Homes to support the promotion of a site on Henfield Road, Albourne for a residential development of up to 40 dwellings. The report has been informed by pre-application discussions with West Sussex County Council (WSCC).
- 5.2 The site is located towards the western side of Albourne and has good connections with neighbouring villages Sayers Common and Hurstpierpoint where a range of services and amenities are available. Regular bus services are available from the 'Traffic Lights' bus stops, located within a 5-minute walking distance from the site.
- 5.3 It is proposed that the existing site accesses will be closed off and that a new bellmouth junction will be provided approximately 45m east of the existing orchard access. The access location has been informed by formal pre-application discussions with WSCC. A pedestrian access will also be provided connecting the site to the existing footways along The Street.
- 5.4 Tracking exercises have been undertaken demonstrating the feasibility of the access proposals and visibility splays of 2.4m x 120m have been demonstrated to be achievable as required by DMRB for recorded 85<sup>th</sup> percentile vehicle speeds of circa. 40mph.
- 5.5 Vehicular trip rates for the proposed development have been assessed using the TRICS database. As a worst-case scenario, the proposed 40 units will generate in the order of 183 daily vehicle trips, with 19 two-way trips in the AM peak, and 20 in the PM peak. However, given that the site layout would likely include a mix of affordable and private units, the actual trip generation is likely to be lower than this.
- 5.6 This LPTR has demonstrated that the proposed development would not have a significant impact upon the operation of the local road network, and that safe and suitable access is achievable. We would, therefore, recommend that the local planning and highway authorities consider this site for inclusion in the Mid Sussex District Council Site Allocations Development Plan Document.

## Appendix A

**WEST SUSSEX COUNTY COUNCIL  
PRE APPLICATION CONSULTATION**

<b>TO:</b>	Paul Basham Associates FAO: Harry Cross
<b>FROM:</b>	WSCC - Highways Authority
<b>DATE:</b>	21 August 2019
<b>LOCATION:</b>	Residential Development of Circa 40 dwellings, Henfield Road, Albourne, Hassocks, BN6 9DH
<b>SUBJECT:</b>	Internal Reference: PRE-72-19  Residential Development of circa. 40 dwellings with access taken via Henfield Road.
<b>DATE OF SITE VISIT:</b>	22 August 2019
<b>RECOMMENDATION:</b>	Advice

**Site Context**

The land parcel in question is located on southern side of Henfield Road (B2116), west of the junction with The Street. Albourne Primary School and residential dwellings exist to the east/ south-east of site and open agricultural land is present to the west. The land is currently open field/ agricultural use and thus existing vehicle movements are anticipated to be negligible and have not been included within trip generation assessments.

Albourne is a small village with the nearest village store located at Sayers Common, approximately 1.2 miles north of the site. The unconnected footway network begins at junction with The Street and leads east toward the B2118. Main bus stops are located on east and west side of B2118 near traffic lights.

A number of Public Rights of Way (PROW) exist in the vicinity and provide off road link to The Street.

The larger settlement of Hurstpierpoint lies to the east with the A23 providing a vehicular link to Brighton at the south and Crawley to north.

**Access Arrangements and Vehicle Visibility**

The indicative access location plan details the 2 x existing field accesses which will be closed off and the approximate location for new bellmouth access with 6m radii. The currently indicated access position is at the point where 30mph speed restriction changes to National Speed Limit (NSL).

A seven day speed survey was carried out and location of speed counter confirmed to be within vicinity of extent of western splay for eastbound traffic and eastern splay for westbound traffic. Depending on the final proposed location for access the LHA may need to reassess the suitability of speed counter location. 85th percentile speeds of 35.79mph westbound (eastern splay) and 42.67mph eastbound (western splay) were recorded. Splays of 2.4m by 120m have been demonstrated which are suitable to recorded speeds following Manual for Streets (MfS) and Design Manual for Roads & Bridges (DMRB) coefficients, respectively.

On site the proposals to extend 30mph speed restriction further west along Henfield Road was discussed. This was proposed in order for the site access to be located further east toward village and designed wholly to MfS guidance by being inside the 30mph limit. WSCC Speed Limit Policy stipulates that mean average speed should be used to determine whether

a 30mph speed restriction is appropriate. Mean average speeds should be 33mph or lower. Whilst the mean speeds were 30.9mph westbound they were 36.9mph eastbound (although this is considered to be as a result of location of speed counter further west). Furthermore, the Road Safety Group Manager has advised that change in speed limit to 30mph would not meet WSCC policy due to the level of frontage/direct accesses not being predominant. This could therefore not be an officer decision and any proposal to change speed limit may require cabinet member decision. Additionally, it is advised that change of speed limit would require Traffic Regulation Order (TRO) a process separate to the planning process without guarantee of approval. Speeds may not reduce even if scheme was approved and thus the applicant may wish to consider additional measures to promote speed reduction in the vicinity such as vehicle activated signs (VAS).

On site it was observed that access on the slight outside bend and closer to junction with The Street could afford greater visibility and it is advised that maximum achievable visibility from the decided access location be demonstrated at full planning application stage and to ensure that splays are in accordance with 85th percentile speeds regardless of location inside or outside of the 30mph limit.

Swept path tracking has been provided at the site access. Whilst a refuse collection vehicle would cross the opposing carriageway the LHA consider this would be an infrequent manoeuvre and that forward visibility is sufficient in this location. Full tracking within the site would also be expected and demonstration that two cars can pass.

### **Road Network Capacity**

On site the requirement for junction modelling was discussed and considering scale of proposals and predictions from TRICs that less than 30 vehicle movements would be expected in the peak hour, junction modelling was not considered necessary.

The LHA broadly accept the resultant trip generation figures from TRICs which set out 19 trips in AM and 20 in PM peak hour. It is expected that parameters will be refined further when housing tenure mix is known. Considering the level of traffic supported by the district distributor road the LHA does not raise an objection in principle in capacity terms, on the basis that safe and suitable access and all other matters are addressed.

Trip distribution data from 'Travel to Work' census data suggests that 1% of commuter travel will be westbound on Henfield Road then southbound to A24 with 99% of trips travelling east of site and onwards. Considering proximity of A23 to east this is broadly expected to be the case although in reality some further trips westbound may take place. Whilst the applicant could undertake a more robust survey of trip distribution the LHA do not raise an immediate concern with respect to additional vehicle trips across the road network in this location.

