

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA10

ID: 765

Response Ref: Reg19/765/1

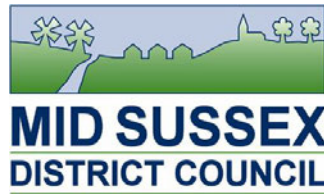
Respondent: Dr I Gibson

Organisation:

On Behalf Of:

Category: District Councillor

Appear at Examination? ✓



Site Allocations Development Plan Document Regulation 19 Submission Draft Consultation Form

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

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

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

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

The Site Allocations DPD is available to view at:

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

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

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

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

How can I respond to this consultation?

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

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

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

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

E-mail: LDFconsultation@midsussex.gov.uk

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

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

1. Personal Details

Title	<input type="text" value="DR"/>
First Name	<input type="text" value="IAN"/>
Last Name	<input type="text" value="GIBSON"/>
Job Title (where relevant)	<input type="text"/>
Organisation (where relevant)	<input type="text"/>
Respondent Ref. No. (if known)	<input type="text"/>
On behalf of (where relevant)	<input type="text" value="SELF"/>
Address Line 1	<input type="text" value="REDACTED"/>
Line 2	<input type="text" value="REDACTED"/>
Line 3	<input type="text" value="REDACTED"/>
Line 4	<input type="text" value="REDACTED"/>
Post Code	<input type="text" value="REDACTED"/>
Telephone Number	<input type="text" value="REDACTED"/>
E-mail Address	<input type="text" value="REDACTED"/>



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: IAN GIBSON

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	21, 22, 26, 27, 33 & 32	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 checked="" type="checkbox"/>	<input type="checkbox"/>
(2) Justified	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(3) Effective	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(4) Consistent with national policy	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

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

1. The Site Allocations DPD is inconsistent with the spatial strategy set out in Policies DP4 and DP6 of the Mid Sussex District Plan because it allocates sites in settlements that have already met and exceeded their minimum requirement housing 'target' without demonstrating that settlements that have not met their 'target' do not have sufficient sustainable sites to meet the Residual Housing Requirement. See appendix for detailed explanation.
2. The Site Allocations DPD is inconsistent with Policy DP16 of the Mid Sussex District Plan because it allocates a site in the North Weald AONB.

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.

1. Sites SA21, SA22, SA26, SA27 and SA33 should be deleted from the list of Additional Housing Allocations (SA11) and should not be allocated as they are all in settlements that have met and exceeded their DP6 target. Deleting these five sites will reduce the number of new dwelling sites provided by the Site Selection DPD by 129. The number of new dwelling sites that would then be provided (1,635) is still 355 (28%) more than the Residual Housing Requirement (1,280). Therefore, deleting the five sites does not increase the risk that the District Plan minimum Requirement (16,390) will not be achieved.
2. Site SA32 should be deleted from the list of Additional Housing Allocations (SA11) and should not be allocated as it lies within the AONB and is contrary to DP16. Deleting this site will further reduce the number of new dwelling sites provided by the Site Selection DPD by 16. The number of new dwelling sites that would still be provided (1,619) is still 339 (26%) more than the Residual Housing Requirement (1,280). Therefore, deleting the site does not increase the risk that the District Plan minimum Requirement (16,390) will not be achieved.

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

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

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

☐

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

☒

Yes, I wish to participate at the oral examination

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

To provide clarification as required.

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:

Ian Gibson

Date:

27th September 2020

Thank you for taking time to respond to this consultation

Comments on Draft Site Allocations DPD (Regulation 19) Consultation

The Mid Sussex District Plan sets out a clear spatial strategy for where new homes should be built based on the 27 towns, villages and hamlets ("settlements") in the District. The settlements are divided into four categories by size and District Plan Policy DP4 sets a target (a 'Minimum Requirement') for the number of new homes in each category. Policy DP6 then sets a target for the number of new homes that represents sustainable development for each of the 27 settlements. It is an inescapable fact that if every settlement met its DP6 target, then the District would meet its overall target of 16,390 new homes.

The number of new homes that each settlement will deliver over the plan period has been calculated by adding the number of new homes already built since 2014, the number for which planning permission has been granted and the number on sites allocated in Neighbourhood Plans. In April 2020 this arithmetic showed that 14 of the 27 settlements had met their DP6 'target'; as indicated by a "0" against the settlement in Table 3. of the Sustainability Appraisal Non-Technical Summary. In fact collectively these 14 settlements had exceeded their 'target' by over 670 new homes. The methodology used by Mid Sussex in to the DPD does not credit these excess homes against the DP4 targets for each settlement category. For example, if excess new homes were credited, the category 2 settlements have together delivered the full category 2 target despite the shortfall in Cuckfield.

It would be reasonable to assume that the settlements which have already met and exceeded their DP6 target would be spared any further site allocations if the DPD Residual Housing Requirement can be achieved without this. However, the methodology adopted by Mid Sussex did not test whether the DPD Residual Housing Requirement could be met from sites in settlements that had not met their DP6 target by April 2020. Instead five of the 'over-performing' settlements have been allocated sites totaling 129 new homes:

- Ansty - 12 new homes (Policy SA33)
- Ashurstwood - 12 new homes (Policy SA26)
- Crawley Down- 50 new homes (Policy SA22)
- Handcross- 30 new homes (SA27)
- Haywards Heath- 25 new homes (Policy SA21)

The Site Allocation DPD is therefore unsound because it is inconsistent with policies DP4 and DP6 of the District Plan.

It is relevant that DPD identifies sufficient sites for 1,764 new homes which is 484 (38%) more than the calculated Residual Housing Requirement (1,280). Clearly a small number of additional allocations would be prudent, but the current margin is excessive. It does, however give some flexibility to remove the 5 sites (SA21, SA22, SA26, SA27 and SA33) without prejudicing the ability to deliver the Residual Housing Requirement through the remaining sites which are all in settlements that have not met their DP6 target. This would permit the DPD to be considered 'sound'.

Dr Ian Gibson

Member for Crawley Down and Turners Hill Ward.
Councillor Worth Parish Council,
Councillor Turners Hill Parish Council,

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA10

ID: 781

Response Ref: Reg19/781/1

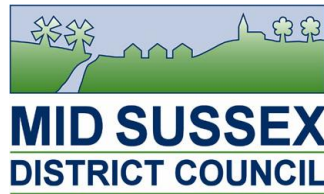
Respondent: Mr M Bassett

Organisation: Freeths LLP

On Behalf Of: Country Court Care Homes LTD

Category: Developer

Appear at Examination? ✓



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RH16 1SS

E-mail: LDFconsultation@midsussex.gov.uk

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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="Mark"/>
Last Name	<input type="text" value="Bassett"/>
Job Title (where relevant)	<input type="text" value="Principal Manager"/>
Organisation (where relevant)	<input type="text" value="Freeths LLP"/>
Respondent Ref. No. (if known)	<input type="text"/>
On behalf of (where relevant)	<input type="text" value="Country Court Care Homes Ltd"/>
Address Line 1	<input type="text" value="Cumberland Court"/>
Line 2	<input type="text" value="80 Mount Street"/>
Line 3	<input type="text" value="Nottingham"/>
Line 4	<input type="text"/>
Post Code	<input type="text" value="NG1 6HH"/>
Telephone Number	<input type="text" value="0845 030 5748"/>
E-mail Address	<input type="text" value="Mark.bassett@freeths.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:

Freeths LLP on behalf of Country Court Care Homes Ltd

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" value="See 6b."/>	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 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**.

N/A

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.

In response to Q3b this objection does not relate to a specific policy or paragraph but the absence of allocations/policy to deal with specialist housing.

In order to be considered sound the Site Allocation Development Plan Document (DPD) must be positively prepared (having regard to objectively assessed needs), justified (an appropriate strategy taking into account the reasonable alternatives), effective (deliverable over the plan period) and consistent with National Policy. These details are set out in Paragraph 35 of the National Planning Policy Framework (NPPF) 2019. There is no specific policy in the Site Allocation DPD to deal with the provision of elderly care accommodation and insufficient allocations to deal with the arising need so far as it has been identified in the evidence base for the District Plan.

The site allocations document provides no further evidence base to justify its position with regards to need or provision of specialist housing for elderly people. As such the Site Allocations DPD fails to meet all four of the requirements for soundness as set out in the NPPF and is therefore considered unsound. We set out further detail below.

It is widely acknowledged that the UK is experiencing an ageing population, and from an analysis of the 2016 population projections, it is clear that this is being felt more acutely in Mid Sussex. The Northern West Sussex Housing Market Assessment ("HMA") 2009 and 2012 update recognises the population trends in respect of elderly people in Mid Sussex and identifies that a key demographic factor for housing will be catering for a growing elderly population. The report identifies that there is clear demand across the Northern West Sussex Housing Market for additional housing for older people (including extra care housing) over the next twenty years. This is the case in each of the three local authorities within the HMA [para 12.44].

As such the Mid Sussex Housing and Economic Development Needs Assessment ("HEDNA") Addendum August 2016 has a whole section on housing for older people – provision of specialist accommodation or care. The report considered the potential demand for all types of older person specialist accommodation or care within Mid Sussex over the plan period to 2031.

Table 10 of the report identifies that for Registered Care (C2) in 2014 there was a demand for 1,452 beds and a supply of 1,680 which equates to an over provision. However, crucially this over provision is attributed to nursing care. In respect of residential care there is a need for 858 beds and the provision of only 471, which is only 45%. Looking forward to 2031 there is an anticipated demand for 2,442 beds for registered care, which is a shortfall of 762 beds against the current supply. Again there is an oversupply in respect of nursing care but for residential care the demand would be for 1,443 beds, of which the shortfall would be 972 beds. This identifies an increase in demand for specialist accommodation or care in Mid Sussex over the plan period and a forecast shortage of such accommodation at the end of the plan period against current levels of supply.

The report therefore robustly concluded that there is *'the need for a policy intervention to protect existing stock and to facilitate the extra provision of specialist accommodation or care in Mid Sussex falling within Use Class C2 over the plan period to 2031. Development of such housing should therefore be enabled where it represents sustainable development. There also appears to be justification to explore the need to allocate land to provide additional provision'*.

The Mid Sussex District Plan ("DP") was adopted in March 2018 and covers the period from 2014-2031. Supporting text for policy DP30 'Housing Mix' identifies that the Council supports the provision of specialist accommodation or care appropriate for older persons through both public and private sector provision.

The text for Policy DP30 identifies that housing development will provide a mix of dwelling types and sizes that reflects current and future local housing needs. Specifically it states that if a shortfall is identified in the supply of specialist accommodation and care homes falling within Use Class C2 to meet demand in the District, the Council will consider allocating sites for such use through a site allocations document [page 81].

The Regulation 19 Submission Draft of the Site Allocations Development Plan Document only proposes one allocation for a care community (C2) as part of a mixed use development on land south and west of Imberhorne Upper School, Imberhorne Lane, East Grinstead (SA20). The policy does not identify the quantum of C2 development anticipated.

Whilst all evidence based documents produced for the DP identify a need for specialist housing for the elderly population and policy intervention to facilitate that provision, policy DP30 of the District Plan simply states that if a need for specialist accommodation and care homes is identified then land will be allocated in the Site Allocations Document. There is no specific policy in the DP which allows for the delivery of specialist accommodation or care homes, albeit it is recognised that policy DP6 does allow for development within towns and villages with defined built-up area boundaries.

The Site Allocations Document and its relationship with the DP and its supporting housing evidence is therefore fundamentally flawed. The Site Allocations Document fails to grapple with housing requirements of a significant specialist sector in the face of evidence of demonstrating clear need as part of the work undertaken for the DP.

Accordingly the Site Allocations DPD is not positively prepared as it does not take into account the objectively assessed needs for the District as identified in the evidence base for the DP and no update on need has been undertaken as part of the plan making process. Furthermore the policy decision to not allocate land for specialist accommodation is not justified as no evidence has been provided to explain the rationale or alternatives behind this decision. It is clear therefore that the plan cannot be considered effective in delivering development to meet elderly needs across the plan period.

National policy in the form of the NPPF and the PPG sets out the requirements for Local Authorities in meeting the needs of different groups, including older people, in their local plans.

Paragraph 61 of the NPPF identifies that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. This includes older people.

PPG expands on the NPPF and identifies that strategic policy-making authorities will need to consider the extent to which the identified needs of specific groups can be addressed in the area. Plan making authorities should assess the need for housing of different groups and reflect this in planning policies. [Paragraph 001 Reference ID: 67-001-20190722].

PPG states that Plan-making authorities should set clear policies to address the housing needs of groups with particular needs such as older and disabled people. These policies can set out how the plan-making authority will consider proposals for the different types of housing that these groups are likely to require [Paragraph 006 Reference ID: 63-006-20190626].

In respect of whether plans need to allocate sites for specialist housing for older people PPG identifies that it is up to the plan-making body to decide whether to allocate sites. Allocating sites can provide greater certainty for development and encourage the provision of sites in suitable locations. This may be appropriate where there is an identified unmet need for specialist housing [Paragraph 013 Reference ID: 63-013-20190626].

Whilst national policy does not specifically require a Local Authority to allocate sites for specialist housing for older people it is clear that policies should seek to meet the needs of groups with particular specialist housing needs. Whilst the evidence base for the District Plan identifies a need for specialist housing for elderly people, neither the DP or the Site Allocations provides appropriate policies to meet this need. Furthermore no additional up to date needs assessment has been produced as part of the evidence base to support this plan. Accordingly the plan is not consistent with national policy.

There is a clear failure to address need for specialist housing for elderly people as part of the Site Allocations DPD and the document as identified above is therefore unsound.

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

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

In accordance with national planning policy it is necessary for the Council to assess and meet the specialist housing needs of different groups, including for elderly people.

The HEDNA from 2016 clearly identifies a need in the District for specialist housing for elderly people, nevertheless the District Plan in Policy DP30 simply states that where a need is identified the Council will consider allocating sites. No further assessment of need has taken place as part of the evidence base for the Site Allocation DPD and no allocations have taken place. A robust evidence base assessing the requirement for specialist housing for elderly people should therefore be provided. The Council should then use the evidence base to justify their position and then allocate additional sites for specialist housing for elderly people to meet any additional identified need in the District.

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 delivery of specialist housing is a key requirement of the National Planning Policy Framework.

The failure to provide any evidence in relation to this requirement for elderly people is a major flaw of the plan, and requires discussion at the examination to ensure that this is remedied.

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: M Bassett

Date:

24/09/2020

Thank you for taking time to respond to this consultation

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA10

ID: 784

Response Ref: Reg19/784/1

Respondent: Mrs D Thomas

Organisation: Bolney Parish Council

On Behalf Of:

Category: Town & Parish Council

Appear at Examination? x

[REDACTED]

From: Debbie Thomas [REDACTED]
Sent: 28 September 2020 20:02
To: ldfconsultation
Subject: Consultation response
Attachments: DPD Site Allocations Sept 2020.docx

Please find attached comments from Bolney Parish Council on the Draft Site Allocations DPD

Kind regards

Debbie Thomas
Clerk to Bolney Parish Council

[REDACTED]

Email: clerk@bolney.com

Bolney Parish Council (BPC) comments on MSDC's Submission Draft Site Allocations Development Plan

General comments:

1. Bolney Parish Council support MSDC in not including any requirement for any extra housing development in the parish.
2. Bolney Parish Council support the comments made by Cuckfield Parish Council in their response to MSDC and especially the comments about the number of windfall developments.

Comments about specific policies:

SA5: Land at Bolney Grange Business Park.

The Statement of Consultation, Regulation 18, notes that BPC requested a landscape scheme to minimise the impact on views from the South Downs and the MSDC response was 'to include biodiversity/landscaping requirements to the policy'. No such requirements have been included in the Submission Draft. We request that they should be included.

SA6: Marylands Nursery, Cowfold Road, Bolney.

BPC request MSDC to reconsider its decision not to include a site-specific lighting plan to reduce light pollution. The site is likely to be in use 24 hours per day and is close to residential housing and the Grade 1 listed parish church which is floodlit.

The boundary of the site in the south west corner provides a pinch point to the layout of the London Road junction with the A272. The current developer has offered some land to enable the addition of a second lane for the traffic queuing to access the A272. However, this may not be the developer who carries out the work and this new developer may not be so accommodating. This issue is addressed further in our comments about SA35: Safeguarding of Land for Strategic Highway Improvements.

SA9: Science and Technology Park

BPC consider that the addition of 2,500 jobs would inevitably increase the volume of traffic using the A23 northbound off slip and the junction with the A272. The residents of Chapel Road have already experienced an increase of traffic at peak times since the DPD distribution centre has been in operation in the new business park on the A2300. Vans use Hickstead Lane and Chapel Road to access the A272 and thus avoid queuing at the junction. Other vehicles use The Street for the same purpose. Both of these roads are narrow and do not have pedestrian pavements. Children need to use the road to walk to the village primary school. Also, if Horsham District Council opt for the strategic development at Bucks Barn, it is highly likely that a proportion of the new residents will find work at the STP or elsewhere in Mid Sussex. The volume of traffic along the A272 as well as the extra turning traffic will increase the queuing time at the junction.

BPC request that the words "and the A23/A2300 junction" are added to the 'Highways and Access' bullet point 3.

SA35: Safeguarding of Land for and Delivery of Strategic Highway Improvements

The Statement of Consultation notes that BPC request that the junction of A272/London Road should be safeguarded to enable delivery of SA6: Marylands Nursery. However, this misrepresents what BPC tried to get over to Council officials during a consultation meeting. Our concern is that the massive increase in housing numbers in the district and especially at the Northern Arc together with the extra employment opportunities, increases the problems at the junction. We, and others who have witnessed the very risky driving that happens at peak times, consider the junction to be extremely dangerous.

BPC understand that the northbound off slip (London Road) junction with the A272 is due to be signalised as part of the Northern Arc development. BPC consider that traffic signals would produce long queues on the A272 and an increase in the rerouting of vehicles onto the narrow lanes in the parish to the north of the A272 as well as onto The Street.

BPC consider that a roundabout would not produce the same length of queuing traffic as a signal-controlled T junction. This would require some land take outside the current highway land. However, as the developer for the Maryland's Site SA6 has shown, adding an extra Lane to the south end of London Road requires some land take. Providing a safe central island for pedestrians is also likely to increase the road width.

BPC request that "A23 junction upgrades at A272 Bolney" be added to the 3 schemes already included.

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA10

ID: 786

Response Ref: Reg19/786/2

Respondent: Mr S Crickett

Organisation: Strutt and Parker

On Behalf Of: Somerston Developments Projects

Category: Promoter

Appear at Examination? ✓



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

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

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

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

The Site Allocations DPD is available to view at:

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

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

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

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

How can I respond to this consultation?

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

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

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

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

E-mail: LDFconsultation@midsussex.gov.uk

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

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

1. Personal Details

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



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

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

Part B – Your Comments

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

Name or Organisation:

3a. Does your comment relate to:

Site Allocations DPD	<input type="text" value="Y"/>	Sustainability Appraisal	<input type="text" value="N"/>	Habitats Regulations Assessment	<input type="text" value="N"/>
Community Involvement Plan	<input type="text" value="N"/>	Equalities Impact Assessment	<input type="text" value="Y"/>	Draft Policies Maps	<input type="text" value="N"/>

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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Refer to separate Written Representations Statement dated September 2020

4. Do you consider the Site Allocations DPD is:

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

4b. Sound Yes No

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

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

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

Refer to separate Written Representations Statement dated September 2020.

t is

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

Refer to separate Written Representations Statement dated September 2020.

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

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

Refer to separate Written Representations Statement dated September 2020.

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

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

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

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

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

☐

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

☒

Yes, I wish to participate at the oral examination

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

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

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

10. Please notify me when:

(i) The Plan has been submitted for Examination

☒

(ii) The publication of the recommendations from the Examination

☒

(iii) The Site Allocations DPD is adopted

☒

Signature:

Stuart Crickett

Date:

28/09/2020

Thank you for taking time to respond to this consultation



Mid Sussex Site Allocations DPD

Regulation 19 Consultation September 2020

Written Representations

On behalf of Somerston Development Projects

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Appendices

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

Document Control:

Primary author: Stuart Crickett

Initialed: SC

Review by: Stuart Crickett

Initialed: SC

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

1. Executive Summary

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

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

2. Planning for Housing for Older People

National Planning Policy and Guidance

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

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

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

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

(emphasis added)

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

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

2.6. It goes on to clearly state:

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

(Emphasis added)

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

Extra Care

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

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

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

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

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

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

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

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

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

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

3. Adopted Planning Policy Context

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

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

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

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

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

4. Draft Site Allocations Development Plan Document

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

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

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

5. The Need for Extra Care

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

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

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

6. Woodpeckers, Snow Hill, Copthorne

The Site

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

The Proposed Development

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

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

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

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

7. Conclusion

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

Appendices

Appendix 1

Appeal Decision

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

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

by Christina Downes BSc DipTP MRTPI

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

Decision date: 11 September 2020

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

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

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

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

PROCEDURAL MATTERS

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

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

REASONS

PLANNING POLICY CONTEXT AND THE APPROACH TO DECISION MAKING

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

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

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

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

The most important policies for determining this application

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

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

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

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

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

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

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

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

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

Whether the most important policies are out-of-date

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

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

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

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

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

Conclusions

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

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

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

Effect on the landscape

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

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

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

Visual effects

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

change as the receptor moves through the countryside.

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

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

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

Effect on the character of the settlement of Albourne

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

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

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

Effect on agricultural land

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

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

Overall conclusions

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

THE EFFECT OF THE PROPOSAL ON HERITAGE ASSETS

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

The listed buildings

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

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

Spurk Barn

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

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

Albourne Conservation Area

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

inconsistent.