### **Accessibility & Local Infrastructure Improvements**

If a footway link is proposed within the confines of the public highway then these works should be included within the Road Safety Audit of the access works. It is understood that there is preference to keep pedestrian/cycle links within the site and off the carriageway edge. Any links toward The Street and/ or PROW network should be detailed. Whether the road will be shared surface/ planned for adoption/ separate footways proposed should also be clarified at planning stage. It is also advised that any lighting within the site is sympathetic to dark skies and planning pre-app with the Local Planning Authority can provide more advice in this respect.

The nearest train station is at Hassocks and is anticipated to be reached by car or cycle for the more confident cyclist. It is advised that as part of the planning application the Transport Statement (TS) refer to walking/cycling distances as set out in national guidance. Other matters such as road traffic collision data and Travel Plan Statement which could

provide a residents welcome pack including information on walking/cycling routes should be addressed.

There are limited facilities within the village with the exception of the adjacent primary school. Commuting and retail trips are anticipated to be further afield and whilst may be by private car the LHA acknowledge that main bus stops on B2118 are approximately 5 minute walk distant. It is noted that to stay on footway from The Street eastwards it is necessary to cross the carriageway a couple of times. Whilst some dropped kerb is present the applicant may wish to consider providing tactile paving crossing points for pedestrians at key locations on the local footway network. These proposals should also be safety audited. The applicant should also liaise with local bus companies to scope out any improvements that could be made to local bus stops such as whether a bus shelter could be provided on east side of B2118.

### **Albourne Neighbourhood Plan**

It is advised that the applicant consider the Neighbourhood Plan in relation to transport and parking topics. It is noted that para. 4.2 of plan states that any new housing development shall take account of a number of matters including lack of transport connections and distance from rail, congestion in village centre exacerbated by road layouts and limited parking. Para. 6.4 goes on to state that parking in and around The Street at pick up/ drop off times for school can be significant. It is therefore advised that sufficient parking provision in line with WSCC revised standards be provided for the development. It is understood that dedicated parking for the school may also be provided as part of the development and it is advised that the Parish Council is consulted regards these proposals.

Para. 6.2 also refers to an Aim of the plan to create specific scheme aimed at improving safety of road users and pedestrians on B2118 and B2116. Any proposals such as VAS, gateway features etc would be advised to be consulted with the parish council. and should be safety audited if submitted alongside a planning application.

The Highway Authority would require the following documents to be submitted as part of any future application:

- A site location plan scale (1:1250) with site boundary indicated
- Schedule of existing uses including planning history with reference numbers
- Description, including site layout plans, of the proposed development and schedule of uses
- Summary of reasons supporting the site access/highways works proposals, including plan (scale 1:250 or similar) with achievable visibility splays indicated
- Final Stage 1 Road Safety Audit of site access and any proposed highway works, with designers response and including amended plans.
- A Transport Statement, including location plan of key services, availability of sustainable modes of transport and existing/future vehicular generation
- Reference to supporting national, regional, and local planning documents and policies
- Parking strategy, including provision of parking for all modes of transport
- Relevant data collected to date
- Proposed trip rates supported with TRICS outputs and site selection methodology

The 'Additional Information' section of the WSCC Pre-application advice for roads and transport webpage provides a range of additional advice and guidance which you may find useful in preparing your application. Please click the link below and navigate to the 'Additional Information' section.

<https://www.westsussex.gov.uk/roads-and-travel/information-for-developers/pre-application-advice-for-roads-and-transport>

Here you will be able to access our Local Design Guide which provides further advice on how MfS is to be interpreted and applied within West Sussex.

The page also includes a link to our latest parking standards which we adopted in August 2019 as Supplementary Planning Guidance (SPG) that sets out parking standards for development in West Sussex. Within you will find recommended levels for cycle parking and also guidance on levels of Electric Vehicle charging points for new developments.

Manual for Streets:

<http://www2.dft.gov.uk/pgr/sustainable/manforstreets/pdfmanforstreets.pdf>

DMRB supplementary documents TD/93:

<http://www.dft.gov.uk/ha/standards/dmr/vol6/section1/td993.pdf>

I trust you appreciate that any advice given by council officers for pre-application enquiries does not constitute a formal response or decision of the council with regard to the granting of planning permission in the future. Any views or opinions expressed are given in good faith, and to the best of ability, without prejudice to the formal consideration of any application, which will be the subject of public consultation and ultimately decided by the Local Planning Authority.

**Katie Kurek**  
**Planning Services**

## Appendix B

## Phoenix Traffic Surveys Ltd, Speed Report

**Report Id** - CustomList-721

**Site Name** - PAUALB01

**Description** - HENFIELD ROAD, WEST OF THE ST, EAST SIDE

**Direction** - West

**Virtual Week (Partial weeks = 2.28571)**

Time	Total	Vbin 0 5	Vbin 5 10	Vbin 10 15	Vbin 15 20	Vbin 20 25	Vbin 25 30	Vbin 30 35	Vbin 35 40	Vbin 40 45	Vbin 45 50	Vbin 50 55
Mon	1044	1	1	8	57	71	262	448	181	16	2	0
Tue	1339	1	1	7	55	91	324	569	263	27	2	1
Wed	1327	0	1	5	48	104	324	593	228	26	0	0
Thu	1140	0	0	7	57	93	268	488	196	30	2	0
Fri	1094	0	1	5	44	79	276	471	192	23	3	0
Sat	939	0	1	4	39	71	223	395	183	19	3	3
Sun	710	0	1	6	46	56	168	298	119	15	2	1

Vehicles = 17419

Posted speed limit = 0 mph, Exceeding = 17419 (100.0%), Mean Exceeding = 30.86 mph

Limit 1 (PA) (0 \* 100%) + 15 = 15 mph, Exceeding = 17313 (99.39%)

Limit 2 (ACPO) (0 \* 110%) + 2 = 2 mph, Exceeding = 17419 (100.0%)

Maximum = 54.1 mph, Minimum = 3.4 mph, Mean = 30.9 mph

85% Speed = 35.79 mph, 95% Speed = 38.36 mph, Median = 31.48 mph

10 mph Pace = 27 - 37, Number in Pace = 12682 (72.81%)