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

Overall conclusion

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

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

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

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

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

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

THE BENEFITS OF THE PROPOSAL

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

The need for extra care housing

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

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

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

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

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

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

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

Freeing up family sized homes

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

On site facilities for use by the public

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

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

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

Highway safety and traffic calming

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

Economic and social benefits

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

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

OTHER MATTERS

Ashdown Forest

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

Ecology

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

Local healthcare services

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

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

Residential amenity

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

Other appeal decisions

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

PLANNING OBLIGATIONS

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

The S106 Agreement

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

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

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

The UU

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

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

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

PLANNING CONDITIONS

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

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

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

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

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

PLANNING BALANCE AND OVERALL CONCLUSIONS

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

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

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

Christina Downes

INSPECTOR

ANNEX A: APPEARANCES

FOR THE APPELLANTS:

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

*Participated in the Planning Obligations session

FOR THE LOCAL PLANNING AUTHORITY:

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

FOR THE RULE 6 PARTY:

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

INTERESTED PERSON:

Mr P Holding

Local resident of Church Lane, Albourne

ANNEX B: DOCUMENTS AND PLANS

DOCUMENTS

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

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

PLANS

- A Application plans
- B Sketch Layout Plan

ANNEX C: SCHEDULE OF PLANNING CONDITIONS

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

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

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

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

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

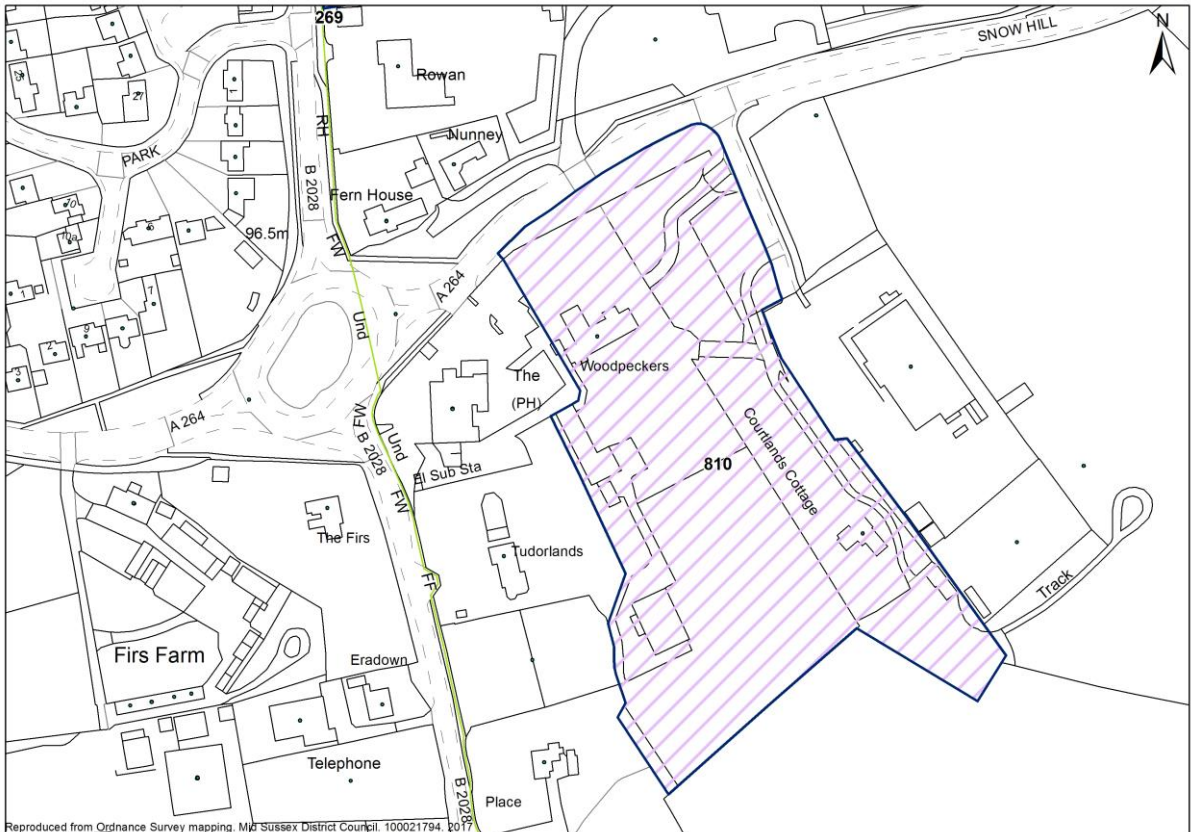
The sustainable drainage system shall be implemented and thereafter managed and maintained in accordance with the approved details.

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

End of conditions 1-25.

Appendix 2

Stage 1 Site Pro-Forma – All Sites

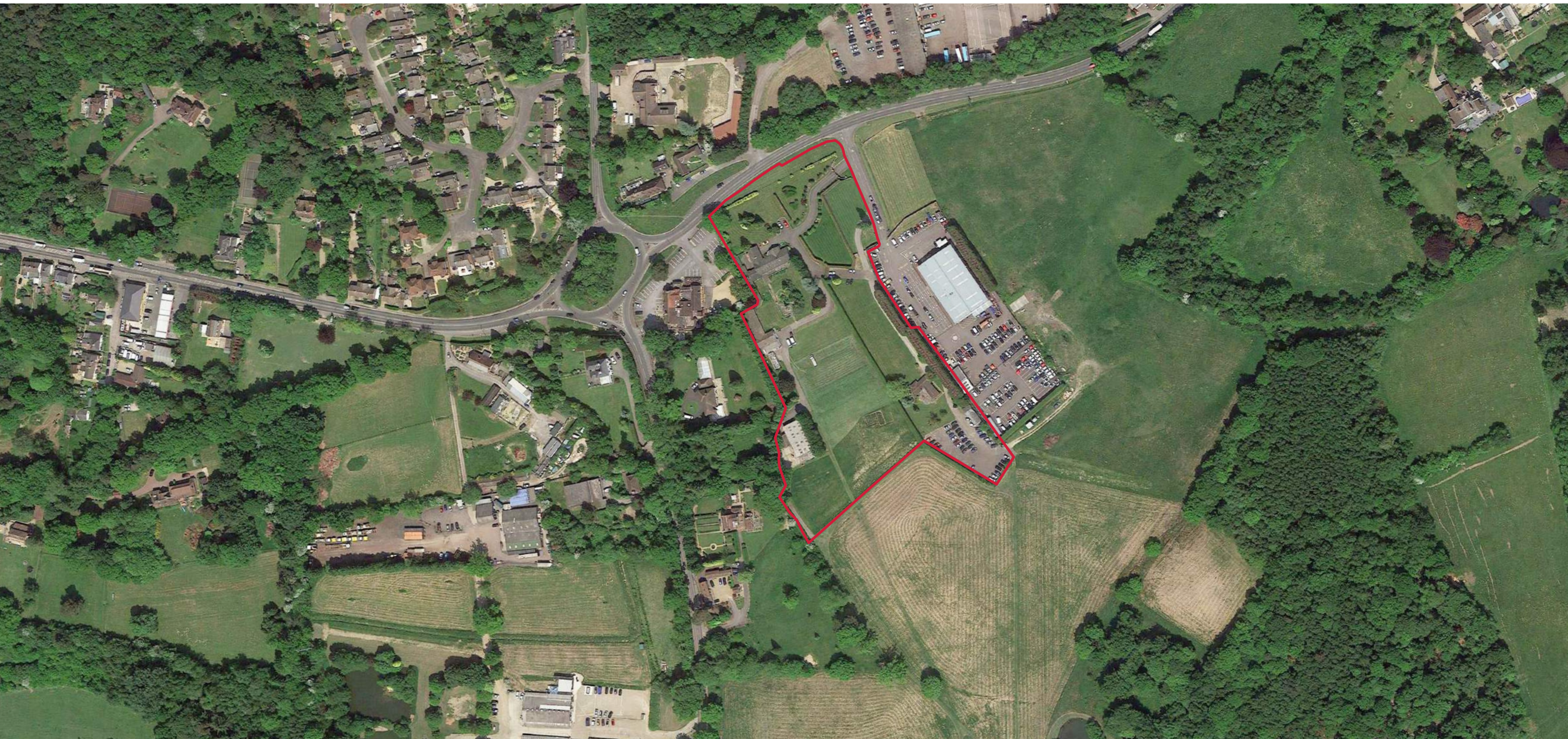
SHELAA Ref	810	Parish	Worth
Site Location	Woodpeckers, Snow Hill, Crawley Down		
 <p>Reproduced from Ordnance Survey mapping. Map Sussex District Council. 100021794. 2017</p>			
Site uses	Dwellings		
Gross Site Area (ha)	2.4		
Potential Yield	72		
Site History			
Absolute Constraint	Flood Zone 2 or 3	✗	
	Site of Special Scientific Interest	✗	
Other Constraints	Ancient Woodland	✗	
	Area of Outstanding Natural Beauty	✗	
	Local Nature Reserve	✗	
	Conservation Area	Development would not have a negative impact on Conservation area and/or Area of Townscape Character	
	Scheduled Monument	✗	
	Listed Buildings	Development may potentially affect listed building/s - mitigation may be necessary	
	Access	Safe access is not available but potential exists to easily gain access	
Suitable	No known constraints - assessed as Suitable at Stage 1, progress to Stage 2 assessment		
Availability	Site submitted by site proponent to the SHELAA for assessment - considered available		
Achievability	There is a reasonable prospect that site could be developed within the Plan period		
Timescale	Medium-Long Term		

Appendix 3

Woodpeckers, Copthorne

Vision Document

May 2019



prp-co.uk

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

PRP Job Reference
AA5059

Issuing Date / Office
May 2019 / Surrey

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Project Lead
Anne-Marie Nicholson, Mark Walker

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Site Address

Woodpeckers
Copthorne
West Sussex

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1. Executive Summary

- 1.1.

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

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

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

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

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

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

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

2. Introduction

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

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



View looking south



Access road and entrance to Garage



3. The Site

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



4. Planning Policy Background

National Planning Policy

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

Local Planning Policy

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

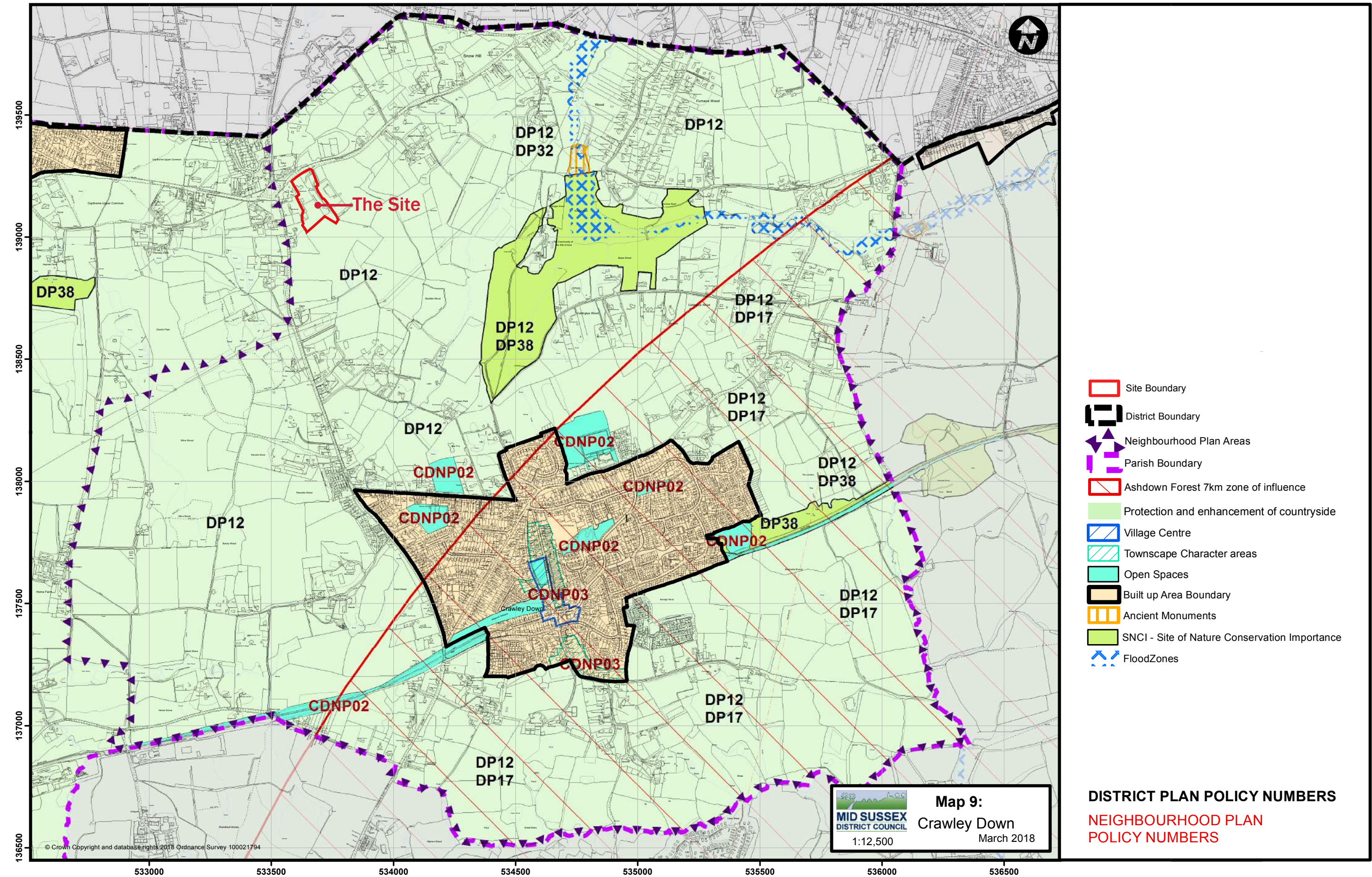
- 4.5. The Crawley Down Neighbourhood Plan, which applies to this site, notes the results of housing surveys conducted during the preparation of the Neighbourhood Plan which identified a high demand and a limited supply of accessible dwellings for older people to downsize to. The Housing Survey from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

Emerging Planning Policy

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



Grants Hill Entrance



Extract of adopted Mid-Sussex Local Plan Proposals Map.

5. Care Accommodation Needs

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

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



6. Understanding the Site and Context

Facilities

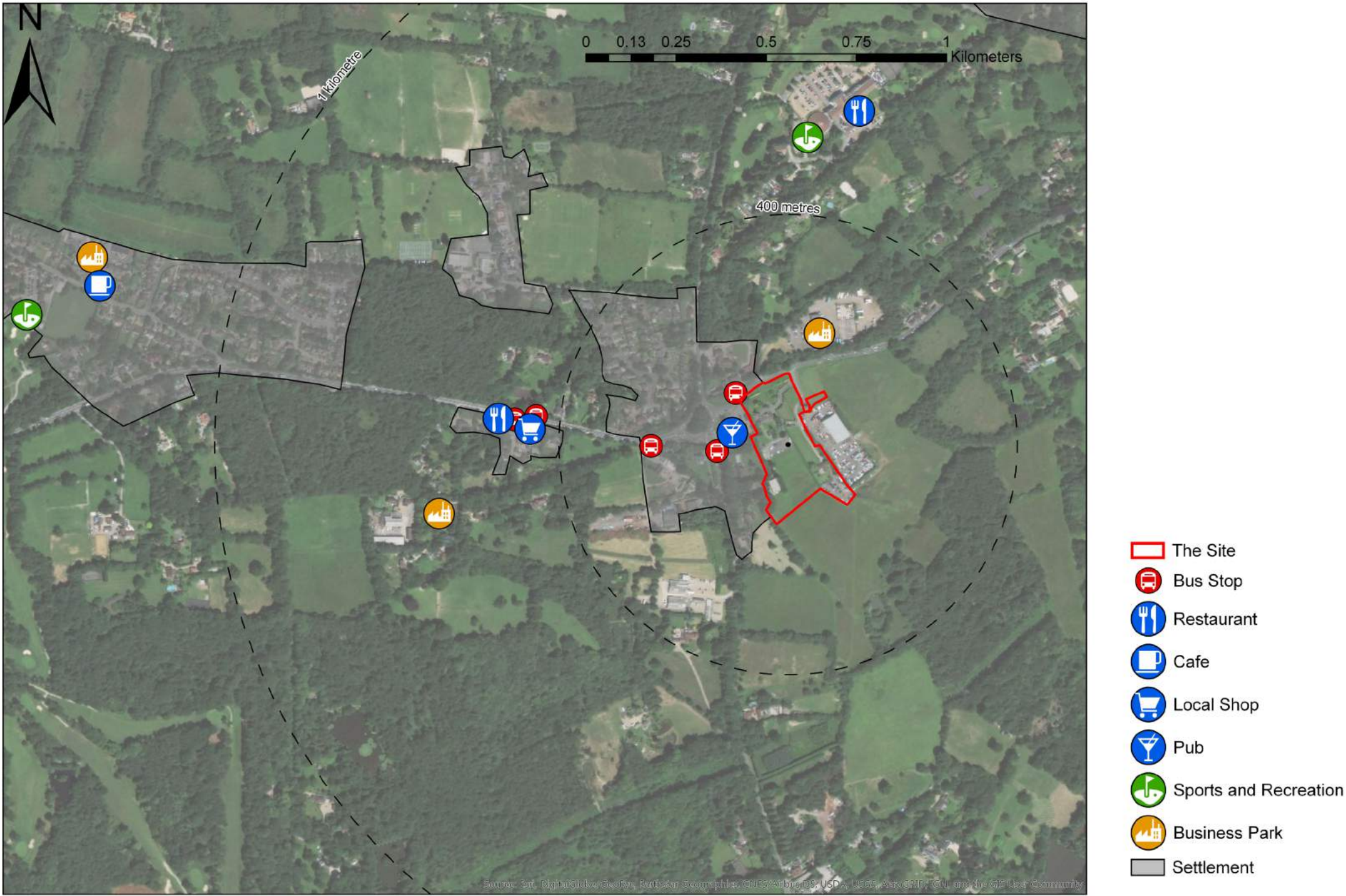
- 6.1. There is a range of services and facilities close to the site. It is important to note that in addition to existing facilities, the proposed Village Hub would likely include a range of everyday services including restaurant/bistro facilities, hairdressers, residents lounge, wellness suites along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

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

*(Distances measured as the crow flies)

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

Facilities Plan



Site Appraisal – constraints and opportunities



Key

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

0 5 10 20 30 40 50 meters

N

Highways

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



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

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



Looking South West from Snow Hill

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

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

Ecology

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



Flood Risk & Drainage

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



Ground Conditions

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

Trees

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

Summary

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

7. Design Principles

Summary of Design Approach

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

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

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

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

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

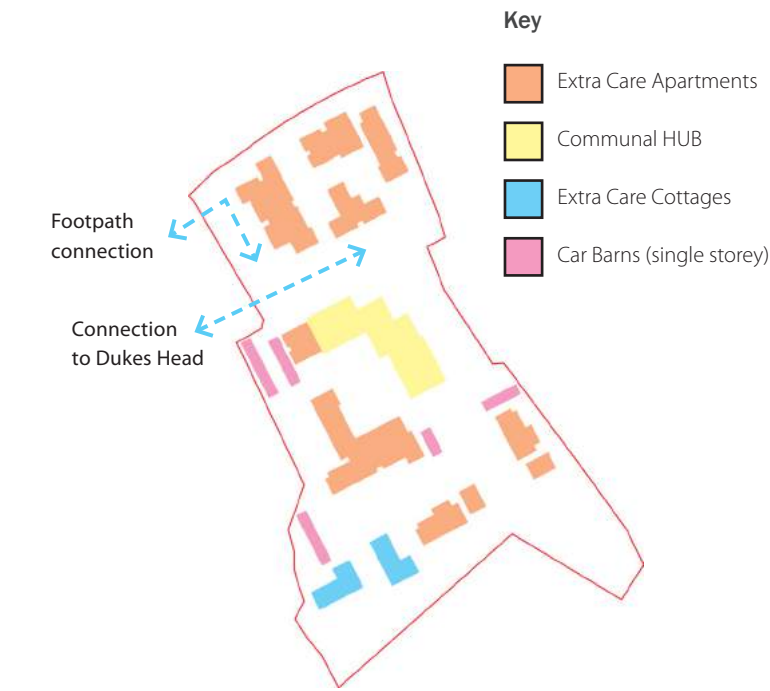
As a result, it is considered that the layout is relatively open in nature and does not detract from the character of the site (having regard to existing and approved developments). Within this context the fundamental integrity of the wider strategic gap itself would not be compromised.