Variance = 28.60, Standard Deviation = 5.35 mph



## Phoenix Traffic Surveys Ltd, Speed Report

**Report Id** - CustomList-722

**Site Name** - PAUALB02

**Description** - HENFIELD ROAD, WEST OF THE ST, WEST SIDE

**Direction** - East

**Virtual Week (Partial weeks = 2.28571)**

Time	Total	Vbin 0 5	Vbin 5 10	Vbin 10 15	Vbin 15 20	Vbin 20 25	Vbin 25 30	Vbin 30 35	Vbin 35 40	Vbin 40 45	Vbin 45 50	Vbin 50 55
Mon	1011	0	7	22	9	8	46	215	405	226	59	8
Tue	1211	0	4	14	4	15	82	257	443	293	82	13
Wed	1236	0	7	12	6	9	88	283	463	284	71	11
Thu	1048	0	5	14	4	11	78	231	387	236	63	14
Fri	982	0	7	9	4	7	66	211	377	218	68	11
Sat	905	0	7	27	9	7	45	182	353	196	57	13
Sun	787	0	13	50	11	6	33	165	293	158	43	9

Vehicles = 16385

Posted speed limit = 0 mph, Exceeding = 16385 (100.0%), Mean Exceeding = 36.91 mph

Limit 1 (PA) (0 \* 100%) + 15 = 15 mph, Exceeding = 15960 (97.41%)

Limit 2 (ACPO) (0 \* 110%) + 2 = 2 mph, Exceeding = 16385 (100.0%)

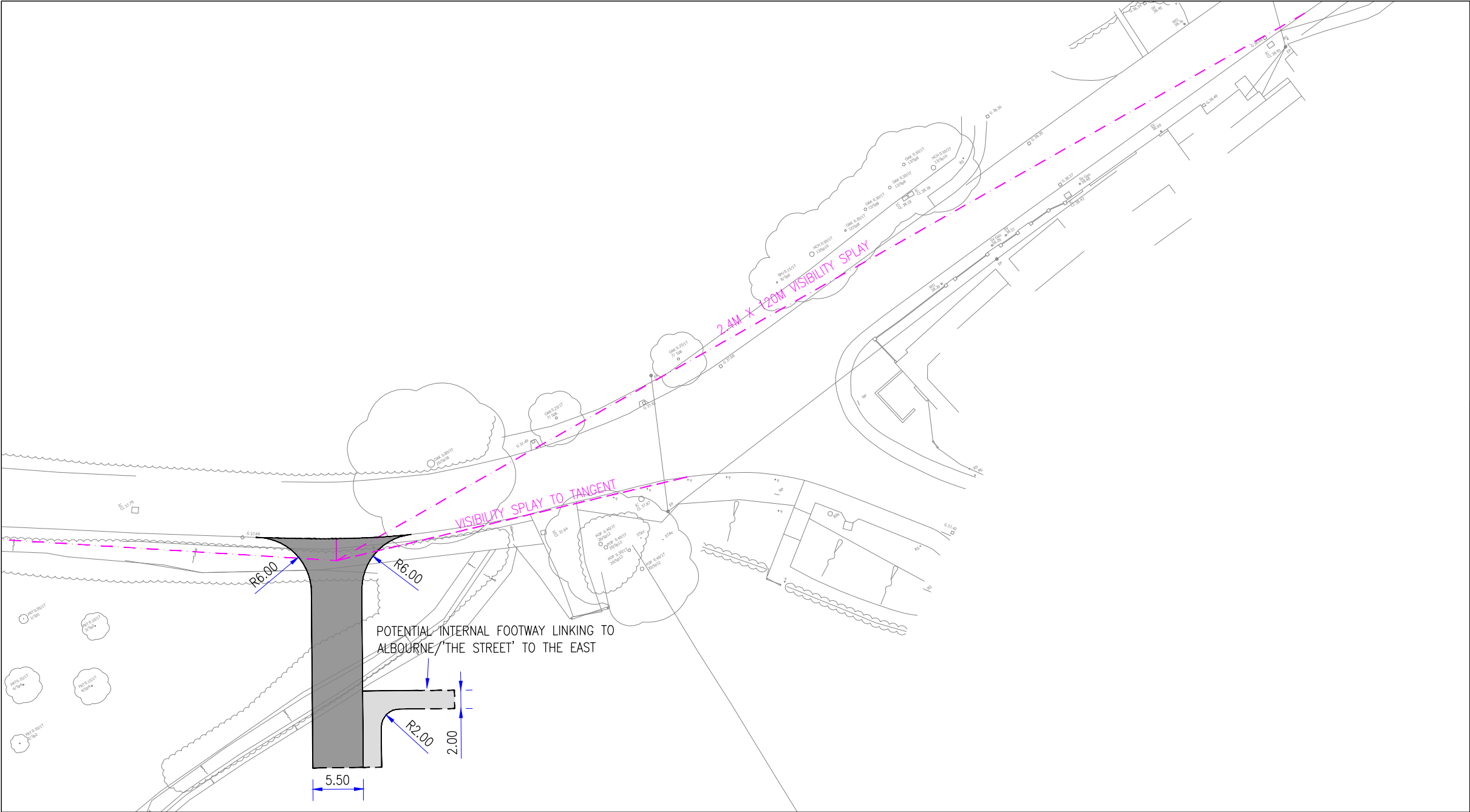
Maximum = 90.3 mph, Minimum = 3.4 mph, Mean = 36.9 mph