8. Proposals

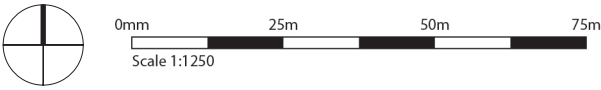
Illustrative Concept Layout Option

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



Uses Diagram

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

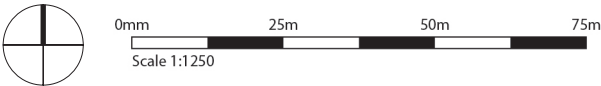


Heights Plan

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

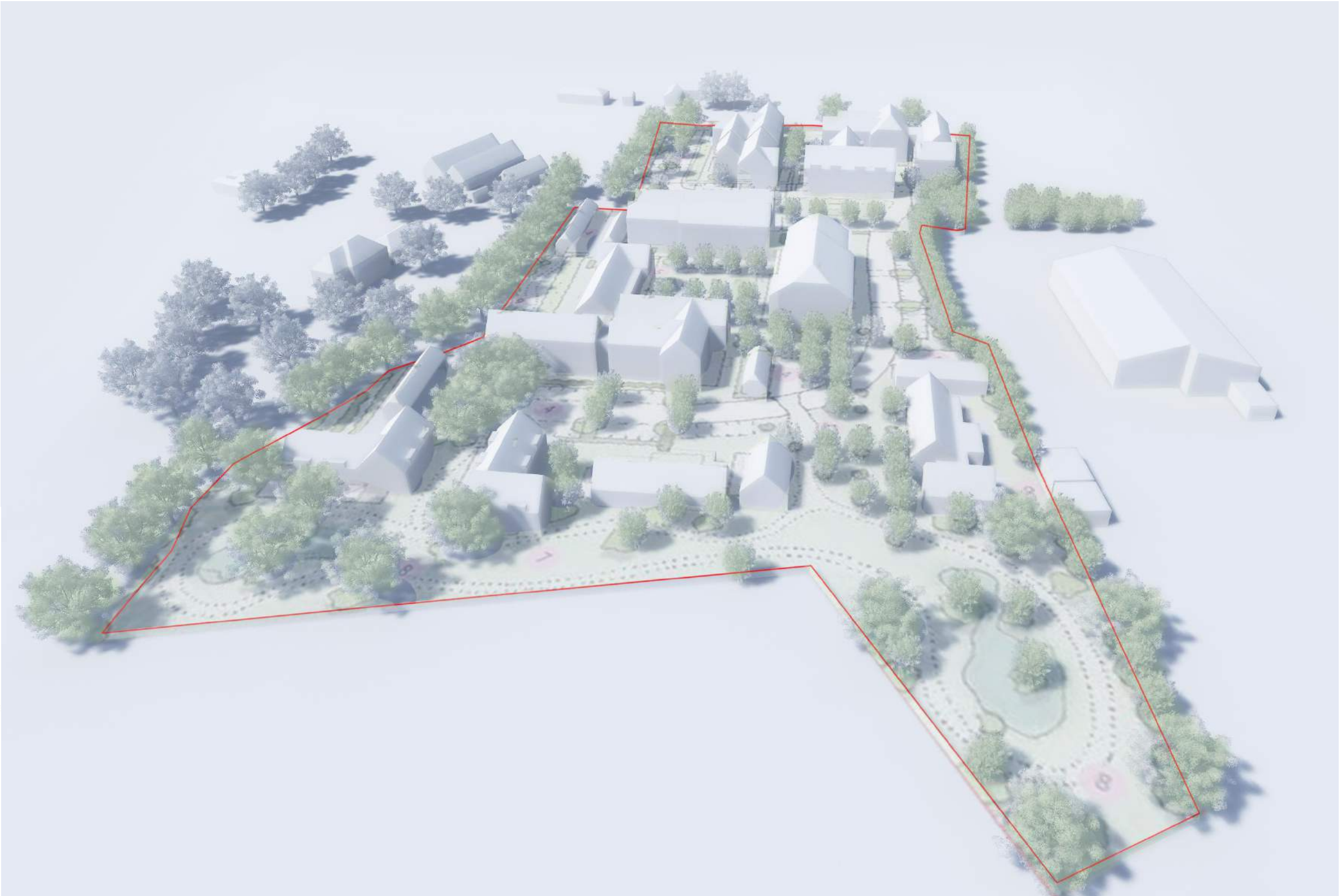
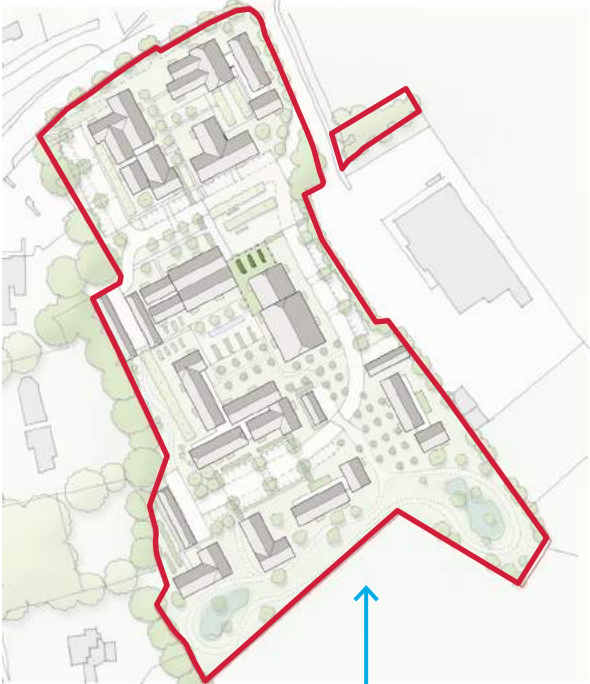
Key

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



Massing Study

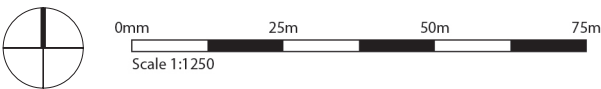
This massing study illustrates the well-articulated and broken up nature of the proposals. The massing and configuration of buildings create a loose, informal arrangement and allows for routes and visual connections between buildings. The massing and footprint decreases towards the southern end of the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



Routes and Connections

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

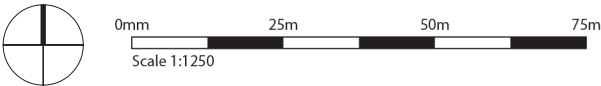
- Key
- Connection to Public Realm
 - Site Pedestrian Routes

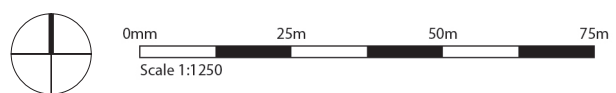


Landscape Strategy

Key design opportunities

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





9. Sustainable Development

- 9.1.

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

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

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

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

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

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

In summary, key sustainability features that can be delivered by the site include:

• Emphasis on high quality design to achieve an attractive extra care village development

• Ensuring the new buildings are resource efficient and can respond to the threat of climate change by minimising energy, carbon and water use

• Taking a sensitive and considered approach to the relationship between the new development and the undeveloped wider landscape to the south

• An effective drainage strategy that would avoid or mitigate flood risk and emphasises attractive SUDS measures, which can integrate and form a landscaped part of the on-site public realm if needed.

• Delivering biodiversity improvements through retention and enhancement of higher ecological value areas and delivering an appropriate new and comprehensive landscaping scheme across the site.



10. Conclusion

- 10.1.

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

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

• A new Extra Care village community

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

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

• High quality designed buildings set within a strongly landscaped setting

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

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

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

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

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

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

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

Illustrative Sketch Studies



Central Garden Court



Shared surface routes and lanes

Contact:

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Strutt & Parker

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222 High Street

Guildford

Surrey

GU1 3JD

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA10

ID: 789

Response Ref: Reg19/789/5

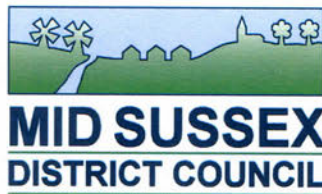
Respondent: Mr T North

Organisation: Tim North Associates

On Behalf Of: Dukesfield Properties

Category: Developer

Appear at Examination? ✓



Site Allocations Development Plan Document Regulation 19 Submission Draft Consultation Form

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

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

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

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

The Site Allocations DPD is available to view at:

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

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

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

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

How can I respond to this consultation?

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

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

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

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

E-mail: LDFconsultation@midsussex.gov.uk

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

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

1. Personal Details

Title	Mr
First Name	Tim
Last Name	North
Job Title (where relevant)	Managing Director
Organisation (where relevant)	Tim North & Associates Limited
Respondent Ref. No. (if known)	N/A
On behalf of (where relevant)	Dukesfield Properties Limited
Address Line 1	17A Reading Road
Line 2	Pangbourne
Line 3	Berkshire
Line 4	
Post Code	RG8 7LR
Telephone Number	0118 984 3333
E-mail Address	Timnorth.associates@btinternet.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:

Tim North & Associates Limited

3a. Does your comment relate to:

Site
Allocations
DPD

☒

Sustainability
Appraisal

☐

Habitats Regulations
Assessment

☐

Community
Involvement
Plan

☐

Equalities
Impact
Assessment

☐

Draft Policies
Maps

☐

3b. To which part does this representation relate?

Paragraph

Policy SA

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	<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.

not

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 accompanying representations prepared by Tim North & Associates Ltd on behalf of Dukesfield Properties Ltd

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.

See accompanying representations prepared by Tim North & Associates Ltd on behalf of Dukesfield Properties Ltd

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 accompanying representations prepared on behalf of Dukesfield Properties Ltd relate to a number of different parts of the emerging Site Allocations DPD, including both housing and employment policies, as well as the Sustainability Appraisal. It is only by considering all the representations in combination that the full impact of my client's objections to the emerging Local Plan can be appreciated.

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

☒

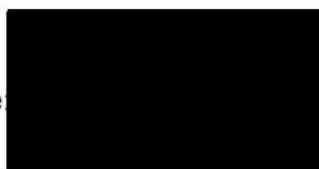
(ii) The publication of the recommendations from the Examination

☒

(iii) The Site Allocations DPD is adopted

☒

Signature



Date:

28 September 2020

Thank you for taking time to respond to this consultation

1.00 INTRODUCTION

- 1.01 These representations are raised on behalf of Dukesfield Properties Ltd, the freehold owners of land amounting to 1.1 ha known as the Ivy Dene Industrial Estate, Ivy Dene Lane, Ashurst Wood, West Sussex RH19 3TN. They are made on the basis that Policy SA10: Housing has not provided a true estimate of the deliverable and developable supply of housing which is to come forward in the plan period. There is a need for additional flexibility to take into account the uncertainties which exist over the remaining 10 years of the plan period. This in turn means that in order to be effective and consistent with underlying aim of national policy seen in terms of future housing provision, the Site Allocations DPD should consider a greater over supply in provision for the period 2014-2031.

2.00 POLICY SA10: HOUSING

- 2.01 I have referred in separate representations concerning the Sustainability Appraisal relating to the employment strategy and existing employment sites, to a number of uncertainties affecting both future employment and housing provision. These concern issues of commercial viability affecting both existing employment sites such as the Ivy Dene Industrial Estate, but also residential sites. The Viability Review undertaken by HDH Planning & Development Ltd on behalf of your Authority concluded that certain allocated housing sites having a combined capacity of 240 units occupying previously developed land, were not shown to be viable.
- 2.02 To these considerations should be added issues such as the consequences of changes to the Standard Method when applying a rolling 5 year housing land supply, which cannot be divorced from the fact that the adopted Mid Sussex District Plan 2014-2031 incorporates a stepped housing requirement to 2023/24.
- 2.03 The Regulation 19 version of the Site Allocations DPD proposes a windfall allowance of 504 houses, which is greater than the 450 houses set out in Policy DP4 of the adopted Mid Sussex District Plan 2014-2031. This figure of 504 houses represents 2.98% of the total District Plan housing supply figure of 16,874 units between 2014-2031.

- 2.04 An examination of the document entitled *“Windfall Study Update”* July 2020 prepared by your Authority reveals that an average of between 74 and 105 units per annum have been completed on small windfall sites, that is on sites accommodating between 1 and 9 residential units applying a 20% discount rate, which is far greater than the 45 residential units per annum set out in the adopted District Plan, or 50 units per annum taking into account the 10 year period between 2020/2021 – 2030/31. Either way, there has been an under estimate of the extent of housing provision coming forward from windfall sites accommodating 1 to 9 units.
- 2.05 More important is the fact that the windfall allowance indicated in Policy SA10 has not taken into account sites accommodating 10 or more housing completions occupying previously developed land. In this regard paragraph 4.2 of the *“Windfall Study Update”* states *“Whilst it is not proposed to include a windfall allowance from large sites, in accordance with the District Plan, this information demonstrates that large previously developed sites continue to provide a source of supply”*. The same study calculates that based on past trends 120 units per annum have come forward from large windfall sites, reinforcing the comment raised in the previous paragraph that future windfall site provision has been underestimated in terms of its contribution to future housing supply over the plan period.
- 2.06 The over-supply in terms of housing provision covering the District Plan period from 2014-2031 is shown to be 484 dwellings in Policy S10: Housing of the Regulation 19 Version of the Site Allocations DPD. This amounts to 2.86% of the 16,874 residential units making up the total supply over the same District Plan period.
- 2.07 The limited extent of over-supply of housing provision covering the District Plan period 2014-2031, along with calculations based on windfall allowances for the remaining 10 years of the plan period, raises questions over whether more housing sites should be allocated in the Site Allocations DPD, including land at the Ivy Dene Industrial Estate. This would ensure appropriate flexibility in sites coming forward, at the same time reducing dependency on windfall site provision, which in any event does not reflect past trends.

- 2.08 The alternative is to reduce the number of allocated housing sites, with greater dependency on windfall sites of all sizes coming forward, but that may be considered in some quarters to be an exercise in non-plan, introducing even greater uncertainty in the planning process, despite past trends on all sites as evident from the information contained in the *“Windfall Study Update”*.
- 2.09 It is noted that in Table 2.4 comprising part of Policy SA10: Housing, no mention is made in Category 3 medium sized villages of the settlement of Ashurst Wood, which casts doubt on whether the figures set out in the same table properly reflect the same village.
- 2.10 An examination of the indicative phasing of those housing allocations expected to be delivered in years 1 to 5 between the Regulation 18 version of the same plan and the current Regulation 19 version, reveals the number of residential units has risen substantially from 455 units to 1520 units, or 23% of the total supply in terms of allocated sites, to 86% of total supply of allocated sites, casting further doubts on whether there is sufficient flexibility introduced in the quantum of housing allocations to allow for sites to be delivered in years 6 to 10 over the entire plan period. This point aside, it is not clear what is meant by indicative phases years 1 to 5 and years 6 to 10, particularly when these periods start and when they finish.

3.00 CONCLUSIONS

- 3.01 There are a number of considerations which cast doubt on whether the housing supply for the District over the period 2014 – 2031 as set out in Policy SA10: Housing adequately reflects the delivery of windfall sites, based on past trends, and whether there is a need for more than the 22 allocated housing sites to take into account future issues regarding uncertainty. This suggests that the buffer seen in terms over supply as a percentage of total housing provision over the duration of the District Plan period should be substantially increased from 2.86% to at least 20%.

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA10

ID: 791

Response Ref: Reg19/791/3

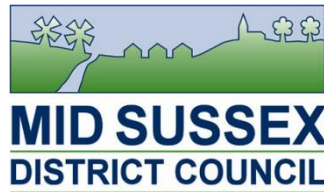
Respondent: Ms J Ashton

Organisation: Judith Ashton Associates

On Behalf Of: Wates - West Crawley Down

Category: Developer

Appear at Examination? ✓



Site Allocations Development Plan Document Regulation 19 Submission Draft Consultation Form

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

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

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

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

The Site Allocations DPD is available to view at:

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

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

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

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

How can I respond to this consultation?

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

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

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

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

E-mail: LDFconsultation@midsussex.gov.uk

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

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

1. Personal Details

Title	<input type="text" value="Miss"/>
First Name	<input type="text" value="Judith"/>
Last Name	<input type="text" value="Ashton"/>
Job Title (where relevant)	<input type="text" value="Director"/>
Organisation (where relevant)	<input type="text" value="Judith Ashton Associates"/>
Respondent Ref. No. (if known)	<input type="text"/>
On behalf of (where relevant)	<input type="text" value="Wates Developments Limited"/>
Address Line 1	<input type="text" value="Maytham Farmhouse"/>
Line 2	<input type="text" value="Maytham Road"/>
Line 3	<input type="text" value="Rolvenden Layne"/>
Line 4	<input type="text" value="Cranbrook Kent"/>
Post Code	<input type="text" value="TN17 4QA"/>
Telephone Number	<input type="text" value="01580 230900"/>
E-mail Address	<input type="text" value="judith@judithashton.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: **Wates Developments Limited**

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	10 and 11	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**.

Please see covering letter

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 covering letter

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 covering letter

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:

Wates have significant interests in the District and are keen to see ensure the soundness of the Local Plan. They therefore wish me to participate in 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



Monday 28th September 2020
595/A3/JJA

Planning Policy and Economic Development
Mid Sussex District Council
Oakland
Oaklands Road
Haywards Heath
West Sussex
RH16 1SS

By Email Only

Dear Sirs

**Re MSDC Reg 19 Consultation Draft Site Allocations Development Plan Document (July 2020)
Representations on behalf of Wates Developments Limited**

I write with reference to the above. I act for Wates Developments Limited who have various interests in Mid Sussex, including the land west of Turners Hill Road, Crawley Down (SHELAA site ref 688 and 1002).

As you will be aware, we made reps on the Reg 18 Site Allocations DPD in Nov 2019, in particular policies SA10 and SA11, commenting upon the level of development being promoted within the Site Allocations DPD, the distribution of development, especially within the Category 2 settlements like Crawley Down, and the site selection process. We also commented upon the reasonable alternatives assessed through the SA and the site selection process as set out in the Site Selection Papers.

In the context of the above, you will be aware, that we have been promoting the land west of Turners Hill Road, Crawley Down for some time and have successfully negotiated 2 local consents and 1 appeal thereby establishing the suitability of this location for development. Latterly, whilst promoting the totality of the land west of Turners Hill Road, Crawley Down for circa 300 dwellings and associated facilities, we have also highlighted the sites ability to be bought forward on a gradual basis, but subject to an overarching masterplan. We acknowledge the Council's intention to allocate a site for 50 units in Crawley Down, and that site 1002 would satisfy this requirement, being served via an access wholly within our control and with support from WSCC highways.

It is against this backdrop, and having regard to the substance of the adopted local plan, especially policies DP4 and DP6, that we comment upon the Reg 19 Consultation Draft Site Allocations DPD (hereafter referred to as the Reg 19 Plan), especially policies SA10 and SA11, its associated Sustainability Appraisal (SA) and Site Selection Paper 3 (SSP3).

1 Policies SA10 and SA11

1.1 Policy DP4 of the adopted Local Plan sets out the housing requirement for the plan period and the component parts of the supply. It also establishes a spatial distribution strategy to meet the housing requirement.

a) The Housing Requirement

1.2 Policy SA10 of the Reg 19 Plan looks to update the requirements set out in policy DP4 as far as they relate to the housing supply in table 2.3. We have set out in tabular form below how the two compare. As is self-evident the level of development now proposed through the Reg

19 DPD is significantly less (27.68% less to be precise¹) than that envisaged in the adopted plan given completions and consents granted since the Local Plan was adopted in March 2018.

JAA table 1 – How policy SA10 has evolved through the plan process and compares to the policy DP4 of the adopted Development Plan

	Adopted LP - Policy DP4	Site Allocations DPD - Policy SA10 – Reg 18	Site Allocations DPD - Policy SA10 – Reg 19
District Plan Minimum Requirement	16,390	16,390	16,390
Completions	2,410 April 2014 to March 2017	3,914 April 2014 to March 2019	4,917 April 2014 to March 2020
Total Housing Commitments ²	7,091	7,094	9,689
Strategic development north & north-west of Burgess Hill	3,500	3,287	Now in commitments
Land north of Clayton Mills, Hassocks	500	Now in commitments	Now in commitments
Windfall Allowance	450	588	504
Elsewhere in the District, as allocated through future Neighbourhood Plans & the Site Allocations document	2,439	1,962	1,764
Total supply	16,390	16,845 (+455) 102.78% of requirement	16,874 (+484) 102.95% of requirement

- 1.3 Whilst MSDC we acknowledge that the figure is a residual figure and takes in to account completions and commitments there is nothing in the evidence base to demonstrate how the residual figure relates back to the minimum requirement set out in policy DP4 of the adopted Development Plan, or how the figures have been broken down into the component parts.
- 1.4 We also note that the actual 'Updated Minimum Residual Requirement' identified in table 2.4 of policy SA10, does not, at 1,280 reflect the target set out in the table 2.3 in policy SA10 (1,764); and that the associated commentary on the overall housing requirement in section 2.3 of SSP3 (February 2020) contradicts table 2.3 in policy SA10³, such that clarification needs to be provided as to what the correct residual requirement is. Reading between the lines, it would appear that the Minimum Residual Requirement is 1,280, but that 1,764 is being allocated to provide some flexibility⁴. For the reasons set out below we do not believe, that at just 3% above the minimum requirement, this is sufficient in this regard.⁵
- 1.5 Para 11a of the NPPF is clear in the need for local planning authorities to '*positively seek opportunities to meet the development needs of their area*' and to '*be sufficiently flexible to adapt to rapid change*'. Para 16 (b) of the NPPF is also clear in that '*Plans should be prepared positively, in a way that is aspirational but deliverable*'; whilst para 35a makes it clear that:

¹ 2439-1764 = 675. 675 / 2439 = 27.68%

² Including sites with planning permission, strategic development at Kings Way, Burgess Hill (DP8) and Pease Pottage (DP10) and allocations in made Neighbourhood Plans

³ The SSP3 suggests that the residual housing requirement is 1,507 dwellings – which is more aligned with the Reg 18 than the reg 19 plan

⁴ 16,874 – 16,390 = 484

1280 + 484 = 1764

⁵ 1764-1280 = 484

484/16390 x 100 = 2.95%

‘Plans are ‘sound’ if they are: a) Positively prepared – providing a strategy which, as a minimum, seeks to meet the area’s objectively assessed needs.’ The lack of flexibility in MSDC’s housing supply leads us to question whether the Reg 19 Plan complies with national policy.

- 1.6 The housing requirement set out in policy DP4 of the adopted Development Plan was not a maximum figure – it was a minimum – para 2 of the reasoned justification to policy DP4 (p29) is clear in this regard, as is policy DP4 itself. Furthermore, the Local Plan inspector in his report at para 29 and MM04 makes this point. He also indicated that: *‘as the overall requirement is expressed as a minimum there is scope for delivery to exceed the minimum requirement’*.
- 1.7 Notwithstanding the above, the Reg 19 Plan, SA, and associated HRA do not test the effects of delivering a higher housing requirement than the minimum advocated in policy DP4 of the adopted development plan
- 1.8 Given the above, and as MSDC have a history of under delivery⁶, failure to assess the merits of allocating more housing through the Reg 19 Plan suggests to us a plan that is not positively prepared, and thus contrary to national government guidance. In this regard, we consider that MSDC could, if they wanted to, allocate more as it is clear from the SHELLA that a considerable number of sites were put forward, and that many, for reasons set out in section 3 below, were discounted for questionable reasons. A higher number of allocations would help protect the council against any failure to meet the adopted development plan target and help with their 5yr housing land supply.
- 1.9 In the context of the above, it should be noted that whilst the development plan was adopted in March 2018, and is thus still relatively new, the next iteration of the plan will have to make provision for the housing requirement as set out in the Standard Method. Whether this is the current or emerging method, the fact is, as set out in table 2 below, the difference between that required in Mid Sussex now and that required under the standard method is significant and will have immediate implications come March 2023.
- 1.10 Given the lead in time for a LP Review and the fact MSDC have the opportunity now, within the Reg 19 Plan to review their housing provision and protect themselves against speculative development in the future, it is in our opinion foolhardy for the Reg 19 Plan not to assess the merits of delivering more houses to address future needs. The failure of the SA and associated HRA to even contemplate this possibility demonstrates a plan that is not positively prepared and is thus unsound.