85% Speed = 42.67 mph, 95% Speed = 46.42 mph, Median = 37.41 mph

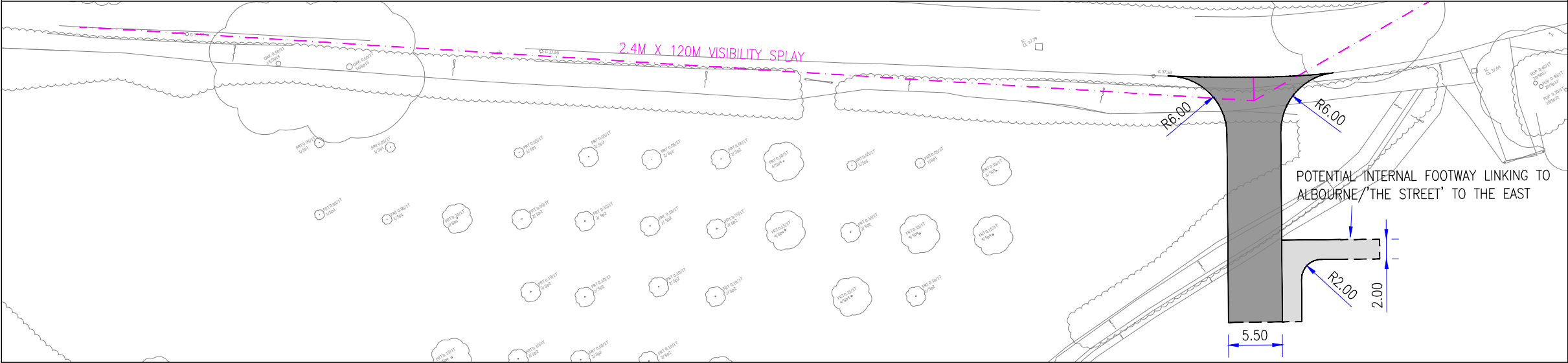
10 mph Pace = 32 - 42, Number in Pace = 10791 (65.86%)

Variance = 49.86, Standard Deviation = 7.06 mph

## Appendix C



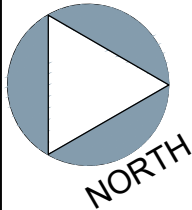
PRIMARY DIRECTION – 2.4M X 120M VISIBILITY SPLAY





SECONDARY DIRECTION – 2.4M X 120M VISIBILITY SPLAY

GENERAL NOTES

1. THIS DRAWING IS INTENDED TO BE VIEWED IN COMBINATION WITH ALL RELEVANT ARCHITECTS, ENGINEERS, SERVICES AND SPECIALIST DRAWINGS AND SPECIFICATION.
2. ANY VARIATIONS OR DISCREPANCIES BETWEEN THESE DRAWINGS IN TERMS OF DIMENSIONS OR DETAILS SHOULD BE DRAWN TO THE ATTENTION OF THE ARCHITECT AND/OR THE ENGINEER FOR CLARIFICATION.
3. PAUL BASHAM ASSOCIATES ACCEPTS NO RESPONSIBILITY FOR THE ACCURACY OF BACKGROUND INFORMATION PRODUCED BY THIRD PARTIES – THIS MUST BE TREATED AS INDICATIVE ONLY.
4. ALL DIMENSIONS AND LEVELS ARE IN METRES. DO NOT SCALE THIS DRAWING, PRINT, PLOT OR DISK.
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6. THIS DRAWING HAS BEEN INFORMED BY HIGHWAY BOUNDARY MAPPING OBTAINED FROM WEST SUSSEX COUNTY COUNCIL WHICH IS AVAILABLE ON REQUEST.



A	CLIENT COMMENTS	19.11.19	MW	JR
Rev	Description	Date	By	Chkd

Project Name LAND SOUTH OF HENFIELD ROAD, ALBOURNE	Title  INDICATIVE EASTERN ACCESS LOCATION & VISIBILITY SPLAY	 Paul Basham Associates Ltd Suite 4, Hitching Court, Blacklands Way, Abingdon Business Park, Abingdon, OX14 1RG 01235 425460 info@paulbashamassociates.com www.paulbashamassociates.com	Client  Croudace HOMES.CO.UK	Checked By JR	Checked Date 19.11.19	Scale 1:500  (AT A3 SIZE)
Project Phase PRELIMINARY				Drawn By MW	Drawn Date 19.11.19	Client Drawing No. - PBA Drawing No. 093.0002.002 Revision A

## Appendix D



## Appendix E

Calculation Reference: AUDIT-247601-190520-0534

## TRIP RATE CALCULATION SELECTION PARAMETERS:

Land Use : 03 - RESIDENTIAL  
 Category : A - HOUSES PRIVATELY OWNED  
 VEHICLES

Selected regions and areas:

02	SOUTH EAST	
	ES EAST SUSSEX	1 days
	HC HAMPSHIRE	2 days
	WS WEST SUSSEX	1 days
03	SOUTH WEST	
	SM SOMERSET	1 days
04	EAST ANGLIA	
	NF NORFOLK	1 days
	SF SUFFOLK	1 days
06	WEST MIDLANDS	
	SH SHROPSHIRE	2 days
	ST STAFFORDSHIRE	1 days
07	YORKSHIRE & NORTH LINCOLNSHIRE	
	NY NORTH YORKSHIRE	3 days
08	NORTH WEST	
	CH CHESHIRE	1 days
	LC LANCASHIRE	1 days
10	WALES	
	VG VALE OF GLAMORGAN	1 days

*This section displays the number of survey days per TRICS® sub-region in the selected set*

## Secondary Filtering selection:

*This data displays the chosen trip rate parameter and its selected range. Only sites that fall within the parameter range are included in the trip rate calculation.*

Parameter: Number of dwellings  
 Actual Range: 10 to 79 (units: )  
 Range Selected by User: 0 to 80 (units: )

Parking Spaces Range: All Surveys Included

Percentage of dwellings privately owned: All Surveys Included

Public Transport Provision:

Selection by: Include all surveys

Date Range: 01/01/11 to 20/11/18

*This data displays the range of survey dates selected. Only surveys that were conducted within this date range are included in the trip rate calculation.*

Selected survey days:

Monday	2 days
Tuesday	3 days
Wednesday	6 days
Thursday	3 days
Friday	2 days

*This data displays the number of selected surveys by day of the week.*

Selected survey types:

Manual count	16 days
Directional ATC Count	0 days

*This data displays the number of manual classified surveys and the number of unclassified ATC surveys, the total adding up to the overall number of surveys in the selected set. Manual surveys are undertaken using staff, whilst ATC surveys are undertaken using machines.*

Selected Locations:

Edge of Town	16
--------------	----

*This data displays the number of surveys per main location category within the selected set. The main location categories consist of Free Standing, Edge of Town, Suburban Area, Neighbourhood Centre, Edge of Town Centre, Town Centre and Not Known.*

Selected Location Sub Categories:

Residential Zone	14
No Sub Category	2

*This data displays the number of surveys per location sub-category within the selected set. The location sub-categories consist of Commercial Zone, Industrial Zone, Development Zone, Residential Zone, Retail Zone, Built-Up Zone, Village,*

Secondary Filtering selection:

Use Class:

C3 16 days

*This data displays the number of surveys per Use Class classification within the selected set. The Use Classes Order 2005 has been used for this purpose, which can be found within the Library module of TRICS®.*

Population within 1 mile:

1,001 to 5,000	3 days
5,001 to 10,000	1 days
10,001 to 15,000	6 days
15,001 to 20,000	4 days
20,001 to 25,000	2 days

*This data displays the number of selected surveys within stated 1-mile radii of population.*

Population within 5 miles:

5,001 to 25,000	2 days
25,001 to 50,000	2 days
50,001 to 75,000	2 days
75,001 to 100,000	6 days
125,001 to 250,000	4 days

*This data displays the number of selected surveys within stated 5-mile radii of population.*

Car ownership within 5 miles:

0.6 to 1.0	3 days
1.1 to 1.5	13 days

*This data displays the number of selected surveys within stated ranges of average cars owned per residential dwelling, within a radius of 5-miles of selected survey sites.*

Travel Plan:

Yes	4 days
No	12 days

*This data displays the number of surveys within the selected set that were undertaken at sites with Travel Plans in place, and the number of surveys that were undertaken at sites without Travel Plans.*

PTAL Rating:

No PTAL Present	16 days
-----------------	---------

*This data displays the number of selected surveys with PTAL Ratings.*



TRIP RATE for Land Use 03 - RESIDENTIAL/A - HOUSES PRIVATELY OWNED  
VEHICLES

Calculation factor: 1 DWELLS

BOLD print indicates peak (busiest) period

Time Range	ARRIVALS			DEPARTURES			TOTALS		
	No. Days	Ave. DWELLS	Trip Rate	No. Days	Ave. DWELLS	Trip Rate	No. Days	Ave. DWELLS	Trip Rate
00:00 - 01:00									
01:00 - 02:00									
02:00 - 03:00									
03:00 - 04:00									
04:00 - 05:00									
05:00 - 06:00									
06:00 - 07:00									
07:00 - 08:00	16	34	0.086	16	34	0.337	16	34	0.423
08:00 - 09:00	16	34	0.112	16	34	0.367	16	34	0.479
09:00 - 10:00	16	34	0.145	16	34	0.171	16	34	0.316
10:00 - 11:00	16	34	0.134	16	34	0.138	16	34	0.272
11:00 - 12:00	16	34	0.143	16	34	0.168	16	34	0.311
12:00 - 13:00	16	34	0.149	16	34	0.145	16	34	0.294
13:00 - 14:00	16	34	0.143	16	34	0.158	16	34	0.301
14:00 - 15:00	16	34	0.140	16	34	0.160	16	34	0.300
15:00 - 16:00	16	34	0.266	16	34	0.190	16	34	0.456
16:00 - 17:00	16	34	0.328	16	34	0.145	16	34	0.473
17:00 - 18:00	16	34	0.361	16	34	0.142	16	34	0.503
18:00 - 19:00	16	34	0.294	16	34	0.153	16	34	0.447
19:00 - 20:00									
20:00 - 21:00									
21:00 - 22:00									
22:00 - 23:00									
23:00 - 24:00									
Total Rates:			2.301			2.274			4.575

*This section displays the trip rate results based on the selected set of surveys and the selected count type (shown just above the table). It is split by three main columns, representing arrivals trips, departures trips, and total trips (arrivals plus departures). Within each of these main columns are three sub-columns. These display the number of survey days where count data is included (per time period), the average value of the selected trip rate calculation parameter (per time period), and the trip rate result (per time period). Total trip rates (the sum of the column) are also displayed at the foot of the table.*

*To obtain a trip rate, the average (mean) trip rate parameter value (TRP) is first calculated for all selected survey days that have count data available for the stated time period. The average (mean) number of arrivals, departures or totals (whichever applies) is also calculated (COUNT) for all selected survey days that have count data available for the stated time period. Then, the average count is divided by the average trip rate parameter value, and multiplied by the stated calculation factor (shown just above the table and abbreviated here as FACT). So, the method is: COUNT/TRP\*FACT. Trip rates are then rounded to 3 decimal places.*

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#### Parameter summary

Trip rate parameter range selected:	10 - 79 (units: )
Survey date date range:	01/01/11 - 20/11/18
Number of weekdays (Monday-Friday):	16
Number of Saturdays:	0
Number of Sundays:	0
Surveys automatically removed from selection:	0
Surveys manually removed from selection:	4

*This section displays a quick summary of some of the data filtering selections made by the TRICS® user. The trip rate calculation parameter range of all selected surveys is displayed first, followed by the range of minimum and maximum survey dates selected by the user. Then, the total number of selected weekdays and weekend days in the selected set of surveys are shown. Finally, the number of survey days that have been manually removed from the selected set outside of the standard filtering procedure are displayed.*

# Land to the west of Albourne

## Initial note on Landscape Matters

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**Prepared by:** Vanessa Ross

**File Ref:** A264-NT01b

**Client:** Croudace Homes

**Date:** May 2019

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### 1 - Introduction

The following short report provides a summary of the landscape constraints and opportunities in respect of a parcel of land to the west of the village of Albourne in West Sussex. It is understood that the landowner is wishing to promote the site for new, low-density residential development (circa 40 homes) and therefore this note provides commentary on landscape matters which will then contribute to representations to be prepared by Strutt and Parker on behalf of the landowner and Croudace Homes.

This note has been prepared following a site visit in May 2019 and a review of existing published reports, namely:

- Mid-Sussex, Landscape Capacity Study – 2007 (prepared by HDA)
- Capacity of Mid Sussex District to accommodate development – 2014 (prepared by LUC)
- A Landscape Character Assessment for Mid Sussex – 2005 (Mid Sussex District Council)

### 2. Site and its Immediate Context

The site is located to the west of the village of Albourne and south of Henfield Road. It comprises part of a larger field to the south and smaller triangular parcel of land to the north. The northern parcel is bounded by Henfield Road to the north and a field boundary hedge and trees to the south and west. A small orchard has been planted within the northern parcel. The southern field is bound by a recently planted hedgerow with trees to the south and the hedge and fence associated with the boundary of Albourne Primary School to the east. The western boundary is not defined by any visible features, rather, it sub-divides the existing, larger field in a north-south direction.