⁶ Para 4.3 of the Mid Sussex Housing Delivery Statement (July 2019) is clear in its acceptance of MSDC’s failure to meet its housing requirement in 4 of the past 5 yrs.

	2014/2015	2015/2016	2016/2017	2017/2018	2018/2019	Total
Requirement	876	876	876	876	876	4380
Completions	630	868	912	843	661	3914
Shortfall	-246	-8	+36	-33	-215	-466

JAA table 2 – How the current housing requirement compares to that of the standard methodology

	Current requirement	LP	Average delivery – past 3 years	Current standard method	Proposed standard method
MSDC	964 ⁷		760	1,114	1,305

- 1.11 It is also noteworthy that MSDC do not have an up to date annual monitoring report, or anything to demonstrate their 5-year HLS position. Whilst the last Housing Delivery Test showed the council to be delivering 95% of the requirement (see extract in table 3 below), housing delivery has over the past few years been erratic and the council's failure to publish anything leads one to wonder why. The Reg 19 Plan provides an ideal opportunity to address this issue. The allocation of small sites will assist in early delivery and help counter any speculative development in the future. Surely it is better to plan for more and ensure the associated infrastructure requirements are addressed than just hope the situation will sort itself out – residents and developers need clarity so they can plan accordingly.

JAA table 3 - Result of 2019 Housing Delivery Test

Area	Number of homes required			Total number of homes required	Number of homes delivered			Total number of homes delivered	Housing Delivery Test: 2019 measurement	Housing Delivery Test: 2019 consequence
	2016-17	2017-18	2018-19		2016-17	2017-18	2018-19			
Mid Sussex	754	812	877	2,444	1,068	614	651	2,333	95%	None

- 1.12 Given the above we would suggest that policy SA10 looks to allocate more sites, so as to deliver more than the 16,874 dwellings now proposed. Increasing the supply to circa 17,664 would take the plan half-way to delivering a position between the adopted plan and that set out in the current standard methodology⁸, and should in our opinion be tested given the fact there are amply sites promoted through the SHELAA to accommodate this figure.

b) The Housing Supply

- 1.13 As set out above, the total supply as set out in table 2.3 of policy SA10 is, at 16,874 dwellings, only 3% above the minimum requirement. This leaves very little flexibility to address any delays in sites coming forward or a reduced level of development being achieved on the strategic sites during the plan period.

i) Strategic Allocations

- 1.14 Whilst we note Homes England's involvement in the land at North Burgess Hill, and that outline consent was granted for a, mixed-use development comprising approximately 3,040 dwellings including 60 units of extra care accommodation etc in October 2019 (DM/18/5114 refers), whilst the Housing Land Supply Paper (Aug 2020) that accompanies the Reg 19 consultation provides no clear trajectory for the land North of Burgess Hill, the Housing Land Supply Position statement of July 2019 suggests on page 18 that this site will deliver 80 units in 2021/22, which, given the fact major infrastructure works associated with this development have yet to be consented⁹ we would suggest that MSDC's housing trajectory for this site is

⁷ 964 is an average over the plan period – 2014 – 2031 (16390 / 17 = 964)

The plan itself being such the requirement is 876dpa until 2023/24 and 1090 from 2024/25 – 2030/31.

⁸ 1,114x17 = 18,938 – 16,390 = 2,548 / 2 = 1274 + 16,390 = 17,664

⁹ DM/20/0254 provides for the first phase of the Western Link Road

overly optimistic. If this commitment does not deliver as planned MSDC will be vulnerable to speculative applications. The Site Allocations DPD provides an ideal opportunity to protect against this by way of additional allocations.

ii) Proposed Site Allocations

- 1.15 Whilst not opposing the proposed allocations per se, we would question where the evidence is to support the deliverability of the proposed allocations in the Reg 19 Plan. By way of example, site SA16 (Land at The Brow and St Wilfreds School) proposes 200 dwellings but encompasses multiple ownerships and requires the relocation of the school. The Reg 19 plan needs to demonstrate this site is deliverable. Likewise, site SA20 (land South and West of Imberhorne Upper School) is a major site that requires the relocation of a school and significant new infrastructure work, and the Reg 19 Plan needs to demonstrate that all 550 dwellings can be delivered within the plan period. We would also question whether the Council has evidence that the proposed allocation in Crawley Down (SA 22) has a deliverable access noting the separate ownerships, and the criticism levelled at site 1002.
- 1.16 Given the lack of flexibility in the housing supply, it only takes a few sites to take longer than predicted to deliver/ to fail to deliver for the council to find themselves vulnerable to speculative applications. Again, the Reg 19 Plan provides an ideal opportunity to protect against this by way of additional allocations
- 1.17 In addition to the above, as not all sites will deliver as planned, it is common practice to apply a 10% non-delivery rate. Whilst it could be argued that in providing for 1764 when only 1280 are required MSDC have already factored in a 10% non-delivery rate, we would suggest that the 10% has to be over the whole residual requirement – i.e. 1,147 dwellings¹⁰ such that MSDC should be looking to provide for at least 2,427 dwellings in the Site Allocations DPD if they are to provide for some flexibility to address non-delivery. As set out above, increasing the overall supply to circa 17,663 would take the plan half-way to delivering a position between the adopted plan and that set out in the current standard methodology. This would require the Site Allocations DPD to provide for circa 2550 dwellings¹¹ i.e. just above that required to address non delivery and only 766 more than provided for. This is not a significant uplift, is easily achievable, and would provide for significant benefits in the HLS situation.

ii) Windfalls

- 1.18 Similarly, we would question what evidence MSDC have to justify a windfall allowance of 504 dwellings over the remaining plan period (to 2031). Whilst noting the content of the Windfall Study Update (July 2020) suggests windfalls have on average amounted to 64 to 106dpa for sites of 1 -9 units (which is the range accepted in the adopted development plan), it is of note that the annual windfall rates set out in tables 1 and 2 of the Windfall Study Update show a reduction of windfalls following the adoption of the local plan in March 2018 – which is what one would expect when a clear policy position is adopted against which sites should come forward. On this basis there can be no guarantees that past rates will return, especially in the current climate, such that we do not believe there is compelling evidence to increase the windfall rate from what would be 450 to 504 dwellings.
- 1.19 Paragraph 70 of the NPPF is clear that:

¹⁰ 16390 – 4917 (completions) = 11,473 x 10% = 1,147

¹¹ 17,664 referenced in para 1.12 – 16,874 = 790 + 1764 = 2554

*“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....”*. We have seen no evidence to this effect and as such believe the figure should remain 450 dwellings and that additional sites should be allocated to address the shortfall.

c) The Spatial Strategy

- 1.20 Table 2.4 of Policy SA10 of the Reg 19 Plan looks to update the spatial distribution of the housing requirements given completions and consents. In doing so it indicates that the minimum residual requirements in the category 1 and 2 settlements has reduced and that within the category 3 settlements has increased, as is clear from table 4 below. Unfortunately, no evidence is contained within the Reg 19 Plan to demonstrate how MSDC have come to these figures. This should in our opinion be provided within the Reg 22 Plan to justify the level of change proposed in the likes of the category 2 settlements.

JAA table 4 – How Table 2.4 of policy SA10 has evolved through the plan process and compares to the policy DP4 of the adopted Development Plan

Settlement category	Minimum Residual Requirement	Updated Minimum Residual Requirement Reg 18 plan	Updated Minimum Residual Requirement Reg 19 plan	Difference
1	1,272	840	706	-566 44.5% less than LP figure
2	838	222	198	-640 76.37% less than LP figure
3	311	439	371	+60 19.29% above LP figure
4	18	6	5	-13 72.22% less than LP figure
Total	2,439	1,507	1,280	-1,159 47.52% less than LP figure

- 1.21 The reduction in the scale of development proposed in the category 2 settlements (highest reduction of all categories) is in our opinion significant and needs to be justified given the fact these are sustainable locations.
- 1.22 In addition to the above, it should be noted that table 2.4 of Policy SA10 does not reflect what is actually proposed in policy SA11 and table 2.5. The difference between the two is set out in the table 5 below.

JAA table 5 – How Tables 2.4 and 2.5 of policy SA10 compare, and relate to policy DP4 of the adopted Development Plan

Settlement category	Minimum Residual Requirement as set out in Policy SA10 (Table 2.4)	Number of dwellings proposed in policy SA11 (Table 2.5)	Difference between tables 2.4 and 2.5	Difference between table 2.5 and Minimum Residual Requirement set out in adopted Local Plan
1	706	1,409	+703	+137 1,409-1,272
2	198	105	-93	-733 105-838
3	371	238	-133	-73 238-311
4	5	12	+7	-6 12-18
Total	1,280	1,764	+484	-675 1,764 – 2,439

- 1.23 From the above it is clear again that the category 2 settlements are in particular seeing a significant reduction in housing development proposed within them when compared to that set out in the adopted Local Plan. As set out above this needs to be justified in the context of what has been consented / built in the category 2 settlements since the Local Plan was adopted, and also needs to be reviewed in the context of our position on the need for the Site Allocations DPD to look to deliver more than required by policy DP4 of the adopted Local Plan so as to assist MSDC in their overall HLS. The category 2 settlements are highly sustainability, with good access to local services and facilities. Many are located outside the AONB/ SDNP and beyond the 7km zone of influence of the Ashdown Forest SPA. They are thus a logical location for additional growth if MSDC choose to allocate more than required by policy DP4 of the adopted Local Plan. The fact the Site Allocations DPD concentrates the majority of additional development in the category 1 settlements, where significant development is already proposed and allocated in the District Plan actively prejudices the long-term vitality and viability of lower order settlements. The provision of new homes in category 2 settlements should be supported in order to maintain the vitality and viability of these settlements and the services within them, and to support the sustainable growth of the district, a point we return to in section 2 below.
- 1.24 As a category 2 settlement we believe that Crawley Down could accommodate more growth without prejudice to the local environment, and find it somewhat counter intuitive that the Site Allocations DPD looks to allocate more development in less sustainable and more environmentally constrained areas, including sites within the AONB, in category 3 settlements¹², than it does in the more sustainable and less constrained category 2 settlements. There is nothing in the evidence base that justifies this approach.
- 1.25 Given the above we would suggest that policy SA11 looks to allocate additional sites within the category 2 settlements to help address the miss-match in the housing supply and at the same time provide for more flexibility in the supply. This would signal a more positive approach to plan making in accordance with the aims and objectives of the NPPF.

¹² The 'Major Development in the High Weald AONB Topic Paper' (July 2020) indicates that 6 of the 22 housing site allocations fall within the AONB. These provide a total of 218 dwellings (12.36%) of the number of dwellings to be allocated through the Reg 19 Plan. Whilst not commenting upon the individual merits of these sites, it is of note that all 6 sites are in category 3 settlements

2 The SA and Reasonable Alternatives

- 2.1 One of the key sustainability objectives against which the plan was assessed was ‘to ensure that everyone has the opportunity to live in a home suitable for their needs and which they can afford.’ Para 3.10 of the SA indicates that lower quartile house prices to earnings were 13.82 in 2017¹³
- 2.2 ONS in their ratio of median house price to median gross annual workplace-based earnings by local authority district, England and Wales, 1997 to 2019 suggest that the ratio of median house price to median gross annual workplace-based earnings in Mid Sussex has increased from 8.75 in 2010 to 11.23 in 2015 and 13.01 in 2019¹⁴. Table 6c suggests that the ratio of lower quartile house price to lower quartile gross annual workplace-based earnings in Mid Sussex was 13.80 in 2019. Affordability is thus a major issue in Mid Sussex and the delivery of more housing will help to address this. As set out in para 3.19 of the SA, the District Plan examination concluded that there should be an increase in housebuilding above demographic trends to increase supply with the intention to improve affordability. The Site Allocations DPD has the opportunity to continue this positive approach and should in our opinion if it is to demonstrate compliance with national government guidance.
- 2.3 Section 6 of the SA explains how the Site Allocations DPD has taken the residual housing requirement as its base, adapted the spatial distribution strategy to reflect the suitability of the sites put forward through the call for sites/ assessed through the SHELAA process and established the final set of sites to be taken forward for consideration. To this end we note that whilst the SHELAA reviewed 253 sites, 94 were ruled out at stage 1, and a further 108 at stage 2, leaving just 51 sites to be reviewed at stage 3 and through the SA process. The SA also explains that these 51 sites yielded some 3930 dwellings against what is said to be a requirement for 1,280. Table 15 goes on to differentiate between the 51 sites in terms of their performance against the SA objectives, and in so doing identifies 20 sites that yielded 1,424 dwellings that performed well, 19 sites that yielded 805 dwellings that performed badly and 12 sites that yielded 1,536 dwellings that were marginal.
- 2.4 In considering reasonable alternatives we note that the SA accepted the 20 (constant) sites that were to be allocated, and provided for some 1,424 dwellings, and tested these as a group (defined as option A), against 2 additional options; one included the land south of Folders Lane and east of Keymer Road + land South of 96 Folders Lane Burgess Hill to take the total number of dwellings to 1,764 (option B); and the other included the land at Haywards Heath Golf Club to take the total number of dwellings to 2,054 (option C). The SA concludes at para 6.52 that:
‘Following the assessment of all reasonable alternative options for site selection, the preferred option is option B. Although option A would meet residual housing need, option B proposes a sufficient buffer to allow for non-delivery, therefore provides more certainty that the housing need could be met. Whilst option C also proposes a sufficient buffer, it is at the expense of negative impacts arising on environmental objectives. The level of development within option C is approximately 50% above the residual housing need, the positives of

¹³ ONS House price to workplace-based earnings ratio –March 2020- table 6c suggests this figure is 13.19 not 13.82.

¹⁴ See table 5c – ONS House price to workplace-based earnings ratio - March 2020-

<https://www.ons.gov.uk/peoplepopulationandcommunity/housing/datasets/ratioofhousepricetoworkplacebasedearningslowerquartileandmedian>

delivering an excess of this amount within the Site Allocations DPD is outweighed by the negative environmental impacts associated with it.'

- 2.5 Whilst we would question the assumptions made in table 20 of the SA when concluding on options A, B and C, we also believe that whilst option C was rejected by the SA, other larger sites, especially in category 2 settlements that reached site selection stage 3, such as the land west of Turners Hill Road, Crawley Down should have been considered further in terms of reasonable alternatives and that both the SA and the SSP are lacking in their explanation of what was and was not included in the selection process and why it was/ was not included.
- 2.6 Its clear from the SA that no consideration was given to providing for anything over and above the residual housing 'requirement' as MSDC saw it i.e. no assessment of the social, economic or environmental effects of providing say double that which was required to meet the minimum residual requirement. Providing for 2,554¹⁵ dwellings rather than 1,764 could both assists MSDC in their HLS and help address the affordability issue that exists in the district. Furthermore, it is clear from the SHELLA that sufficient sites were put forward, and clear that the category 2 settlements are both less constrained and more sustainable than other areas and thus capable of delivering more if MSDC chose to adopt such an approach. If nothing else, testing this option would demonstrate a positive approach to the plan making process. As things stand, the SA has not tested any reasonable alternatives to that required to meet what MSDC consider to be the residual requirement. This approach fails to recognise the fact the housing requirement is not a maximum but a minimum and that subject to HRA, MSDC are able, if they choose to do so, to look to provide for more housing to meet local needs.

3 Site Selection Paper 3

- 3.1 Site Selection Paper 3 (Feb 2020) appears to be the paper that explains why sites were ruled in or out of the final SA process. In terms of the land west of Turners Hill Road, Crawley Down (SHELAA site ref 688 and 1002), we note the following:
- a) Site 688
- 3.2 SSP3 (Appendix B – Housing Sites), in commenting upon site 688 appears to highlight four main areas of concern:
- archaeology which is said to be a moderate constraint requiring mitigation;
 - local road / access which is said to be a moderate constraint requiring mitigation; and
 - access to public transport which is said to be poor.
 - landscape capacity which is said to be low to medium;
- 3.3 Taking each issue in turn we note:
- i) Archaeology:
- 3.4 The supporting text makes it clear that this matter is capable of mitigation through the submission of an archaeological assessment and associated mitigation strategy being agreed;

¹⁵ 17,663 referenced in para 1.12 – 16,874 = 790 + 1764 = 2554

In addition, 1280 (the residual requirement) x 2 = 2560

This is 789 - 796 above that provided for so not so substantial as to be undeliverable – esp. given the finding so of the SHELLA and SA.

ii) Roads:

- 3.5 The supporting text states: *'Access that runs through centre of site not suitable to serve large scale development. Direct access from Turners Hill Road would be required. Possible requires third party land'*
- 3.6 We have discussed this point with officer's ad infinitum. The existing road that runs through the centre of the site (Huntsland) is not intended to be used for vehicular access to the site, it is a public footpath which will provide sustainable linkages through the site and wider area. We have also provided a detailed transport note to demonstrate that there are three access options to serve this site. All can be achieved in accordance with relevant design guidance and will work in design, safety, and capacity terms; and none requires third party land. A copy of the technical note – ref JCB/MS/ITB9155-025 and dated 11th February 2020 is enclosed with these reps for further consideration. Said note includes a previous technical response dated 9 May 2019 as an Annex. These documents provide a detailed commentary on highways, access and public transport and demonstrate that:
- There are no known transport constraints that would prevent development of the site coming forward;
 - Specific discussions have been held with WSCC confirming the suitability of the access arrangements to serve additional development.
 - Significant design work has been undertaken with regard to the vehicular access arrangements to the site and these are fully deliverable in design, safety and capacity terms using land controlled by Wates Developments and the public highway, i.e. **no third party land is needed.**
 - The site is in a sustainable location in transport terms, including with regard to access to bus services and local facilities and services. This is evidenced by the Council's, WSCC's and/or planning inspector's comments on approved planning applications on adjacent sites.
- 3.7 On this basis, there is no constraint in terms of Local Roads/Access

iii) Sustainability / Access to Services

- 3.8 Public Transport is said to be poor, yet the more detailed critique of the site says: *'The site has fair access to local services and good access to public transport'* The text clearly contradicts itself. The latter is correct, and the assessment should be amended accordingly, a point we have made in the past to officers and has been accepted through recent appeals.
- 3.9 In the context of the above we note that the site has been judged to be further away from education and health facilities than it was in the previous SHEELA assessment. We would question the basis for this amendment as both are, we believe 'less than 10-minute walk' as per the previous SHEELA assessment and the facilities have not moved since that assessment.

iv) Landscape Capacity

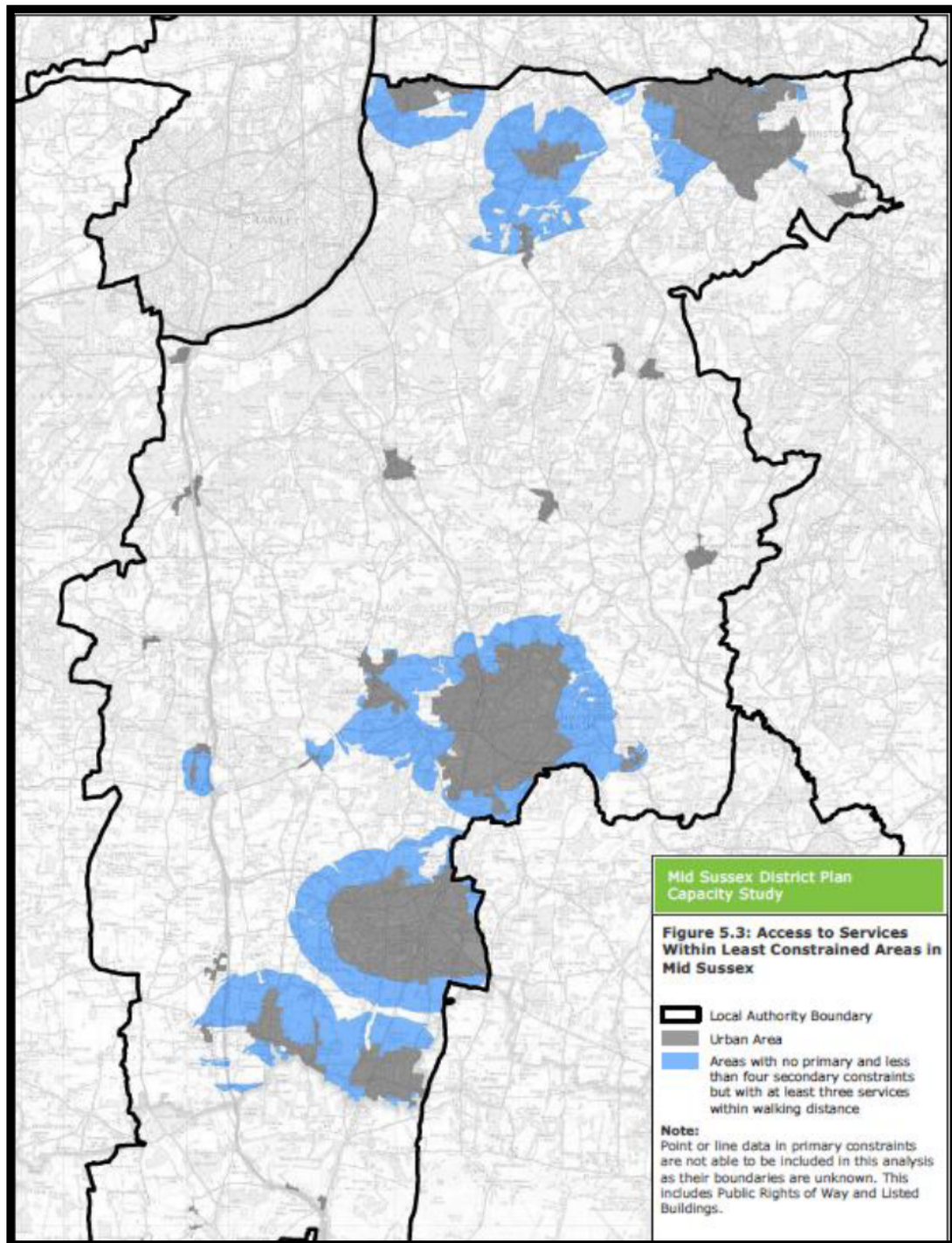
- 3.10 The site's landscape capacity/ suitability appears to have been downgraded from 'medium' capacity as referred to in the April 2019 assessment to 'low – medium' in the latest assessment. A comparison of the two assessments is set out below.

April 2019 Assessment	February 2020 Assessment
A rating of Medium identifies a landscape character area with the capacity for limited development, in some parts of the character areas, having regard for the setting and form of existing settlement and the character and sensitivity of adjacent landscape character areas. As a large strategic extension, this site would need further assessment to consider its landscape impact. There would need to be woodland buffers and consideration of the boundaries of the site and if they are or can be made defensible	<p>The site is of a significant scale and although relatively well screened in places by established woodland its undeveloped rural character is considered to make an important contribution to the wider rural setting of Crawley Down, from which it derives significant character. As a large strategic extension, this site would need further assessment to consider its landscape impact.</p> <p>The final design would likely need to incorporate woodland buffers and consideration of the boundaries of the site and the extent to which they are, or can be made, defensible. It is noted that the promoter has commissioned their own landscape evidence and prepared a masterplan for the site though it is not considered that in isolation this demonstrates mitigation of loss of rural character to the west of Crawley Down. Whilst the perimeter screening will help limit views in from the wider landscape, the scale of the site will necessarily require enhancement of the connections to Crawley Down creating a more permeable and open western boundary to the settlement where the current built area interfaces with the site. Therefore, whilst the site's impact on the wider landscape further to the west could have potential to be mitigated through the retention and enhancement of perimeter screening, the site's contribution to the rural setting of Crawley Down will likely be eroded through the perceptual and actual urbanisation of what is currently a rural landscape, regardless of the notion that there are currently limited sightlines between the west of the town and the site itself</p>

3.11 In defining landscape capacity/ suitability the Site Selection Paper 2 - Methodology for Site (December 2018, last updated 03/08/2020) in Section 3, p7, advises:

8) Landscape Capacity/Suitability (for sites not in AONB)	
<i>"Planning policies and decisions should contribute to and enhance the natural and local environment by... protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils... recognising the intrinsic character and beauty of the countryside" (NPPF 2018, para 170)</i>	
Source: Capacity of Mid Sussex District to accommodate development (LUC, 2014), SHLAA: Review of Landscape and Visual Aspects of Site Suitability (LUC, 2015), Landscape Capacity Update (TBC), High Weald AONB Unit Assessments, South Downs National Park Authority Assessments	
Assessment Notes: Conclusions are drawn for each site dependent on which Landscape Capacity area they are within (as determined by the landscape capacity studies, based on their assessment methodology) or comments received from specialist advisors.	
Low	Based on landscape evidence, low potential in landscape terms
Low/Medium	Based on landscape evidence, low/medium potential in landscape terms
Medium	Based on landscape evidence, medium potential in landscape terms
Medium/High	Based on landscape evidence, medium/high potential in landscape terms
High	Based on landscape evidence, high potential in landscape terms / site is within Built-up Area

- 3.12 Having regard to the above we note that the LUC's report '*Capacity of Mid Sussex District to Accommodate Development*' (2014), indicates in Figure 4.2: Constraints to Development in Mid Sussex (Primary and Secondary) and Figure 4.3: Constraints to Development in Mid Sussex (Graded by Number of Secondary Constraints) that the land west of Turners Hill Road, Crawley Down is one of the least constrained parts of the district and Figure 5.3: Access to Services Within Least Constrained Areas in Mid Sussex, shows the land west of Turners Hill Road, Crawley Down to be an areas with '*no primary and less than four secondary constraints but with at least three services within walking distance*'.



- 3.13 Table 3 (p77) of LUC's Capacity Study (2014) report goes on to score the site as having '*medium landscape capacity*'. Which is defined as indicating '*that there is the potential for limited smaller-scale development to be located in some parts of the character area, so long as there is regard for existing features and sensitivities within the landscape*'. The 2014 LUC report gave Area 45, within which the Haywards Heath Golf Course, is located the same landscape capacity. Which it retains in Site Selection Paper 3. It is not clear why, given the fact the site selection papers relate back to the LUC capacity study, some areas have seen their capacity revised and others have not. Either the council are relying on the findings of the LUC report or not, and if the latter they need to explain the rationale behind the revised scoring system they are now using.
- 3.14 In the context of the above, we note that in the main, historical assessments of the site conclude that the site has capacity, in landscape and visual terms, for development. Where capacity has been assessed as more limited (Mid Sussex District SHLAA: review of Landscape and Visual Aspects of Site Suitability, 2015) it has been shown that sensitive development, with the retention of the existing woodland structure, would enable development with limited landscape and visual effect. The information provided with our reps on the Reg 18 Plan demonstrated that provided areas of proposed development were located sensitively within the existing landscape structure, with buffers applied to areas of Ancient Woodland, development could be incorporated with **limited landscape and visual effects**. Potential landscape and visual effects could be largely contained within the site itself subject to the retention and reinforcement of the existing woodland structure surrounding and across the site. The MSDC assessment notes "*the site's impact on the wider landscape further to the west could have potential to be mitigated through the retention and enhancement of perimeter screening*" which aligns with the conclusions of the Preliminary Landscape and Visual Opinion. The MSDC assessment goes on to suggest that "*whilst the perimeter screening will help limit views in from the wider landscape, the scale of the site will necessarily require enhancement of the connections to Crawley Down creating a more permeable and open western boundary to the settlement where the current built area interfaces with the site*". The Preliminary Landscape and Visual Opinion submitted with our Reg 18 reps recommended that existing trees and shrubs should be retained as far as possible and that any access point be planted up with new native tree and shrub planting after construction to limit any potential views into the site and maintain the wooded character of the B2082. The Preliminary Landscape and Visual Opinion assessed that this would result in very limited, and localised, potential landscape and visual effects within the site itself which would not affect the wider landscape context. The council's assessment appears to have ignored the findings of the Preliminary Landscape and Visual Opinion Assessment and the conclusions of the LUC work. Given the findings of these studies, we fail to see why the sites landscape capacity/ suitability has been downgraded. Clearly reviewing these assessments could lead to the site being included within the list of sites referred to the SA for assessment. The site is in our opinion a reasonable alternative to a number of the sites put forward for consideration through the SA and as such should have been considered and may well have been allocated. The council's failure to take on board the information provided in the Reg 18 reps and review the site is in our opinion yet another example of a lack of positivity in the plan making process and suggests a plan that is inconsistent with national government guidance and not soundly based.
- 3.15 The whole site was described in the SHELAA (April 2018) as suitable, available, and achievable, and put forward to progress to stage 2 assessment. It went on to progress through the site selection paper stage 1 assessment in Sept 2018, and the stage 2 assessment in Dec 2018. It was only at the stage 3 assessment that the site was excluded.

To this end we note that para 3.4.13 of SSP3 advises that mitigation to address the reason for exclusion was either unavailable or unnecessary in light of more sustainable alternative sites being available. SSP3 goes on to suggest on p 49 that site 688 was not considered further following detailed assessment as it was a:

'Large site in relation to the housing requirement of the settlement. Potential yield is 300 in relation to a need of 18. Considered that there are more suitable sites available to meet this need.'

- 3.16 No consideration was, we note, given to the site being developed on a gradual basis, but subject to an overarching masterplan. Furthermore, the rationale for not taking the site forward seems somewhat perverse when other sites of a comparable or greater size have been taken forward as allocations in the Site Allocations DPD¹⁶. Further, giving the recent context of permissions nearby, there is a clear acceptance of this location being suitable for development and an obvious direction of travel for more housing in Crawley Down.
- 3.17 Having regard to the above we believe that the land west of Turners Hill Road, Crawley Down was unfairly deleted from consideration within the SA at site selection stage 3 and that it should have been a reasonable alternative to those that were assessed, especially as it is not in the AONB, the whole of site 1002 and the vast majority of site 688 is beyond the 7km zone of influence of the Ashdown Forest SPA, and is not as environmentally sensitive as some sites such as the land at Haywards Heath Golf Club which was taken to stage 3 – albeit not allocated through the SA process

b) Site 1002

- 3.18 We note that the SSP3 in commenting upon site 1002 appears to highlight three main areas of concern:
- archaeology which is said to be a moderate constraint requiring mitigation;
 - local road / access which is said to be a moderate constraint requiring mitigation; and
 - landscape capacity which is said to be low to medium;

- 3.19 Taking each issue in turn we note:

i) Archaeology:

- 3.20 The supporting text makes it clear that there is in reality no objection to this site's development in archaeological terms subject to archaeological assessment and mitigation i.e. a Desk-Based Assessment & walkover & geophysical surveys

ii) Roads:

- 3.21 The supporting text indicates that a new road will be required to serve the site onto Turners Hill Road – this is not however an impediment to development – as is clear from the note

¹⁶ 300 dwellings on land south of Folders Lane and east of Keymer Road Burgess Hill – SA13
200 dwellings at The Brow and St. Wilfrid's School Burgess Hill – SA16
200 dwellings on Land South of Crawley Down Rd East Grinstead – SA19
550 dwellings on Land South and West of Imberhorne Upper School East Grinstead – SA20

produced by iTransport in February 2020 in response to the updated SHELLA, there is no constraint in terms of achieving access in design, capacity, safety or land ownership terms. Specific discussions have been held with WSCC confirming the suitability of the access arrangements to serve additional development. Specific discussions have been held with WSCC confirming the suitability of the access arrangements to serve additional development.

- 3.22 As an aside it is also noted that the distance to Health, Services and Public Transport are scored more positively (and we believe more correctly) than the appraisal of site 668.

iii) Landscape

- 3.23 The sites landscape capacity/ suitability is assessment to 'low – medium'. The supporting text suggest that *'This rating indicates that development is likely to have an adverse effect on most of the character area and while smaller development may be possible in a very few locations within the character area, it will not be suitable for strategic scale development. However, this site is relatively well screened in places by established woodland which will help limit views in from the wider landscape.'* This statement is in our opinion muddled and misleading. Site 1002 is being promoted for 30 – 50 dwellings. This is not a strategic scale of development. 50 dwellings across 2.5 hectares would normally be considered "smaller development". Furthermore, as acknowledged in PPS3, the site is well screened and subject to limited views from the wider area. LUC's 'Capacity of Mid Sussex District to accommodate development' (2014) indicates that the area, within which the site is located, had a "medium" capacity for development being an area with no primary constraints and "less than 4 secondary Constraints with more than 3 Services". Furthermore, Site 1002 is located within the area classified as LCA 3: Crawley Down Northern Fringe. This LCA is assessed as having a Substantial Landscape Sensitivity, a Slight Landscape Value and correspondingly a Medium Landscape Capacity for development reflecting LUC's 5 point scale as described in Section 4 of that report. SSP3 accepts that *"this site is relatively well screened in places by established woodland which will help limit views in from the wider landscape"*. As a result, it is likely that the potential landscape and visual effects of development would be localised, and proposed development would not be likely to have *"an adverse effect on most of the character area"* as suggested in SPP3.
- 3.24 To assess its landscape capacity as low – medium is not therefore justified in our opinion.
- 3.25 That said we note that on p49 of SSP3, Site 1002 is *'not considered further following detailed site assessment'* because: *'Ancient woodland on eastern boundary with significant buffer extending into the site.'* The sites relationship with ancient woodland is however only seen as a partial issue in the detailed site appraisal, wherein it states: *'Front Wood ancient woodland forms the entire eastern boundary and intersects with the site's southern extent. 15m buffer extends into the site.'*
- 3.26 As demonstrated in the illustrative layout submitted with the Reg 18 reps (copy attached), the site is capable of being developed so as to accommodate 30 – 50 dwellings with no infringement into the 15m buffer to the ancient woodland that lies adjacent to/ within the site. Again, we note that when assessing the Hayward Heath Golf Club (SHLAA site 503), which also abuts/ contains areas of ancient woodland, PPS3 did not see this as an impediment to development. In our opinion the council appear to be adopting conflicting approaches to the assessment of certain criteria dependent upon their overall position on a site's development potential. This results in an evidence base that appears is totally unjustified when scrutinised.

- 3.27 Whilst part of a wider site, site 1002 is capable of being delivered in isolation of the wider proposals with the benefit of its own access and is in close proximity to the local services and amenities whilst being well screened from the surrounding area. The council's decision to exclude it from the third stage of the site assessment process and the SA is in our opinion totally unjustified and again suggest a plan that is not positive in its outlook or consistent with national government guidance in this regard.

4 Conclusions on Reg 19 Site Allocations PDP

- 4.1 To conclude, whilst we accept that the scale of development now proposed in policy SA10 of the Site Allocations DPD is less than that proposed in Policy DP4 of the adopted Local Plan given completions and consents granted since the Local Plan was adopted in March 2018, we are concerned that the scale of growth is in reality little more than the minimum needed to meet the requirements set out in the adopted local plan and that as such the site allocations DPD provides for limited flexibility. This begs the question as to whether the plan is positively prepared, consistent with national policy and sound. Whilst it is not incumbent upon the Site Allocations DPD to meet anything over and above that required by the adopted plan, the direction of travel of the housing requirement, the age of the adopted plan and the time it will take to adopt a new plan is such that providing for additional flexibility by way of further growth would suggest a plan that is positively prepared, and consistent with national policy.
- 4.2 Our position in this regard is exacerbated by the fact that spatial distribution strategy set out within policy SA10 does not reflect that promoted in policy DP4 of the adopted local plan. The level of growth directed to category 2 settlements in policies SA10 and SA11 of the Reg 19 Plan being significantly less than that proposed in the adopted Local Plan; and by the fact that there is a clear miss-match between what is said to be the minimum residual requirement for each settlement category in policy SA10 and what is actually allocated in policy SA11. This coupled with the lack of growth directed towards the category 2 settlements again leads us to question whether the plan is positively prepared, consistent with national policy and sound.
- 4.3 The lack of any assessment to a reasonable alternative above the residual minimum requirement in the SA and the basis upon which sites were sifted through PPS3 and the SA also leads one to question whether the plan is positively prepared, consistent with national policy and sound.
- 4.4 The discrepancies between the way in which sites 688/ 1002 and other sites were assessed in PPS3 and thus deemed appropriate for consideration in the SA is in our opinion unjustified and reminds us of the debate at the LP examination, where, in his interim findings¹⁷ the LP Inspector, when commenting upon the SHLLA states:
'The SHLAA rejects a number of sites on the basis of availability, transport access, sewerage, landscape capacity, heritage assets, ancient woodland and so on. These are important issues but what the analysis does not do is to consider the extent to which they might be resolved or mitigated through highways and footway improvements, sewerage infrastructure, selective development of parts of sites, the incorporation of green buffers and other measures. In some cases the absence of evidence counts against a site without any further assessment. I have no doubt from the site exercise carried out for the hearing on 8 February that there are sites rejected through the SHLAA process which, through their characteristics or location,

¹⁷ ID11 - 20 February 2017

<https://www.midsussex.gov.uk/media/2892/id11-inspectors-interim-letter-housing-20-feb-17.pdf>

might remain unacceptable. But other representors have given examples where relatively minor infrastructure or mitigation measures, different site boundaries or developable areas, might enable sites to come forward, and have cited other examples where identified constraints in the SHLAA have not proved obstacles to the subsequent allocation of sites, or to the grant of planning permission.

There are some constraints in certain localities, such as sewerage and highway capacity, which may be partially dependent on the programmes of other bodies to resolve. But housing provision is a government priority and should be reflected in the programmes of other public bodies. It is also the case that both site-related development contributions and CIL will assist in future in addressing such constraints'

- 4.5 All of the above leads us to conclude that not only does the discrepancy between site assessments need to be resolved, but in the light of no clear housing trajectory and no clear 5 yr HLS assessment, the council should be looking to review the merits of allocating additional sites such as the land west of Turners Hill Road, Crawley Down, be this site 688 or just part of the site (i.e. site 1002), to help provide greater flexibility within the housing trajectory, more growth within the category 2 settlements, and more sustainable development per say.
- 4.6 In the context of the above, without a clear housing trajectory we have to question whether all the housing sites relied upon in the housing trajectory, including those allocated in the Reg 19 Plan are deliverable and/or developable having regard to the definitions of these terms in the Glossary of the NPPF, and what evidence there is to support this.
- 4.7 There is in our opinion merit in the Reg 19 plan looking to deliver circa 2550 dwellings rather than the 1,764 proposed. This will help address non delivery against the current residual requirement, help move the housing supply closer to that required under the standard methodology, and provide for greater flexibility, thus protect against speculative development. It only requires land to accommodate an additional 786 dwellings to be provided of, which is not significantly greater than proposed, and given the findings of the SHLAA eminently achievable.

5 The merits of the land west of Turners Hill Road, Crawley Down

- 5.1 The site is located in a sustainable location free from any landscape designations, beyond the 7km zone of influence of the Ashdown Forest SPA, outside of any conservation area, and within flood zone 1.
- 5.2 Site 688 is available for development and can be brought forward as a whole to provide for 300 dwellings and associated facilities, or on a gradual basis – subject to a site wide masterplan. The illustrative masterplan provides for:
- A development of circa 300 dwellings – to be brought forward as a whole or on a gradual basis;
 - The ability to come forward in a phased manner, most notably in relation to land south of Huntsland for which an indicative layout is provided
 - Three points of access which WSCC have consulted on and raised no objection;
 - A development that is permeable and provides for enhancements to existing pedestrian/cycle links to between the site and the village centre, and the surrounding area supported by two key existing routes which run alongside the site providing easy access to East Grinstead and Crawley;
 - A surface water drainage strategy that looks to incorporate SuDs features to provide for flood storage, attenuation and mitigation areas so as to address the effects of the

proposed development – including a 40% allowance for climate change and help reduce flood risk elsewhere;

- A development that looks towards an integrated landscape, drainage and ecological strategy that provides suitable buffers to adjacent areas of ancient woodland, protects wildlife corridors, links existing corridors and creates new corridors, so as to create biodiversity net gains;
- A development that retains and protects existing ponds and provides suitable buffers to them;
- A development that is landscape led – retains existing trees and hedgerows where possible and provides for generous structural planting and landscape buffers to soften the edge of the development;
- A development that provides a generous amount of good quality green space, including open space, youth and children's play areas, sports and other recreational facilities;
- A development that provides for allotments and community orchards; and
- A development that provides for suitable buffers around existing properties so as to retain their character and amenity.
- A development that looks to protect local views by avoiding development within the most visually sensitive areas and by sympathetically reinforcing the existing landscape structure.

5.3 In addition, the development of this site could also provide tangible benefits for the local community in terms of improvements to the local highway network, improvements to public transport provision, enhanced pedestrian and cycle links, new sports facilities, new play facilities. It could also, if a need is demonstrated, provide land to accommodate a new primary school, health facility or community facility.

5.4 The above and attached clearly demonstrates a scheme that can provide for much needed family sized housing, affordable housing and starter homes without any adverse environmental or landscape impacts.

5.5 Site 1002 is available for development. The illustrative masterplan provides for:

- ☐ A development of circa 30 - 50 dwellings;
- ☐ A single point of access which WSCC have consulted on and raised no objection;
- ☐ A development that is permeable and provides for enhancements to existing pedestrian/cycle links to between the site and the village centre, and the surrounding area supported by two key existing routes which run alongside the site providing easy access to East Grinstead and Crawley;
- ☐ A surface water drainage strategy that looks to incorporate SuDs features to provide for flood storage, attenuation and mitigation areas so as to address the effects of the proposed development – including a 40% allowance for climate change and help reduce flood risk elsewhere;
- ☐ A development that looks towards an integrated landscape, drainage and ecological strategy that provides suitable buffers to adjacent areas of ancient woodland, protects wildlife corridors, links existing corridors and creates new corridors, so as to create biodiversity net gains;
- ☐ A development that is landscape led – retains existing trees and hedgerows where possible and provides for generous structural planting and landscape buffers to soften the edge of the development;
- ☐ A development that provides a generous amount of good quality green space, including open space and youth and children's play areas;

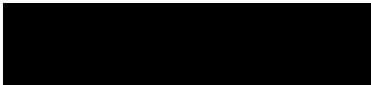
- ☐ A development that provides for suitable buffers around existing properties so as to retain their character and amenity.
- ☐ A development that looks to protect local views by avoiding development within the most visually sensitive areas and by sympathetically reinforcing the existing landscape structure.

5.6 In addition, the development of this site could also provide tangible benefits for the local community in terms of improvements to the local highway network, improvements to public transport provision, enhanced pedestrian and cycle links, and new play facilities.

5.7 The above and attached clearly demonstrates a scheme that can provide for much need family sized housing, affordable housing and starter homes without any adverse environmental or landscape impacts.

Given the above we would welcome the opportunity to meet with officers to discuss our proposals for the land west of Turners Hill Road, Crawley Down further.

Yours sincerely



JUDITH ASHTON
Judith Ashton Associates

Encl Conceptual Masterplan – drawing 17075 / C03L
 Illustrative layout – drawing 17075 / SK05A
 i-Transport Transport note ITB9155-025 dated 11 February 2020
 SLR Landscape Technical note: Response to Site Selection Paper 3, Appendix B dated Sept 2020

C.c. Jordan Van Laun – Wates Developments

1373

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA10

ID: 1373

Response Ref: Reg19/1373/1

Respondent: Mr J Munday

Organisation: Stop Haywards Heath Golf Course Development
Community Group

On Behalf Of:

Category: Organisation

Appear at Examination? x

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="Jamie"/>
Last Name	<input type="text" value="Munday"/>
Job Title (where relevant)	<input type="text"/>
Organisation (where relevant)	<input type="text"/>
Respondent Ref. No. (if known)	<input type="text"/>
On behalf of (where relevant)	<input type="text" value="Stop Haywards Heath Golf Club Development Community Group"/>
Address Line 1	<input type="text" value="REDACTED"/>
Line 2	<input type="text" value="REDACTED"/>
Line 3	<input type="text" value="REDACTED"/>
Line 4	<input type="text"/>
Post Code	<input type="text" value="REDACTED"/>
Telephone Number	<input type="text"/>
E-mail Address	<input type="text" value="REDACTED"/>



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:

Stop Haywards Heath Golf Club Development Community Group

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

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

The proposed Site Allocations DPD, spatial strategy for housing development and housing numbers are strongly supported.