The site is currently accessed via a field gate into the northern field from Henfield Road. A second field gate is located along Henfield Road at the north east corner of the larger southern field.

A public right of way (ref. 15\_1AI) runs in an east-west direction along the southern boundary of the site and connects with The Street to the east and a north-south running footpath (ref. 12\_1AI) runs along the eastern boundary of the school and connects to Church Lane to the south.

No heritage assets are located within the site or adjacent to its boundaries, however, there are a number of listed buildings within the village, and there is one conservation area within the village (to the south-east of the site).

### **3. Surrounding Context and Landscape Character**

The land surrounding the village and including the site is predominantly rural with small to medium sized agricultural fields bounded by field hedgerows and trees. The site does not fall within any designated landscapes however it does sit some 1.8km to the north of the South Downs National Park (SDNP) and approximately 5.7km to the south of the High Weald Area of Outstanding Natural Beauty (AONB).

The site falls within the Mid Sussex Landscape Character Area 4 - '*Hickstead Low Weald*', however the southern boundary is broadly located on the boundary with the adjacent Landscape Character Area 3 - '*Hurstpierpoint Scarp Footslopes*'.

The site, comprising two small fields, forms only a very small proportion of the south-western part of the large *Hickstead Low Weald* Landscape Character Area, however the following key characteristics are relevant to the site and its immediate surroundings:

- *Alternating west-east trending low ridges with sandstone beds and clay vales carrying long, sinuous upper Adur streams.*
- *Views dominated by the steep downland scarp to the south and the High Weald fringes to the north.*
- *Arable and pastoral rural landscape, a mosaic of small and larger fields, scattered woodlands, shaws and hedgerows with hedgerow trees.*
- *Quieter and more secluded, confined rural landscape to the west, much more development to the east, centred on Burgess Hill.*
- *Mix of farmsteads and hamlets favouring ridgeline locations, strung out along lanes.*

The relevant characteristics provided for the *Hurstpierpoint Scarp Footslopes* Landscape Character Area, adjacent to the site are:

- *Undulating Lower Greensand low sandstone ridges and gentle and Gault Clay vales drained by the River Adur.*
- *Views dominated by the steep downland scarp.*
- *Arable and pastoral rural landscape, secluded in places, a mosaic of small and larger fields, woodlands, shaws and hedgerows with hedgerow trees.*
- *Modest network of country lanes and underhill lanes beneath the scarp.*

In summary, the site contributes to the landscape character of the area due to its agricultural land-use and associated field boundaries. Any development on the site would inevitably result in a change in land use and an enlargement of the village envelope. As such, for development to successfully integrate into the landscape, the existing boundary hedgerows should be retained wherever possible and the layout and architectural style should be carefully considered, to ensure a successful relationship with the existing context of the village and the more traditional characteristics of built form (eg building materials, architectural detailing and boundary treatments) found within nearby settlements.

#### **4. Visibility and Visual Amenity**

The site is currently visible within wider views from a small number of properties to the north of Henfield Road and from the upper floors of Wellcroft Cottages. There is limited visibility from the properties located in the village to the east. Those using the public right of way have open views into the site.

From within the site, there are views south towards the South Downs which forms a prominent ridge along the horizon. When viewed from the top of the ridge (eg the viewing points at Devil's Dyke or Summer Down) the site is indiscernible within the wide panoramic views experienced from these locations.

Again, whilst there are views out from the site looking north and north-west, due to the lower lying nature of the landscape to the north, combined with intervening boundary vegetation and woodland, there are no notable views back towards the site.

In summary, any new development comprising built form of up to two storeys would be visible over the existing hedgerow along Henfield Road from the properties to the north. There would also be views of new buildings from Wellcroft Cottages to the south, however these views would become increasingly screened over time once the trees and hedgerow along the southern boundary are established.

Users of the public right of way as it crosses the site would experience a change in views looking to the north, however this change would be experienced for only a relatively short length (some 114m) of the much longer footpath. Notwithstanding the limited extent of the development, along the route of the footpath, the relationship between the footpath and any new buildings or roads should be carefully considered.

As noted, the site is largely indiscernible in views from the South Downs. The introduction of built form at the densities proposed is unlikely to increase visibility, however materials for south facing facades and roofing materials should be selected to tie in visually with the properties in the nearby villages.

#### **5. Landscape Capacity**

##### **Mid Sussex District Council (MSDC) studies**

The two documents referred to in section 1 above, published on behalf of MSDC, assess both landscape capacity and the capacity of the land to take development.

The 2007 Landscape Capacity Study assessed the 'Landscape Sensitivity' and 'Landscape Value' of land around settlements, in order to determine the 'Landscape Capacity' of specific parcels to accommodate development – this resulted in the mapping of 80 'Landscape Capacity Areas'.

The Landscape Capacity Study located the site within Landscape Capacity Area 63 – *Albourne Low Weald*. Area 63 comprises land between Church Lane to the south and Reeds Lane to the north. The eastern boundary generally follows the B2118 and the western boundary is formed by the lane heading south from the junction with Henfield Lane and Westbourne Cottages.

The Landscape Capacity Study considered a number of different factors to reach a conclusion on both Landscape Sensitivity and Landscape Value. Each factor was scored using a five point scale and the results

aggregated to reach a final conclusion. A matrix, combining these conclusions, was then used to derive an overall judgement on Landscape Capacity.

Tables 1 and 2 below present the Landscape Capacity Study assessments for Area 63. It should be noted that due to the date the Capacity Study was undertaken, the South Downs National Park had not been designated as such and is therefore referred to as an AONB.