The District Council has a five year housing land supply as confirmed in recent appeals and applications and as such continue to deliver the housing they need in a timely manner. The Council also ensures it has up to date information in relation to its housing requirements. The latest figures for housing completions and commitments are up to April 2020 and show the Council will be providing a planned over-supply through the site allocations of 484 units¹ in line with government policy as set out in the NPPF. It is reassuring to see a sensible balance has been struck between providing an appropriate housing supply buffer and protecting the environment.

We are aware from the representations made during the Regulation 18 Consultation that a number of objections were made to the proposed site allocations at Folders Lane, Burgess Hill. Many of these suggested that the Haywards Heath Golf Club site should be a site allocation instead. The Council has given full consideration to this site, as an omission site as set out in their committee report ¹. We welcome the confirmation by the Council that the site is not appropriate for allocation.

The recent White Paper: Planning for the Future August 2020 consultation gives a steer as to government thinking for the future. Whilst the government is giving significant support to enable housing development to progress at pace it is clear that this is not at the expense of environmental assets. Paragraph 1.12 states 'we wish to.. promote the stewardship and improvement of our precious countryside and environment, ensuring important natural assets are preserved'. The White Paper recognises that areas which deserve protection include not only those with specific designations such as Green Belt, AONBs, Conservation Areas, Ancient Woodland and Local Wildlife Sites but also 'important areas of green space' and open countryside.

The White Paper proposes that there be three types of land – Growth, Renewal and areas that are Protected. One option is proposed as to combine the Growth and Renewal areas. Either way great importance is placed on those areas to be protected. The Council's spatial development strategy and site allocations would ensure that housing and employment provision meets or indeed exceeds targets and is in the right places whilst protecting valued green spaces.

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

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

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

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

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

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

X

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 that it is a polite request to hear those who wish to participate at the oral part of the examination.

10. Please notify me when:

Panoramic for Examination

☒

Recommendations from the Examination

☒

(iii) The Site Allocations DPD is adopted

☒

Signature:



Date:

27/09/2020

Thank you for taking time to respond to this consultation

1389

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA10

ID: 1389

Response Ref: Reg19/1389/1

Respondent: Mrs L Holmes

Organisation:

On Behalf Of:

Category: Resident

Appear at Examination? ✓

[REDACTED]

From: Richard Holmes [REDACTED]
Sent: 29 August 2020 14:16
To: ldfconsultation
Subject: Site Allocation - Bolney
Attachments: Bolney.pdf

Dear Sirs

Please find enclosed my completed form relating to the site allocation consultation.

Kind regards

Mrs Laura Holmes

[REDACTED]

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="Laura"/>
Last Name	<input type="text" value="Holmes"/>
Job Title (where relevant)	<input type="text"/>
Organisation (where relevant)	<input type="text"/>
Respondent Ref. No. (if known)	<input type="text"/>
On behalf of (where relevant)	<input type="text"/>
Address Line 1	<div><div></div><input type="text"/></div>
Line 2	<div><div></div><input type="text"/></div>
Line 3	<div><div></div><input type="text"/></div>
Line 4	<div><div></div><input type="text"/></div>
Post Code	<div><div></div><input type="text"/></div>
Telephone Number	<div><div></div><input type="text"/></div>
E-mail Address	<div><div></div><input type="text"/></div>



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

Part B – Your Comments

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

Name or Organisation:

3a. Does your comment relate to:

Site
Allocations
DPD

YES

☐

Sustainability
Appraisal

☐

Habitats Regulations
Assessment

☐

Community
Involvement
Plan

☐

Equalities
Impact
Assessment

☐

Draft Policies
Maps

☐

3b. To which part does this representation relate?

Paragraph

Housing
Allocations

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.

Not applicable

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.

The Plan is unsound because it does not comply the policies for housing set out in the NPPF and will not boost significantly the supply of housing or to meet the need for affordable housing in the District. It fails to make adequate provision for housing land set out in policy DP4 of the Mid Sussex District Plan 2014- 2031. Not all allocated sites will be fully developed during the plan period and there is insufficient margin to account for this. In addition, the housing total in DP4 is intended to be a minimum figure. The SHLAA identifies a number of sites which could be developed without harm to interests of acknowledged importance but which are not allocated. The approach adopted towards allocations, of making the minimum allocations to meet the OAN is fundamentally at odds with the NPPF policy, particularly in an area of high market demand.

Sites will not come forward through Parish Plans unless greater direction is provided in the Site Allocations Plan. The Plan does not provide sufficient housing in villages to meet the requirements of the Settlement Hierarchy policy DP6 of the Mid Sussex District Plan s set out in the Table following the 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.

A review of the SHELAA sites to make further allocations in the Site Allocations Plan to be carried out to bring the allocations more into line with parish requirements as set out in the Settlement Hierarchy table following DP6 of the District Plan.

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

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 space allocated here is insufficient to make a full written case and I wish to be able to respond to what is said. I believe that I have a contribution to make to the Examination process and to the general improvement of the Plan.

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:

29/8/20

Thank you for taking time to respond to this consultation

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA10

ID: 1443

Response Ref: Reg19/1443/1

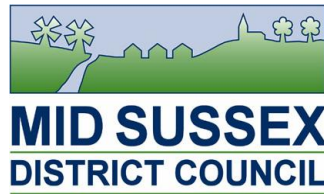
Respondent: Mr J Pearson

Organisation: Lewis & Co Planning

On Behalf Of: Mr Chris Gargan

Category: Promoter

Appear at Examination? ✓



Site Allocations Development Plan Document Regulation 19 Submission Draft Consultation Form

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

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

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

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

The Site Allocations DPD is available to view at:

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

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

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

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

How can I respond to this consultation?

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

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

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

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

E-mail: LDFconsultation@midsussex.gov.uk

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

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

1. Personal Details

Title	<input type="text" value="Mr"/>
First Name	<input type="text" value="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 & Co Planning"/>
Respondent Ref. No. (if known)	<input type="text"/>
On behalf of (where relevant)	<input type="text" value="Mr Chris Gargan"/>
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"/>



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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:

Mr Chris Gargan

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

☐☒

(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.

See supporting letter for full details. We do not consider that reasonable alternatives have been suitably assessed through the preparation process

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.

Our client's site at Maltings Farm has not been appropriately considered for allocation and is a better suited site for residential development than those allocated within the DPD. A full and accurate assessment of the site should be undertaken rather than excluding the site as part of a wider 'broad location'.

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 current evidence base currently fails to provide any accurate assessment of our client's site as a potential housing site, despite previous submissions advising of its availability, merits and suitability. Without this assessment our contributions are likely to be limited to the points already raised in our written representations. However, if the Council were to undertake such an assessment then we would welcome the opportunity to discuss these matters at 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:

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

10th September 2020

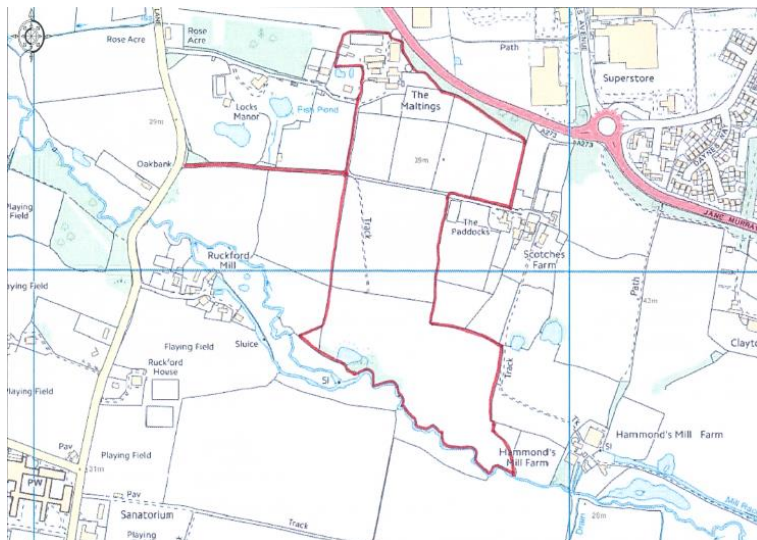
Dear Sir/Madam,

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 Mr C Gargan the landowner of the site Land at Maltings Farm, Burgess Hill, BN6 9JZ.

The site adjoins the built-up area boundary of Burgess Hill to the south-west of the settlement and is available for new residential development.

Mr Gargan owns approximately 21ha of land between Jane Murray Way and Malthouse Lane as shown on the enclosed location plan. Given the proximity of the Burgess Hill settlement boundary and the excellent highway links provided by the A273, the site has genuine potential to make a significant contribution to housing provision in the district.



Site Location Plan

Summary

We consider that our client's site at Maltings Farm provides a sustainable location for growth that has not been appropriately considered throughout the preparation of the Site Allocations DPD and offers a more sustainable strategy for meeting the District's residual housing needs.

Our client's site was considered for allocation as part of a large 'broad location' around the western boundary of Burgess Hill (site reference 740). The entirety of this area was excluded from consideration at early stages of the preparation of the DPD, as set out in Site Selection Paper 1. The justification given was that the size of a site within this broad location would "deliver levels of growth significantly beyond that required by the District Plan strategy".

This clearly ignores the fact that broad locations are not necessarily meant to be considered for allocation in their entirety. It has resulted in an area considered suitable for development within the Council's SHELAA being excluded from consideration for allocation with no further assessment of individual sites/areas within that broad location. The Maltings Farm site is one such location where a smaller development could be considered that would be wholly compliant with the District Plan strategy and can better meet the objectives of the Site Allocations DPD than other sites proposed for allocation.

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 on the south-western edge of Burgess Hill. The site is currently in use as a livery yard but this business is in the process of closing down its operations and has run at a loss and been subsidised by the owner for many years.

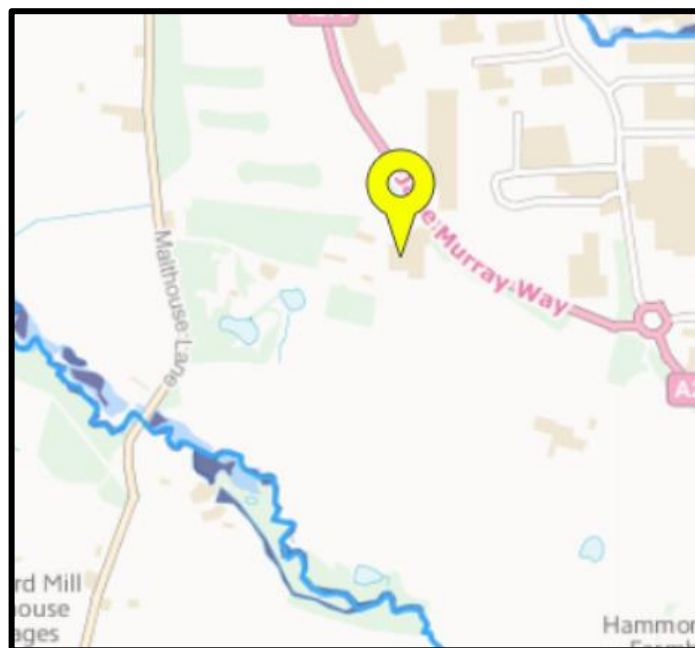
The primary site access is currently from Malthouse Lane with access currently available on foot to Jane Murray Way and opportunities for a revised vehicle access under a comprehensive redevelopment of the site. The Burgess Hill Green Circle Route runs along the northern edge of the site but the site's existing arrangement creates a narrow pinch point for the route that could be significantly improved as part of a future development. The Green Circle route is protected by District Plan policies and its improvement and extension form one of the key principles for new development at Burgess Hill – as set out in Policy DP7.

Burgess Hill is one of three category 1 settlements with a wide range of services and two railway stations and continues to be a focal point for sustainable growth through urban extensions to the settlement. Although in reasonably close proximity to the South Downs National Park to the southeast, the remainder of the settlement and its outskirts are in a relatively unconstrained part of the District that offers greater opportunities for sustainable development than other areas.

As set out above, the entirety of the land is 21 hectares. The area could therefore accommodate any size of residential development, alongside other wider improvements such as extensions to the Green Circle network, ancillary commercial uses or services and/or new routes through and out of the site. Neighbouring properties are residential and a residential-led development is most appropriate in this location.

The site forms part of a large broad location considered in the initial Site Selection process as site reference 740. This area was identified as offer a wide range of 'major positive impacts'.

Unlike the larger broad location, our client's site is in single ownership, available for development and existing uses onsite have only a short term future. The Land to the West of Burgess Hill site assessment in the Site Selection Paper (EP23/EP23a) identifies listed buildings within the broad location, but none are within our client's land. Similarly, the broad location receives a negative on flood risk but our client's land is almost entirely within Flood Zone 1:



Flood Map for Planning Extract

The Site Selection Paper assessment raises concerns that the development of the Site 740 area alongside the strategic Northern Arc development due to their close proximity, but the area of Site 740 within our client's control is a significant distance away from (over a kilometre at the closest point) – comparable to the distance between the Northern Arc and land at Kings Way (also allocated within the District Plan).

On this basis, our client's land is clearly significantly less constrained, and has no issues to deliverability, compared to the wider broad location assessed. The failure of the local planning authority to consider specific unconstrained areas of the broad location results in an ineffective assessment of all reasonable alternatives to development at Burgess Hill.

We ask that the examining Inspector require the local planning authority to undertake further evaluations of site options, including a rigorous assessment of our client's site and the unique opportunities that would be provided through its development. None of the stated constraints or concerns with the wider broad location are directly applicable to our client's site and there are clear positive benefits that allocation would provide. The land within our client's control could accommodate a significant amount of housing, or a smaller residential development focused within the northernmost areas of the site, but at a scale more suited to the scale of development the local planning authority wish to deliver through the Site Allocations DPD.

The site scores very favourably against identified environmental criteria and adjoins the settlement boundary. The site is unaffected by flood risk, would not affect any designated heritage assets, ancient woodland, SSSIs, local nature reserves, or other notable constraints.

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 – at most. This would be an inefficient 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.

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 of the five of the eight local authorities within the Coastal West Sussex and Greater Brighton Strategic Planning 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 needs 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.

Sustainability Appraisal

The DPD states that 'reasonable alternatives' were assessed through the Sustainability Appraisal. We do not consider that our client's site has been robustly considered as the negatives identified within the assessment of Broad Location Site 740 are not applicable to our client's land.

The Sustainability Appraisal assessment of the site therefore poorly reflects actual performance against sustainability objectives and this flawed assessment likely leads to the flawed conclusion of excluding the site from further assessment.

The Council have not rigorously considered the reasonable alternative of allocating more of, or all 'suitable' sites. 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).

A slightly more robust assessment of these considerations would likely result in different policy outcomes and 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 but the assumptions given for ruling out the allocation of additional or larger sites are broad and generalised and this position has not been justified.

Conclusion

We believe that the site clearly presents a positive opportunity for residential development at Burgess Hill and the allocation of the site would positively contribute to the objectives of the District Plan. The assessment of the site has not been sufficient for it to be robustly considered as a reasonable alternative location for development. The stated reasons for excluding the 'West of Burgess Hill' Broad Location (Site 740) are not relevant to our client's site when considered in isolation.

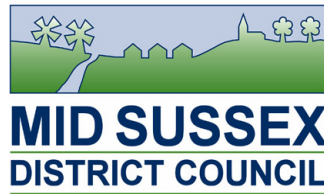
We consider that the Site Allocations DPD is therefore not justified, effective or consistent with national policy in this regard and a further evaluation of available sites within the District should be undertaken to establish the most sustainable locations for new residential development.

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

Site Allocations DPD: Regulation 19 Consultation Response**Policy:** SA10**ID:** 1454**Response Ref:** Reg19/1454/1**Respondent:** Mr S Brown**Organisation:** Woolf Bond Planning**On Behalf Of:** Fairfax Acquisition Ltd - Land east of Borde Hill
Lane, HH**Category:** Developer**Appear at Examination?** ✓



Site Allocations Development Plan Document Regulation 19 Submission Draft Consultation Form

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

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

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

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

The Site Allocations DPD is available to view at:

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

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

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

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

How can I respond to this consultation?

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

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

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

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

E-mail: LDFconsultation@midsussex.gov.uk

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

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

1. Personal Details

Title	Mr
First Name	S
Last Name	Brown
Job Title (where relevant)	Principal
Organisation (where relevant)	Woolf Bond Planning (Agent)
Respondent Ref. No. (if known)	
On behalf of (where relevant)	Fairfax Acquisition Ltd
Address Line 1	c/o Agent
Line 2	The Mitfords
Line 3	Basingstoke Road
Line 4	Three Mile Cross, Reading
Post Code	RG7 1AT
Telephone Number	01189 884923
E-mail Address	s.brown@woolfbond.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:

Fairfax Acquisition 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

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	<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

See attached representations.

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 attached representations.

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.

See attached representations.

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

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

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

☐

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

☒

Yes, I wish to participate at the oral examination

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

In order to discuss the soundness of the SADPD having regard to the most up to date information available

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:

Woolf Bond Planning

Date:

10th September 2020

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Name or Organisation:

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Site
Allocations
DPD

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Community
Involvement
Plan

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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 ☒

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Allocations
DPD

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Sustainability
Appraisal

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Assessment

☐

Community
Involvement
Plan

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Assessment

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Draft Policies
Maps

☐

3b. To which part does this representation relate?

Paragraph

Policy SA

21

Draft Policies Map

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Yes ☒

No ☐

4b. Sound

Yes ☐

No ☒

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(ii) The publication of the recommendations from the Examination



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Woolf Bond Planning

Date:

10th September 2020

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Fairfax Acquisition Ltd

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Site
Allocations
DPD

☒

Sustainability
Appraisal

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☐

Community
Involvement
Plan

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Paragraph

☐

Policy SA

☐

Draft Policies Map

☒

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

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No ☐

4b. Sound

Yes ☐

No ☒

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See attached representations.

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 attached representations.

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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 Proposals Map for Haywards Heath should be amended to include the allocation of land east of Borde Hill Lane as a housing allocation. See attached representations.

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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(ii) The publication of the recommendations from the Examination



(iii) The Site Allocations DPD is adopted



Signature:

Woolf Bond Planning

Date:

10th September 2020

Thank you for taking time to respond to this consultation



Woolf Bond Planning

Chartered Town Planning Consultants

WBP Ref: SB/8160

BY EMAIL

Email: s.brown@woolfbond.co.uk

10th September 2020

Site Allocations DPD Consultation
Planning Policy Team
Mid Sussex District Council
Oaklands
Oaklands Road
Haywards Heath
West Sussex
RH16 1SS

Dear Sirs,

MID SUSSEX DISTRICT COUNCIL – SITE ALLOCATIONS DEVELOPMENT PLAN DOCUMENT – REGULATION 19 SUBMISSION DRAFT CONSULTATION

THE OMISSION OF LAND AS A HOUSING ALLOCATION TO THE EAST OF BORDE HILL LANE, HAYWARDS HEATH

REPRESENTATIONS ON BEHALF OF FAIRFAX ACQUISITION LTD

INTRODUCTION

Background

We refer to the above Regulation 19 consultation and respond on behalf of our client, Fairfax Acquisition Ltd, setting out our comments upon certain of the draft policies and proposals contained therein, including the **omission of land under their control to the east of Borde Hill Lane, Haywards Heath, as a housing allocation for circa 130 dwellings.**

The Site comprises an available, suitable and deliverable opportunity to accommodate housing needs (both market and affordable), in a sustainable location, within walking distance from the town centre, with no landscape and/or technical constraints to bringing the land forward for development in the early stages of the plan period, and/or in helping to demonstrate a five year supply of deliverable housing land.

The site extends to approximately 9ha and the illustrative masterplan accompanying our representations suggests how a scheme for circa 130 dwellings could be accommodated on the site at net density of approximately 30dph.

The Site has inherent sustainability merits which make it suitable for residential development, and in our view represents a logical development opportunity in providing much needed new homes in a location that is contiguous and well related to existing built form on the western edge of Haywards Heath, within walking and cycling distance from the town centre.

For the reasons set out in our submissions there are a number of shortcomings with the draft Site Allocations Development Plan Document (“SADPD”) that result in the need for amendments if it is to satisfy the tests of soundness at paragraph 35 of the NPPF.

Our representations focus on specific parts of the SADPD as follows;

- **SA10: Housing**
- **SA11: Additional Housing Allocations**
- **SA21: Land at Rogers Farm, Fox Hill, Haywards Heath**
- **Omission of land to the east of Borde Hill, Haywards Heath as a housing allocation**

Our detailed representations are set out below and include submissions in response to the content of certain of the evidence base documents, including the Sustainability Appraisal.

SUPPORTING PLANS AND PARTICULARS

The following plans and documents are submitted in support of our representations:

- Site Location Plan No. 2043/PA.01
- Opportunities and Constraints Plan No. 2043/PA.02A
- Indicative Masterplan No.2043/PA.03B
- Highways and Access Sustainability Technical Note (Aug 2020) (i-Transport)
- Landscape and Visual Appraisal (Aug 2020) (Fabrik)
- Ecological Technical Note (Aug 2020) (The Ecology Co-op)
- Flood Risk and Drainage Technical Note (Sept 2020) (Temple)

The content of the supporting plans and particulars is set out below where relevant to the particular issue/discipline being addressed.

Overarching Position

Fairfax Acquisition Ltd has a strong belief in the principle of the plan-led system and in setting out our representations upon the aforementioned policies, we hope to be able to work with the Council (including through the preparation of proposed modifications) in order to ensure the SADPD satisfies the tests of soundness at paragraph 35 of the NPPF.

Fairfax Acquisition Ltd and Woolf Bond Planning have considerable experience in dealing with the promotion of sites through the planning system. In this context, a principal constraint to the timely delivery of housing is the way in which policies for the allocation of sites have been formulated; which strategy is predicated upon unrealistic assumptions about delivery at certain of the strategic site allocations identified in the adopted District Plan.

Local Plans must be capable of delivering from the point at which they are adopted. This means scrutinising the policy wording to ensure the Plans are sound and that the allocations contained therein are capable of being delivered. This is particularly the case in relation to the need for Councils to collate a robust evidence base to justify the imposition of certain

policies and/or their wording so as not to over burden and/or stifle sustainable and appropriate development.