Inherent Landscape Qualities (intactness and condition)	Contribution to distinctive settlement setting	Inconsistency with existing settlement form / pattern	Contribution to rurality of surrounding landscape	Contribution to separation between settlements	Sensitivity 1-5 Negligible 6-10 Slight 11-15 Moderate 16-20 Substantial 21-25 Major 5 10 15 20 25	Final Assessment - Landscape Sensitivity
<div><div></div><div></div><div></div><div></div><div></div></div> Moderately good.	<div><div></div><div></div><div></div><div></div><div></div></div> Provides lower setting to North of Albourne.	<div><div></div><div></div><div></div><div></div><div></div></div> Albourne sits on high ground to SE of character area. Some minor consistence.	<div><div></div><div></div><div></div><div></div><div></div></div>	<div><div></div><div></div><div></div><div></div><div></div></div> Albourne and Sayers Common.	<div><div></div><div></div><div></div><div></div><div></div></div>	SUBSTANTIAL

Table 1: Landscape Sensitivity - Area 63 (2007 Landscape Capacity Study)

Landscape Designation	Other Designation (nature conservation, heritage, amenity, including flood zone)	Contribution to setting of 'outstanding assets'	Special cultural/ historic associations	Perceptual aspects (eg. Scenic beauty, tranquillity, wildness)	Landscape Value 1-5 Negligible 6-10 Slight 11-15 Moderate 16-20 Substantial 21-25 Major 5 10 15 20 25	Final Assessment - Landscape Value
<div><div></div><div></div><div></div><div></div><div></div></div> Proximity to AONB.	<div><div></div><div></div><div></div><div></div><div></div></div> LBs, RSI/PSI, floodzone, Conservation Area.	<div><div></div><div></div><div></div><div></div><div></div></div> Proximity and intervisibility to AONB to the south, lower setting to Albourne Place.	<div><div></div><div></div><div></div><div></div><div></div></div>	<div><div></div><div></div><div></div><div></div><div></div></div> Tranquillity limited by A23.	<div><div></div><div></div><div></div><div></div><div></div></div>	MODERATE

Table 2: Landscape Value – Area 63 (2007 Landscape Capacity Study)

In combining the assessments for Landscape Sensitivity and Landscape Value, the overall conclusion reached in the 2007 Landscape Capacity Study was that Area 63 had a 'Low' Landscape Capacity.

#### The site – Our review of capacity

In applying the above approach to consider what extent the site itself meets the criteria used to assess Landscape Sensitivity and Capacity in the 2007 Landscape Capacity Study, it is acknowledged that some of the scores for Area 63 remain unchanged.

**Landscape Sensitivity** - In addressing the contribution the site makes to the separation between settlements (identified in the study as being between Albourne and Sayers Common) it is concluded that the site in itself, due to a combination of its limited size, proximity to Albourne and distance from Sayers Common makes only a very limited contribution and is therefore assessed as 'Negligible'. Combining this with the unchanged scores, the total score is 13 which results in the Landscape Sensitivity of the site being assessed as 'Moderate', compared to an assessment for the wider Area 63 as Substantial.

Inherent Landscape Qualities (intactness and condition)	Contribution to distinctive settlement setting	Inconsistency with existing settlement form / pattern	Contribution to rurality of surrounding landscape	Contribution to separation between settlements	Sensitivity 1-5 Negligible 6-10 Slight 11-15 Moderate 16-20 Substantial 21-25 Major 5 10 15 20 25	Final Assessment - Landscape Sensitivity
<div><div></div><div></div><div></div><div></div><div></div></div>	<div><div></div><div></div><div></div><div></div><div></div></div>	<div><div></div><div></div><div></div><div></div><div></div></div>	<div><div></div><div></div><div></div><div></div><div></div></div>	<div><div></div><div></div><div></div><div></div><div></div></div>	<div><div></div><div></div><div></div><div></div><div></div></div>	MODERATE

Table 3: Landscape Sensitivity – The Site

**Landscape Value** - In relation to the criteria used to assess Landscape Value in the 2007 Landscape Capacity Study, for the site, two need to be re-assessed.

The first is the 'Contribution to the setting of outstanding assets'. Albourne Place (Grade II\*) is some 1.2km from the site with no intervisibility due to intervening visual barriers such as existing vegetation and properties such as Wellcroft Cottages. It is therefore considered that the site itself makes a negligible contribution to the setting of the heritage asset. Similarly, whilst it is acknowledged that Area 63 as a whole does make some contribution to the overall setting of the SDNP, the site itself makes a negligible contribution with visibility limited to views out towards the north facing slopes and ridge. It is therefore considered that the scoring for this factor should be reduced to 2 for the site.

The second factor that needs to be re-appraised is the Perceptual Aspects. Whilst the site retains some scenic beauty, the overall score is reduced to 2 due to the site's proximity to the village and inter-visibility with the school, which results in some loss of tranquillity.

Landscape Designation	Other Designation (nature conservation, heritage, amenity, including flood zone)	Contribution to setting of 'outstanding assets'	Special cultural/ historic associations	Perceptual aspects (eg. Scenic beauty, tranquillity, wildness)	Landscape Value 1-5 Negligible 6-10 Slight 11-15 Moderate 16-20 Substantial 21-25 Major 5 10 15 20 25	Final Assessment - Landscape Value
<div><div></div><div></div><div></div><div></div><div></div></div>	<div><div></div><div></div><div></div><div></div><div></div></div>	<div><div></div><div></div><div></div><div></div><div></div></div>	<div><div></div><div></div><div></div><div></div><div></div></div>	<div><div></div><div></div><div></div><div></div><div></div></div>	<div><div></div><div></div><div></div><div></div><div></div></div>	SLIGHT

Table 4: Landscape Value – The Site

Aggregating the scores for each of the factors for the site gives an overall score of 10 which results in the Landscape Value of the site being 'Slight', compared to an assessment for the wider Area 63 of Moderate.

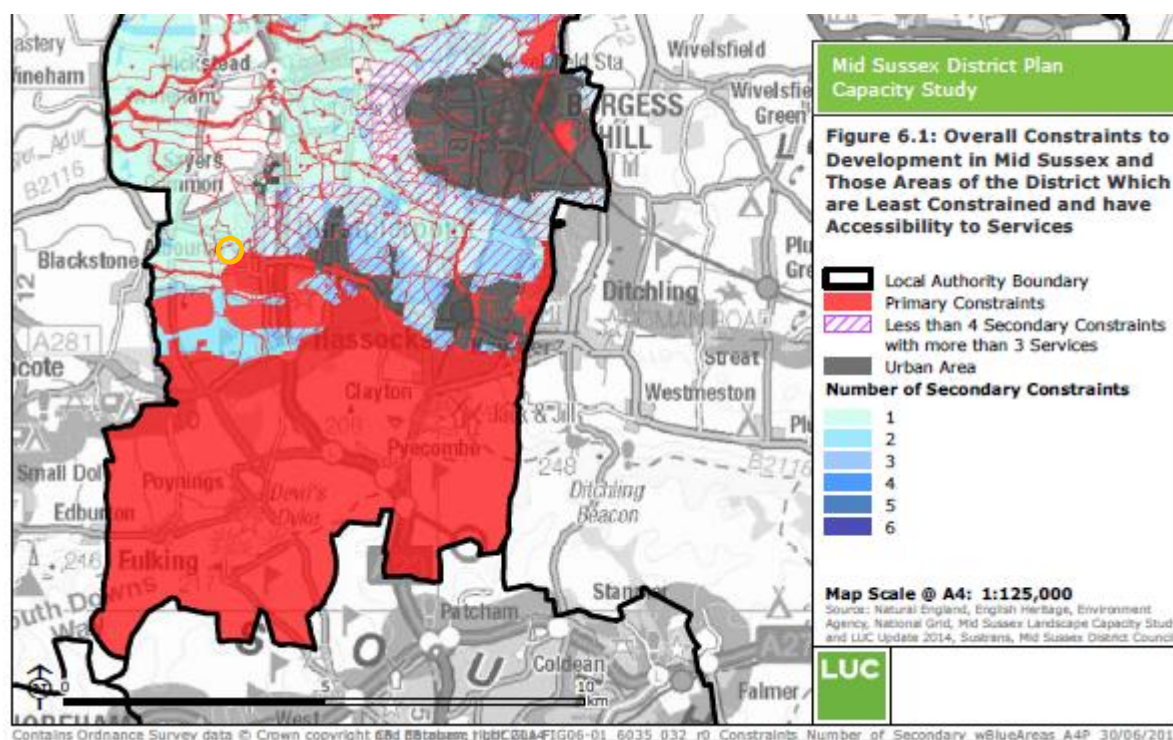
Applying the methodology used in the 2007 MSDC Landscape Capacity Study to the site and combining the Moderate Landscape Sensitivity with the Slight Landscape Value results in the site being assessed as having a **Medium/High Landscape Capacity**.

The 2014 District Capacity Study combined the findings of the 2007 Landscape Capacity Study with a number of other factors to provide a more holistic assessment of the land and its functions along with accessibility to services. The 2014 study considered the capacity of land to take development by assessing a much wider range of factors (eg infrastructure, bio-diversity, agricultural land value etc) as well as Landscape Capacity as assessed in the 2007 study and considered a wider land coverage than the 2007 study, although this is of no bearing on the assessments made for the land around Albourne.



Each 'Constraint' was mapped and an overall map produced (see Figure 1 below) which identified areas covered by Primary Constraints ie where designations, legislation or policy already greatly restricts development, along with a graded scale of where land is covered by one or more Secondary Constraints.

The land within the site has no primary constraints, however the footpath along the southern boundary is identified as a primary constraint. The site is identified as having one secondary constraint which is that it falls within an area assessed in the study as having a Low/Medium Landscape Capacity.



*Fig. 1 - Extract from Fig 6.1 of the Mid Sussex District Plan Capacity Study (site highlighted in yellow).*

The conclusion to the 2014 Capacity Study notes that *“In the parts of the District not covered by primary constraints, development could be more challenging where there is more than one secondary constraint due to the added costs and challenges that would be required to adequately mitigate the potentially significant impacts on the environment in those areas (depending upon the nature of the constraint concerned)”*.

It goes on to highlight the potentially constrained nature of the District, noting that 63.6% is covered by Primary Constraints and that 92% is covered by a combination of Primary and at least one secondary



constraint. Combining this with the 4% of the District which comprises built up areas, this leaves only 4% of the District not covered by any of the constraints highlighted in the report.

In considering Landscape Capacity, the 2014 Capacity Study amends the 5 point scale applied for assessing Landscape Capacity and this results in a change to the overall conclusion on Landscape Capacity for Area 63 from Low to 'Low/Medium'.

By applying the same approach to assessing the site itself, our assessment of the Landscape Capacity of the site is raised to Medium. Landscape Capacity is therefore below the threshold needed to meet the criteria of a secondary constraint, meaning that, in applying the methodology and criteria used in the 2014 Capacity Study, the site would not be considered to be constrained.

## **6. Conclusions and recommendations**

In considering the nature of the site, and potential, proposed development, it is acknowledged that there would be an inevitable land-use change and loss of the agricultural landscape type within the site boundaries.

Following a review of the published MSDC Capacity Studies and applying the methodologies used to the site itself, we find that the site, in part due to its location adjacent to the school, on the edge of the Albourne, does have the capacity to accept some development.

For new housing to be integrated into the village successfully, ie., with limited effect on both landscape and visual matters, careful consideration must be given to the layout and architectural style of the new buildings. The low density being proposed will allow a layout that responds to the local context, albeit that the choice of materials, the design of the streetscape, planting and boundaries are of equal importance.

The retention of existing boundary vegetation is an important landscape consideration that will also assist in maintaining biodiversity across the site. New vehicular access, where possible should utilise existing gaps within the hedgerows.

The site benefits from good connectivity to the existing footpath network, however, the effects of introducing new development adjacent to a short length of the path will need to be considered in the layout to ensure that the effects are limited and the benefits for those using the footpath, maintained.

The proximity to the SDNP and the effect of any development on its setting is an important consideration, however if the principles highlighted above are followed, the effects should be negligible.

The site benefits from views out to the surrounding landscape and in particular towards the South Downs National Park. The broad panoramic views looking north from the National Park are key elements of its setting, however it was observed that the site, and indeed the wider village of Albourne, were indiscernible (albeit as seen in summer) in views looking north. The use of contextually appropriate building materials and avoiding the introduction of new street lighting will assist in preserving the existing views out from the National Park.

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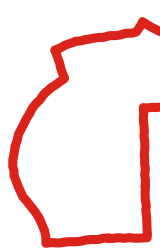
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**URBAN  
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PRACTICE





**KEY**

 Boundary of Proposed Housing Area Approx. 2.98Ha

**NOTE:**  
This Plan shows land available for approximately 40 dwellings and includes provision for sustainable urban drainage systems and public open space.

The nett developable site area is approximately 2.3Ha which would provide 40 dwellings at a density of around 17 dwellings/Ha.

The proposed new school drop-off area would have direct vehicular access from the proposed future housing area site.