We are keen to ensure that the SADPD is robust and it is in this context that we set out our representations, with the omission site affording a sustainable option as a housing allocation in seeking to ensure a sound Plan pursuant to the requirements at paragraph 35 of the NPPF.

THE NPPF AND THE TESTS OF SOUNDNESS

The NPPF sets out the principal components to be included in local plans. Paragraph 35 requires that in order to be “sound” a Development Plan Document (‘DPD’) should be positively prepared, justified, effective and consistent with national policy.

In order to be justified the DPD must be founded upon a robust and credible evidence base and represent the most appropriate strategy when considered against the reasonable alternatives.

Effective means the document must be deliverable, flexible and be able to be monitored. The positive preparation test requires plans to objectively assess development and infrastructure needs, both within the authority area and from neighbouring authorities. In respect of housing, the need must be informed by a local housing needs assessment, conducted using the standard method (para. 60).

Paragraph 69 of the NPPF sets out the requirement for Local Planning Authorities to establish a housing requirement figure for their whole area, broken down into neighbourhood areas.

In identifying land for homes, paragraph 67 of the NPPF requires LPA’s to identify a sufficient supply and mix of sites.

For the reasons set out below, we are of the view that the SADPD cannot be said to be justified when the strategy for site selection is considered in relation to the reasonable alternatives; including the omission of land to the east of Borde Hill Lane, Haywards Heath as a housing allocation.

We expand upon our submissions in the detailed considerations that are set out below.

POLICY SA10: HOUSING & POLICY SA11: ADDITIONAL HOUSING ALLOCATIONS

Representations

The Housing Requirement and Plan Period

As set out at paragraph 2.17 of the SADPD, the District Plan 2014-2031 (adopted March 2018) sets out the housing requirement to be met in the District during the plan period, with Policy DP4 setting out a requirement for a minimum of 16,390 dwellings.

Policy DP4 also commits the Council to adopting the SADPD in 2020, with a requirement for circa 2,439 dwellings to be allocated through the SADPD and Neighborhood Plan process.

This figure represents the residual requirement to be met following allowances in Policy DP4 for commitments, strategic allocations and a windfall allowance.

Policy DP4 includes a table which sets out the spatial distribution of the overarching housing requirement. The majority of the planned housing growth is to be met at the three largest and most sustainable settlements¹ (Burgess Hill, East Grinstead and Haywards Heath).

The supporting text to Policy DP4 states as follows:

“The District Council will prepare a Site Allocations Development Plan Document (DPD). This will allocate non-strategic and strategic sites of any size over 5 dwellings (with no upper limit), in order to meet the remaining housing requirement over the rest of the Plan period as reflected in the ‘stepped trajectory’ of 876dpa until 2023/24 and 1,090dpa thereafter, and with the aim of maintaining a 5 year land supply to meet this requirement. Town and parish councils may also bring forward revisions to their Neighbourhood Plans.” [Our emphasis underlined]

Whilst there is a minimum residual housing figure specific for each category of settlement to be met from 2017 onwards, including through preparation of the SADPD, a principal aspect is the need to ensure deliverable sites are identified in order to help demonstrate a five year supply of deliverable housing land. In addition, and for the reasons set out in the NPPF, the approach to site selection needs to ensure the sites provide for sustainable development. This includes, inter alia, allocating sites for housing that can provide opportunities for travel by sustainable modes.

Proposed Allocations

As set out at paragraph 2.24 of the SADPD, the District Plan allocates four strategic site allocations which make provision for circa 5,080 dwellings during the plan period to 2031; including some 3,400 dwellings to the north and north-west of Burgess Hill.

However, and as set out at paragraph 2.27 of the SADPD, the Council has reduced its expectations of housing delivery at the Burgess Hill strategic allocation from 3,500 to 3,287 dwellings within the plan period. Subject to future delays, there could be a significant under delivery of housing. Accordingly, and as set out in Policy SA10, it seems sensible for the SADPD to plan for a greater number of dwellings, as a contingency, in the event the strategic sites and other commitments fail to deliver at the point envisaged. This will help to ensure a flexible and responsive approach to housing supply/delivery.

Based upon the completions realised since 2014 (the start date of the Plan), the number of identified commitments and the windfall allowance relied upon by the Council, Policy SA11 of the SADPD allocates new sites for circa 1,764 dwellings. It is suggest this will result in a surplus of 484 dwellings as follows:

A. Minimum Requirement 2014 to 2031	16,390
B. Completions 2014 to 2020	4,917
C. Commitments	9,689
D. Windfall Allowance	504
E. Residual Requirement (A-(B+C+D))	1,280

¹ Category 1 settlements as defined in Policy DP6

The SADPD seeks to allocate 22 sites for approximately 1,764 dwellings, which results in a 'surplus' of 484 dwellings (1,764-1,280) against the 16,390 minimum requirement to be met during the plan period.

Whilst it is acknowledged that the Council is committed to undertaking a review of the District Plan, it is imperative that the SADPD process ensures the delivery of sufficient dwellings in helping to meet the minimum 16,390 requirement specific in the District Plan.

The 'surplus' of 484 dwellings leaves little if any room for error in the Council's delivery assumptions on commitments, including the strategic sites.

Accordingly, **we are of the view that the SADPD should allocate additional sites, where demonstrated to be both deliverable and sustainable.** This is the case with our client's land to the east of Borde Hill Lane, Haywards Heath, the merits of which we elaborate upon below.

The allocation of additional sites, in seeking to plan for in excess of the 1,764 dwellings in the Reg. 19 SADPD was positively assessed under Option C of the Sustainability Appraisal, with the impacts (positive and negative) broadly commensurate with those assessed against the 1,764 figure.

Distribution of the Proposed Housing Allocations in Policies SA10 and SA11

Policies SA10 and SA11 sets out how the allocation of land for circa 1,764 dwellings is to be allocated to the settlements within Mid Sussex.

As set out above, Burgess Hill, East Grinstead and Haywards Heath are identified in Policy DP4 of the District Plan² as the three most sustainable settlements within Mid Sussex. However, and despite the District Plan already providing for strategic growth at Burgess Hill (in the form of a 3,500 dwelling strategic allocation), the SADPD proposes a further 612 dwellings at the settlement (35% of the 1,764 total in the SADPD), with 772 proposed at East Grinstead (44%) and only 25 dwellings (1.5%) at Haywards Heath.

This strategy demonstrably fails the tests of soundness at paragraph 35 of the NPPF as it cannot be said to be justified in the context of the sustainability merits afforded by Haywards Heath.

As an overarching comment in relation to the tests of soundness, including based upon the findings of the Sustainability Appraisal to the SADPD, additional housing allocations should be identified at Haywards Heath (i) in place of certain of the sites allocated at Burgess Hill and/or East Grinstead; or (ii) in addition to the 1,764 figure in order to ensure a flexible and responsive supply of housing land.

Land to the east of Borde Hill Lane, Haywards Heath should be allocated for approximately 130 dwellings together with associated open space.

Moreover, sites proposed to be allocated at the lower order category 2, 3 and 4 settlements should not be allocated ahead of more sustainable options at Haywards Heath (a category 1 settlement).

² Supported by the conclusions of the Site Selection Paper (July 2020) and the Sustainability Appraisal to the SADPD (July 2020)

POLICY SA21: ROGERS FARM, FOX HILL, HAYWARDS HEATH

Representations

This site is not as sustainably located as the opportunity afforded by our client's site on land to the east of Borde Hill Lane, Haywards Heath.

Policy SA21 should be deleted in favour of our client's land; or, if additional sites are proposed, our client's site could be allocated as an additional allocation at Haywards Heath, with Rogers Farm being retained.

The latter option would in part address the imbalance in the distribution of dwelling numbers advocated by the Council in Policies SA10 and SA11.

OMISSION SITE

SUITABILITY OF LAND TO THE EAST OF BORDE HILL LANE, HAYWARDS HEATH AS A HOUSING ALLOCATION FOR APPROXIMATELY 130 DWELLINGS

Representations

General

We object to the omission of land to the east of Borde Hill Lane, Haywards Heath as a housing allocation for circa 130 dwellings.

The site extends to approximately 9ha and comprises an area of pastoral field(s) to the east of Borde Hill and north of Balcombe Road.

The surrounding area is characterised by residential development, including the scheme for 210 dwellings under construction by Redrow at Penlands Farm to the west (LPA Ref: DM/16/1803). Following the grant of planning permission for development at Penlands Farm, there has been a clear acceptance of the principle of developing land to the west of Basingstoke Road.

On the basis of the above, and the technical work submitted in respect of highway/sustainability, landscaping (and heritage), ecology and flooding and drainage matters, we consider the site affords an inherently sustainable and deliverable location to accommodate housing in helping to meet identified needs during the plan period.

Although close to the High Weald AONB and Borde Hill Registered Park and Garden (thus sharing a similar relationship in this regard to the approved development at Penlands Farm), the Site is not subject to any statutory or non-statutory designations for landscape quality or nature conservation interests; whilst all heritage assets in the vicinity of the site have been assessed as part of the technical work undertaken to assess the suitability of the site for housing; and which findings have informed the design approach adopted in the evolution of the illustrative masterplan.

The Illustrative Masterplan proposes circa 130 dwellings on a net developable area of approximately 5ha – with approximately 4ha proposed as landscaped open space.

Highways and Sustainability

The accompanying Technical Note prepared by i-Transport explains the locational advantages of the Site as well as the means of access, which matters are summarised below:

- The site is well located with respect to public transport services. In addition to bus services, the site is circa 1,500m from Haywards Heath railway station. Being situated on the Brighton Main Line, the station offers excellent services to a range of destinations including Central London, Gatwick Airport and the South Coast with circa one train every six minutes routing towards Central London/Gatwick Airport at peak times.
- The site location, the accessibility to local facilities within walking and cycling distance, and the accessibility to public transport would result in a development which would provide genuine opportunities to promote sustainable transport.
- Access to Land at Borde Hill Lane would be via the introduction of a fourth arm to a roundabout which will provide access to the Penland development opposite. The access arrangements, which are shown on Drawing ITL14572-GA-001, would provide safe and suitable means of access for all and enable the accessibility benefits of the site location to be realised.
- The CIHT Planning for Walking guidance document (April 2015) acknowledges that circa 80% of journeys up to 1mile (1,600m) are made wholly on foot. Furthermore, the average distance of pedestrian journeys is 0.85mi (1,360m) (Ref: Planning for Walking, Section 2).
- The results of the National Travel Survey 2019, published August 2020, corroborates these findings and identify that walking is the most frequent mode used for short trips – 80% of trips under one mile (c. 1,600m) and almost one-third (31%) of trips between one and two miles (c. 3,200m) were on foot (Ref: NTS Table 0308).
- A summary of local facilities and services, the distance of these from the site, and approximate walking and cycling journey times, is provided in Table 2.1, and shown diagrammatically on Figure 1. This demonstrates that a significant range of services and facilities are within walking distance from the site, including Sainsbury's, Waitrose, education and leisure facilities as well as the train station.
- Key routes for pedestrian and cycle trips will be via Balcombe Road and Penland Road. Balcombe Road provides a footway of circa 2m throughout on at least one side of the carriageway to/from Haywards Heath station. Penland Road provides footways on both sides of the carriageway. Both routes are street lit with dropped kerbs/tactile paving located at junctions between the site and Haywards Heath station/town centre.
- Together, these provide a comprehensive pedestrian network to support pedestrian connectivity to the south of the site and the wider area. It is noted that footways to the south are being upgraded and extended as part of the Redrow scheme to facilitate journeys of foot to/from Haywards Heath Town Centre.
- The site is located circa 350m from a southbound bus stop on Penland Road (near junction with The Spinney). Traveline SouthEast identifies route 31a/31c operates a loop service every two hours between Uckfield and Haywards Heath, before returning to Uckfield. Additional bus services as well as rail services are available at Haywards

Heath station/Perrymount Road bus stops, 1.5km from the site. From this location, buses 3, 30, 31/31a/31c, 33/33A, 39, 62, 89, 166, 270 and 272 are accessible.

For the reasons set out above, the site affords a sustainable location in helping to meet identified housing needs.

Landscape Considerations

Landscape consultants Fabrik have undertaken a detailed appraisal of the capacity of the site to accommodate housing development in the context of the landscape characteristics of the site and surrounding area; which analysis has included an assessment of the impact of development upon the setting of the High Weald AONB and the Borde Hill Registered Park and Garden.

As set out above, development of the Site for housing would have a similar relationship to these designations as with the 210 dwellings approved by the Council at Penlands Farm to the west.

The findings of the Landscape and Visual Appraisal (“LVA”) informed the evolution of the Illustrative Masterplan, which layout responds to the advice received.

The findings of the LVA may be summarised as follows:

- An initial landscape and visual appraisal of the Site reveals that the Site is well related to the residential northern edge of Haywards Heath.
- The Site is enclosed to the north, west and east by undulating topography, woodland and trees. Furthermore, the Site boundaries are defined predominantly by vegetation that follow the alignment of the road network associated with Borde Hill Lane (to the northwest and west) and Balcombe Road to the south. This combination of features provide a mature landscape with a clearly defined northern edge to the north of Haywards Heath.
- The Site is apparent from Borde Hill Lane, in between existing dwellings, but is not readily discernible from public vantage points within the High Weald AONB and Registered Park and Garden at Borde Hill, nor is it discernible in the wider landscape due to intervening topography and vegetation. Therefore, development of the Site would not significantly alter the setting of the AONB or Registered Park and Garden.
- The Illustrative Masterplan has been informed by the advice set out within the appraisal, with the location and layout of development parameters generated by the visual and landscape character assessment.
- Overall, in landscape and visual terms, there are no significant overriding landscape constraints to the delivery of this Site for development.

Informed by the forgoing, the Site can be allocated for housing development in so far as there are no overriding landscape constraints to development of the site in the manner proposed, including on the basis that the layout can provide for a string landscape boundary to the wider landscape beyond.

Ecology

The Illustrative Masterplan has also been informed by a series of ecological appraisals, with the supporting Technical Note confirming the

The survey work undertaken to date identifies that the Site comprises largely of poor semi-improved grassland, with species-rich hedgerows, a woodland shaw and a stream that forms the north boundary.

Key features within the Site are proposed to be retained, including the retention of important hedgerows as well as an appropriate buffer to the stream along the northern boundary.

Further species surveys are being undertaken, but initial survey results confirm impacts can be mitigated through the retention and retention of on-site habitats.

Flood/Drainage

The Technical Note prepared by Temple sets out the acceptability of the proposed development of the site for 130 dwellings in flood/drainage terms, confirming that all of the proposed built form is to be located within flood zone 1.

The Design Approach

As set out above, the Illustrative Masterplan shown on Plan No. 2043/PA.03B has been informed by a range of technical studies, a number of which are summarised above and are submitted in support of our representations. These studies helped informed the Opportunities and Constraints Plan (No. 2043/PA.02A from which the Masterplan evolved.

The site is bounded by mature woodland on its north-western side and has a variety of tree and hedgerow screens elsewhere - including a mature hedge that is interspersed with trees running across the site - dividing up the area of land.

The Illustrative Masterplan follows an initial Parameters Plan that was prepared by Fabrik Landscape Architects - in particular the disposition of the developable areas which have been generated by their analysis of the views of the Site that are experienced by the receptors - most of which are close by, as the topography and vegetation ensure that the site is not readily discernible or apparent.

This is further reinforced by the setting back of the developed area - away from Borde Hill Lane, and some way down the existing slope.

The initial thoughts on the disposition of the proposed dwellings within the Site carefully follows, and is underpinned, by the principles of perimeter block typology - whereby the access roads enclose the majority of the developable areas and provide buffering to the existing landscape features and nearby units - providing a clear and legible scheme.

The majority of the proposed dwellings would face outwards towards the access roads - with the odd courtyard that allows for visual policing of car parking spaces etc.

The set-back from Borde Hill Lane allows for the access off the slightly elevated roundabout to be accommodated across the change in ground level. The access would initially terminate

in a 'T'- junction opposite a landscaped gateway area - before becoming the part of the perimeter road pattern mentioned above.

The access to the eastern most developable area is located in an existing gap in the hedgerow - so that the ecological continuity of this edge of field margin is maintained and not interrupted.

To the north-west is an area of development proposed that fronts on to Borde Hill Lane in a pattern that reflects the building alignment of nearby units.

Behind these frontage units is a 'mirrored' group of proposed houses that will ensure that the access to this area has frontage development and the nearby areas of open space are visually policed.

The bulk of the developable area is in the central section of the land being offered for inclusion in the Local Plan process. This part of the available land is bounded by the access on the western side, an existing stream on the eastern side and hedgerow or woodland areas to the north and south.

Each of the parcels of development are created by the retention of existing features - which contribute to the whole.

With regard to the embryonic proposals shown it is envisaged that the proposed site could comfortably accommodate circa 130 new homes without having an adverse impact on the neighbouring properties or the character of the wider area.

The developable area of land indicated totals approximately 4.62ha, which could generate a density of circa 30dph. This is commensurate with the Penlands Farm development that is opposite the site entrance, and it strikes a good balance between making good use of the land available whilst respecting the edge of settlement location.

The density will be influenced by the topography which, due to its incline, leads to smaller modules of built form, with detached, semi-detached or linked-detached properties being used, as they aid the stepping down the slope more readily than longer terraces would. The insertion of garages or parking areas between the dwellings aids this as they provide physical breaks that can accommodate the changes in level.

The proposed perimeter block form of development gives cohesion and legibility to a layout. In this instance the typology proposed is appropriate for the reasons stated and will allow the creation of a well-mannered development that respects the settlement edge location, whilst retaining a larger part of the site as landscape open space.

SUMMARY AND SUGGESTED CHANGES

Our client's site to the east of Borde Hill Lane, Haywards Heath, offers a deliverable opportunity for a housing scheme, in a sustainable location, within walking distance from services and facilities in Haywards Heath, which should be allocated for residential development for approximately 130 dwellings.

The allocation of the site for housing will make a valuable contribution to meeting the residual housing requirement.

For the reasons set out above, the SADPD fails the tests of soundness at paragraph 35 of the NPPF for the following reasons:

- **Unjustified** – The proposed housing distribution strategy fails to provide for sufficient housing growth at Haywards Heath, commensurate with its status as a Category 1 settlement within the settlement hierarchy. As such, the approach to the distribution and allocation of sites cannot be said to be the most appropriate taking into account the reasonable alternatives. The SADPD should allocate land our client's site to the east of Borde Hill Lane, Haywards Heath for circa 130 dwellings.
- **Ineffective** – The SADPD fails to introduce sufficient flexibility into the developable supply of housing land over the plan period. This includes a potential failure to allocate a sufficient level and variety of sites.
- **Inconsistent with the National Policy** – The SADPD fails to identify sufficient housing sites in the most sustainable locations.

We welcome the opportunity to continue dialogue with the Council in relation to the merits of the Site to the east of Borde Hill Lane, Haywards Heath as a housing allocation.

Please do not hesitate to contact the writer should you wish to discuss any matter(s) arising.

Yours faithfully,

Woolf Bond Planning LLP

Steven Brown BSc Hons DipTP MRTPI

Enc.

1722

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA10

ID: 1722

Response Ref: Reg19/1722/2

Respondent: Mr D Parsons

Organisation: Lindfield Parish Council

On Behalf Of:

Category: Town & Parish Council

Appear at Examination? x

From: David Parsons <d.parsons@lindfieldparishcouncil.gov.uk>
Sent: 24 September 2020 11:53
To: ldfconsultation
Subject: MSDC Draft Site Allocations DPD Consultation

Follow Up Flag: Follow up
Flag Status: Completed

Categories: SiteDPD

Lindfield Parish Council (LPC) has no specific comments on the draft site allocations themselves however, LPC is concerned that the existing infrastructure (e.g. highways, parking, schools, hospital, doctors and railway services) are in normal times already fully utilised and in many cases overburdened. Consequently, LPC considers it to be essential that site development is properly co-ordinated with the necessary improvements to these services, rather than leaving such improvements to lag demand to the detriment of both existing and new residents, as has so often been the case in the past.

On a procedural note, LPC is aware of the concerns raised by Cuckfield Parish Council in respect of underestimating the calculation of contribution from windfall sites, and considers it to be critical that such calculations are appropriately undertaken to avoid further over developing Mid Sussex and its remaining open space.

Regards

David

David Parsons
Deputy Parish Clerk
[Lindfield Parish Council](#)

Clock Tower House, Lindfield Enterprise Park, Lewes Road, Lindfield, West Sussex RH16 2LH
Office Telephone 01444 484115

Please note that my usual working days are Tuesday, Thursday and Friday and that my email address is not monitored in my absence. The clerks@lindfieldparishcouncil.gov.uk address is monitored more frequently.

Link to WSCC Covid 19 page (latest case data [here](#)):
<https://www.westsussex.gov.uk/fire-emergencies-and-crime/coronavirus-covid-19-advice-and-information/>



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1791

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA10

ID: 1791

Response Ref: Reg19/1791/3

Respondent: Ms H Vickers

Organisation: Planning Potential

On Behalf Of: Welbeck Strategic Land II LLP

Category: Promoter

Appear at Examination? ✓



Site Allocations Development Plan Document Regulation 19 Submission Draft Consultation Form

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

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

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

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

The Site Allocations DPD is available to view at:

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

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

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

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

How can I respond to this consultation?

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

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

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

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

E-mail: LDFconsultation@midsussex.gov.uk

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

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

1. Personal Details

Title	<input type="text" value="Ms"/>
First Name	<input type="text" value="Heather"/>
Last Name	<input type="text" value="Vickers"/>
Job Title (where relevant)	<input type="text" value="Associate Director"/>
Organisation (where relevant)	<input type="text" value="Planning Potential"/>
Respondent Ref. No. (if known)	<input type="text"/>
On behalf of (where relevant)	<input type="text" value="Welbeck Strategic Land II LLP"/>
Address Line 1	<input type="text" value="Magdalen House"/>
Line 2	<input type="text" value="136-148 Tooley Street"/>
Line 3	<input type="text" value="London"/>
Line 4	<input type="text"/>
Post Code	<input type="text" value="SE1 2TU"/>
Telephone Number	<input type="text" value="02073578000"/>
E-mail Address	<input type="text" value="heather@planningpotential.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:

Planning Potential on behalf of Welbeck Strategic Land II LLP (Welbeck Strategic Land)

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	SA10: Housing	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**.

NA

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.

Please see submitted Cover Letter.

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 submitted Cover Letter.

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 see submitted Cover Letter.

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:

25.09.2020

Thank you for taking time to respond to this consultation

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

25 September 2020

Our Ref: 17/3678

Dear Sir/Madam

**Mid Sussex District Council – Draft Site Allocations Development
Plan Document (SADPD) Public Consultation (Regulation 19) 2020 : Land at Coombe Farm, London Road, Sayers
Common**

On behalf of our client, Welbeck Strategic Land II LLP (Welbeck Strategic Land), we write in respect of the current Submission Draft Site Allocations Development Plan Document (SADPD) Public Consultation (Regulation 19), running from 3 August until 28 September 2020, through which the Council is inviting comments on.

On behalf of Welbeck Strategic Land, Planning Potential responded to the Draft SADPD Regulation 18 Consultation in 2019. Representations are made again, in respect of the Draft SADPD Regulation 19 Consultation, as it is strongly considered that the site has good potential to be allocated going forward which should be considered accordingly by the Council.

This representation focuses on Mid Sussex's housing position, the need to provide a supply of homes in Category 3 settlements (Medium Sized Villages), and the suitability of Land at Coombe Farm, London Road to deliver the required housing numbers and contribute to the delivery of sustainable development.

Our client is supportive of the Draft SADPD (Regulation 19) proposing to allocate 1,764 homes against a residual housing requirement of 1,280. This is a decrease of 198 and 227 against the 1,962 allocations and residual housing requirement of 1,507 respectively in the Draft SADPD (Regulation 18). However, we consider that the Council continue to have an over reliance on Windfall Sites. Mid Sussex's Windfall allowance is set out in the 2018 District Plan, which allows for 45 Dwellings Per Annum (DPA), however this was increased to 84 DPA in the draft SADPD (Regulation 18) and remains so in the draft SADPD (Regulation 19). We are aware that the National Planning Policy Framework 2019 (NPPF) at Paragraph 70 allows for Windfall Sites, where the allowance is realistic having regard to the strategic housing land availability assessment, historic windfall delivery rates and expected future trends. However, we reiterate that the Councils windfall allowance, as outlined in the Windfall Study Update 2019, is based on past delivery rates for 5 years which is not considered compelling evidence to warrant an almost doubling of the yearly allowance for Windfall sites. In any case, rather than relying on Windfall sites the Council should be more proactive and seek to allocate more residential sites to significantly boost the supply of housing in accordance with Paragraph 59 of the NPPF and to strengthen the Council's 5-year housing land supply.

Directors
Helen Cuthbert | Stuart Slatter | Claire Temple | Alastair Close
Dan Templeton
Associate Directors
Katie Turvey | Heather Vickers | Alan Williams

Consultant
Lorna Byrne
Associates
Sally Arnold | Rob Scadding | Penny Moss | Sam Deegan | Paul Galgey
Niall Hanrahan | Phil Marsden | Charlotte Perry | Charlotte Hunter

During the Regulation 18 Consultation, our client was supportive of the requirement within Category 3 settlements, increasing from 311 (as set out in the 2018 District Plan) to 439 in the draft SADPD (Regulation 18). However, it seemed somewhat illogical for the requirement to have increased to 439, but that only 303 dwellings were planned for (below the original requirement of 311). In the Draft SADPD (Regulation 19), the updated minimum residual housing figure for Category 3 settlements has been reduced to 371. This is still an increase of circa 19.3% from the original requirement. However, it is noted that the number of dwellings planned for has also been reduced to 238. Again, it seems somewhat perverse for the number of dwellings planned for to fall short by 133 given that Category 3 settlements are sustainable locations where development should be promoted, such as at Sayers Common.

In addition, the local plan housing target is below the existing standard method for calculating supply. Currently, the method comprises a baseline of household projections which are then adjusted to take account of affordability and capped to limit the increase for areas. The 'Planning for the Future' White Paper, published August 2020, sets out the Government's proposed changes to the method. Under these changes, the housing target is expected to increase (circa. 14%) which will be set out in the updated Planning Practice Guidance, which is expected at the end of the year.

Further, Mid Sussex delivered 95% on the 2019 Housing Delivery Test (HDT), published February 2020. Although no action was required, given that the delivery rate must fall between 94% and 85% to warrant the requirement for an Action Plan, this does demonstrate that their adopted Local Plan is already not delivering the number of homes anticipated. In addition, November 2020 will see the presumption of sustainable development apply to any authority whereby the delivery has fallen below 75%, as opposed to the 45% threshold applied to the 2019 results. Therefore, it is clear that Mid Sussex should be looking to future proof their supply going forward.

Paragraph 35 of the NPPF states that local plans will be examined to assess whether they have been prepared in accordance with legal and procedural requirements and thus whether they are sound which is assessed against a 4-part criteria. Specifically, (b) states that plans are sound if they are justified by virtue of developing an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence. Taking account of the aforementioned evidence in relation to housing numbers, there are good grounds to suggest that the plan cannot be considered to be justified given that the outlined strategy does not allocate a sufficient number of sites to meet the required housing target. In doing so, the strategy cannot be viewed as appropriate.

Paragraph 7 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Indeed, Paragraph 35 (d) states that the Local Plan should be consistent with national policy by enabling the delivery of sustainable development. As noted previously during the Regulation 18 consultation, Land at Coombe Farm, London Road, Sayers Common (land within our client's control) is well located in relation to local facilities. These facilities include a Local Primary School (15-minute walk), Berrylands Playing Fields (10-minute walk), a Community Shop (5-minute walk) and Village Hall (5-minute walk). Therefore, is a well-situated plot to accommodate more growth within Sayers Common which would be well integrated with the existing settlement.

In addition to its sustainable location, the site is relatively unconstrained. As we outlined previously during Regulation 18, the site is not located within a Conservation Area nor are there any listed buildings on the site. Further, the site is well enclosed from surrounding views and can therefore be developed without impacting on the wider countryside, provided a careful approach is taken to the location of development, building heights, and the retention of areas of woodland. Whilst the site does contain some ecological interest, it is considered that this can be adequately mitigated against within any future proposals for the site. With this knowledge, it is considered that the site would contribute to sustainable development within Mid Sussex and indeed Sayers Common and should be allocated going forward.

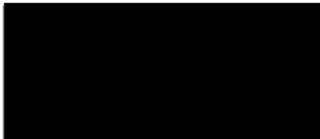
By allocating more small to medium sites within Category 3 Settlements, this will ensure the long term future of such settlements and will help to reduce the reliance on Windfall Sites. Again, our client is supportive of the Council proposing to allocate a site in Sayers Common, however we strongly consider that the Council should be allocating more sites in

Sayers Common as the settlement has been found to be in a sustainable location and the requirement to provide housing within Category 3 Settlements has increased by circa 19.3% as set out above.

In light of the above, we consider that Category 3 Settlements are able to provide more dwellings than is currently being suggested and that land at Coombe Farm, London Road, South of Sayers Common would help to achieve this. This could be as either one large site or alternatively, given that the site can be logically carved into two separate sites, north and south, a smaller land parcel could also be allocated as part of the forthcoming Site Allocations Document. Allocating this site will help to reduce the Council's over reliance on Windfall sites, help to boost the supply of housing within the District in accordance with Paragraph 59 of the NPPF and contribute to the delivery of sustainable development.

Moving forward, we would like to be kept up to date with the progress of the Examination, particularly regarding the Hearing sessions relevant to the Council's housing land supply position and the role of Category 3 settlements to fulfil the housing need. Based on our representations, we would like to receive an invitation to participate at the oral hearings. We would also like to be notified of the various stages of the Site Allocation DPD, as it progresses towards adoption.

Yours sincerely,



Heather Vickers

Associate Director

Planning Potential

London

1821

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA10

ID: 1821

Response Ref: Reg19/1821/1

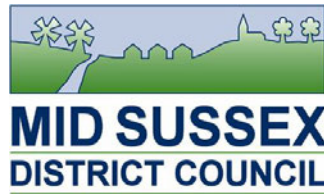
Respondent: Mr G Dixon

Organisation: Savills

On Behalf Of: Charterhouse Land - SA25

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.

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- iii) to allocate a site for a Science and Technology Park west of Burgess Hill in line with policy requirements set out in District Plan Policy DP1: Sustainable Economic Development, and
- iv) to set out additional Strategic Policies necessary to deliver sustainable development.

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

The Site Allocations DPD is available to view at:

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

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

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Haywards Heath
West Sussex
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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="Guy"/>
Last Name	<input type="text" value="Dixon"/>
Job Title (where relevant)	<input type="text" value="Director"/>
Organisation (where relevant)	<input type="text" value="Savills"/>
Respondent Ref. No. (if known)	<input type="text"/>
On behalf of (where relevant)	<input type="text" value="Charterhouse Land"/>
Address Line 1	<input type="text" value="Mocatta House"/>
Line 2	<input type="text" value="Trafalgar Place"/>
Line 3	<input type="text" value="Brighton"/>
Line 4	<input type="text"/>
Post Code	<input type="text" value="BN1 4DU"/>
Telephone Number	<input type="text" value="01273 200098"/>
E-mail Address	<input type="text" value="gdixon@savills.com"/>



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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:

Savills

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

25

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**.

Please see accompanying Representations

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.

Allocation SA25 is not soundly justified given the artificially reduced site boundary and the identified residual housing figures for Category 3 settlements not being appropriately met.

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.

We wish to see amendments to Policy SA25. Please see accompanying Representation for full 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:

We are representing one of the draft allocations, and should therefore be able to address any comments in support or against the policies that affect it. Please see accompanying representations for full details

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:

24/09/2020

Thank you for taking time to respond to this consultation

Representations to the Site Allocations DPD

Regulation 19 Submission Draft Consultation

Land West of Selsfield Road, Ardingly





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1. Executive Summary

- 1.1. On behalf of our clients Charterhouse Strategic Land and The South of England Agricultural Society (SEAS) (herein referred to as “our client”), Savills has prepared this representation to the Mid Sussex District Council (MSDC) Regulation 19 Submission Draft Site Allocations Development Plan Document (DPD) Consultation.

The Purpose of the Representations

- 1.2. These representations seek to support the allocation of Land west of Selsfield Road (identified as Site SA25 in the Draft Site Allocations DPD).
- 1.3. The allocation of site SA25 is fully supported. The Site is suitable, available and deliverable. The Site is adjacent to the existing Ardingly settlement boundary, and is not located in a prominent location in the countryside. The development of the site would result in a sustainable addition to the settlement of Ardingly.
- 1.4. The development of the Site will allow for the managed growth of Ardingly, and would allow a level of population increase that can be readily accommodated. Such a level of growth would provide further support for existing local services and would result in a greater level of economic expenditure in the village. It would provide further pupils to the local school, which is currently undersubscribed, and would also provide financial contribution through a Section 106 Agreement which would contribute to the ongoing operation and appropriate upgrade of the local recreational facilities.
- 1.5. The overriding need for housing across Mid Sussex is recognised, and the delivery of 70 new homes from allocation SA25 will provide much needed housing in Mid Sussex. It can be seen from Draft Policy SA11 *Additional Housing Allocations* that MSDC have sought to distribute homes relatively evenly across settlements, in order to ensure that population growth is balanced between settlements. Category 3 villages have been identified as supplying 238 units in the plan, and Site SA25 makes an important contribution towards achieving this target. This is especially so as it has not been possible to find suitable sites in other Category 3 settlements to allocate the full minimum of 371 homes which has been identified as being the minimum residual housing figure for Medium Sized Villages in table 2.4 of the draft DPD.

2. The Site

- 2.1. The Site comprises approximately 5.2 hectares of land to the north of the settlement of Ardingly. The Site is adjacent to the settlement boundary of Ardingly, designated as being within the High Weald Area of Outstanding Natural Beauty (AONB), and within the 7km Ashdown Forest zone of influence. It is classified as falling within Flood Zone 1. There are no listed buildings on or directly adjacent to the site, although it should be acknowledged that the Grade II Ardingly Church of England Primary School is in close proximity to the site, lying to the west of Street Lane just beyond the western end of the site. The designated Ardingly Conservation Area is located in two discrete sections to the east and west of the site.
- 2.2. The Site is currently a peripheral part of the South of England Agricultural Showground used for overflow car parking on only a handful of days during each year. The approximate Site boundary and the wider Site is shown in relation to Ardingly village (to the south) and the main South of England Agricultural Showground below.



- 2.3. In terms of a general location, the Site is bordered to the east by the B2028, to the north by the showground, to the west by Street Lane, and to the south by the existing residential development of Ardingly village. The Site is within easy access of the local road network which provides easy access to the M23 as well as nearby villages and towns.

Representations to the Site Allocations DPD

Regulation 19 Submission Draft Consultation

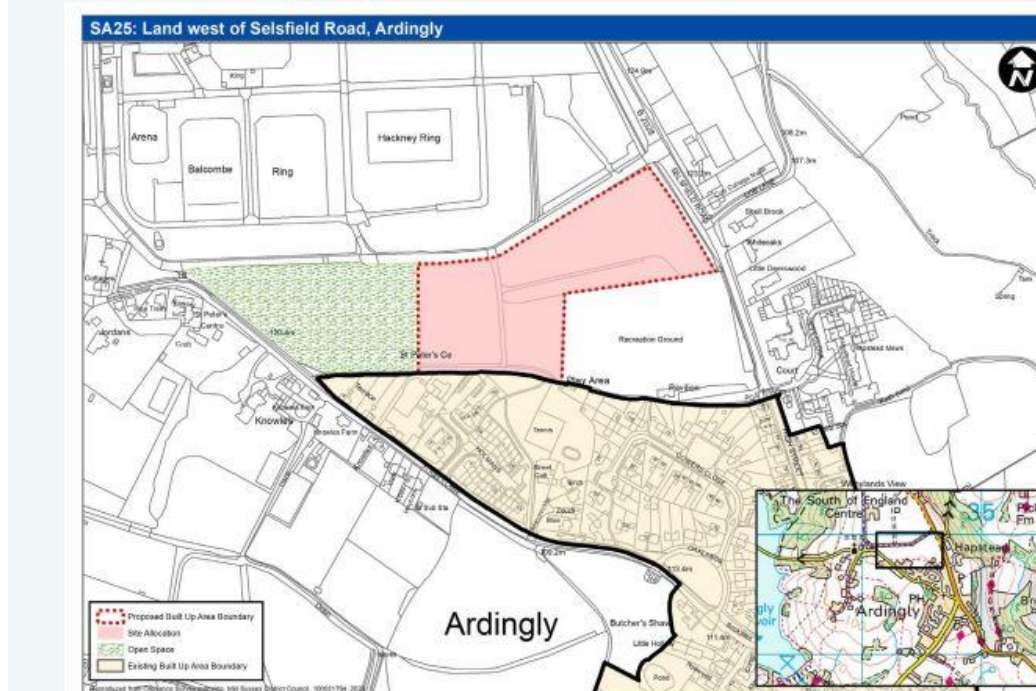


- 2.4. The Site is also located in close proximity to existing public transport, with a bus stop less than 100m from the eastern boundary of the site on the B2028, providing services to Crawley and Haywards Heath. Haywards Heath train station is located only 6km away to the south, and provides regular mainline rail services to both Brighton and London.
- 2.5. Within Mid Sussex district, Ardingly is identified in Policy DP6 of the District Plan 2014 - 2031 as being a Category 3 settlement, alongside such settlements as Balcombe, Pease Pottage and Handcross.

3. Draft Allocation – Site SA25

- 3.1. Site SA25 constitutes approximately 5.2ha. Of this, approximately 3.2ha is being proposed for development as part of a residential development scheme and associated green infrastructure that will deliver approximately 70 dwellings. This will be located on the central and eastern part of the site, and utilise the historic field boundary that once existed as a delineation point between the proposed development and the remainder of the site. The western 2ha of the site are proposed in the draft allocation to be designated as informal open space, to provide an open buffer between the Conservation Area and listed buildings that are close to the western end of the site along Street Lane.
- 3.2. Early stage discussions have been held with MSDC over the development of the Site. The precise layout of the built form within the Site continues to evolve, and there are ongoing discussions with the District Council and Parish Council to ensure the site can come forward with their support. However, this early engagement is indicative of how the Site is both developable, as outlined in the draft allocation, and readily deliverable.

SA 25 Land west of Selsfield Road, Ardingly			
SHELAA:	832	Settlement:	Ardingly
Gross Site Area (ha):	5.17	Number of Units:	70 dwellings
Description:	Housing allocation with on site public open space.		
Ownership:	Private land owner		
Current Use:	Greenfield/parking for showground	Indicative Phasing:	6 to 10
Delivery Mechanisms:	Land owner has confirmed intent to bring the site forward for development.		



4. National Planning Policy Position

- 4.1. This section sets out the planning policy context for the Site, and considers the National and Local Policies that are relevant to the Site and the proposals.

National Planning Policy Framework (2018)

- 4.2. The National Planning Policy Framework (NPPF) (2019) sets out the overarching framework used for assessing planning applications and preparing Local Plans, based on the Government's aims for the planning system.

- 4.3. The NPPF seeks to contribute to the achievement of sustainable development, through meeting the needs of the present without compromising the ability of future generations to meet their own needs.

- 4.4. It sets out in paragraph 8 that Sustainable development has three interdependent objectives that need to be pursued in mutually supportive ways:

Economic Role – helping to 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;

Social Role – supporting 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;

Environmental Role – contributing to protecting and enhancing our natural, built and historic environment; including making effective use of land.

- 4.5. Paragraph 11 sets out a presumption in favour of sustainable development. For plan making, this means;

- 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 addressed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless:*
 - *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*
 - *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*

- 4.6. Footnote 6 sets out that *“the policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 176) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 63); and areas at risk of flooding or coastal change.”*
- 4.7. Chapter 3 *Plan Making* clearly sets out the approach that should be adopted by Local Authorities in the preparation of their new Local Plan. Paragraph 16 sets out that plans should:
- *Be prepared with the objective of contributing to the achievement of sustainable development*
 - *Be prepared positively, in a way that is aspirational but deliverable*
 - *Be shaped by early, proportionate and effective engagement between plan-makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees*
 - *Serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area.*
- 4.8. Paragraph 20 sets out new requirements for strategic policies in the Plan making process. This states that:
- “Strategic policies should set out an overall strategy for the pattern, scale and quality of development, and make sufficient provision for:*
- a) housing (including affordable housing), employment, retail, leisure and other commercial development;*
 - b) infrastructure for transport, telecommunications, security, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat);*
 - c) community facilities (such as health, education and cultural infrastructure); and*
 - d) conservation and enhancement of the natural, built and historic environment, including landscapes and green infrastructure, and planning measures to address climate change mitigation and adaptation.”*
- 4.9. Chapter 5 *Delivering a Sufficient Supply of Homes* sets out in paragraph 59 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.”*
- 4.10. Paragraph 67 states that *“planning policies should identify a sufficient supply and mix of sites, taking into account their availability, suitability and likely economic viability.”*
- 4.11. Paragraph 68 sets out that *“small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out more quickly”.*

- 4.12. Paragraph 72 states that the supply of large numbers of new homes can often be best achieved through planning for larger scale development, such as extensions to existing villages and towns, so long as they are well located and designed, and supported by the necessary infrastructure and facilities. It goes on to state that strategic policy making authorities should “*identify suitable locations for such development where this can help to meet identified needs in a sustainable way*”. In doing so, it should:
- a) *consider the opportunities presented by existing or planned investment in infrastructure, the area’s economic potential and the scope for net environmental gains;*
 - b) *ensure that their size and location will support a sustainable community, with sufficient access to services and employment opportunities within the development itself (without expecting an unrealistic level of self-containment), or in larger towns to which there is good access;*
 - c) *set clear expectations for the quality of the development and how this can be maintained (such as by following Garden City principles), and ensure that a variety of homes to meet the needs of different groups in the community will be provided;*
- 4.13. Paragraph 73 covers how local authorities should seek to maintain and supply a delivery of housing, and states that “*Local planning authorities should identify and update annually 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, or against their local housing need where the strategic policies are more than five years old.*”
- 4.14. Chapter 8 Promoting healthy and safe communities sets out how “*planning policies and decisions should aim to achieve healthy, inclusive and safe places which:*
- a) *promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other – for example through mixed-use developments, strong neighbourhood centres, street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages;*
 - b) *are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas;*
 - c) *enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.*”

Planning Practice Guidance

- 4.15. The Planning Practice Guidance sets out additional guidance to support the policies and guidance contained in the NPPF (2019). The section on *Housing and Economic Land Availability Assessments* sets out guidance for Councils seeking to identify appropriate land to meet development needs. Paragraph 019 (Reference ID: 3-019-20140306) states that:

“Plan makers should assess the suitability of the identified use or mix of uses of a particular site or broad location including consideration of the types of development that may meet the needs of the community. These may include, but are not limited to: market housing, private rented, affordable housing, people wishing to build or commission their own homes, housing for older people, or for economic development uses.”

- 4.16. The PPG goes on to advise that when assessing the suitability of sites or broad locations for development, LPAs should be guided by both the development plan, emerging policy and national policy, and; *“market and industry requirements in that housing market or functional economic market area.”*
- 4.17. The PPG continues to advise that the following factors should also be considered when assessing the suitability of a site for development now or in the future:
- *“physical limitations or problems such as access, infrastructure, ground conditions, flood risk, hazardous risks, pollution or contamination;*
 - *potential impacts including the effect upon landscapes including landscape features, nature and heritage conservation;*
 - *appropriateness and likely market attractiveness for the type of development proposed;*
 - *contribution to regeneration priority areas;*
 - *environmental/amenity impacts experienced by would be occupiers and neighbouring areas”*

5. Considerations

- 5.1. The adopted District Plan 2014-2031 identifies that the District's Objectively Assessed Housing Need (OAHN) as 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.
- 5.2. As identified in the Site Allocations 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 Mid Sussex short of its intended target. As part of the District Plan, a commitment to produce a Site Allocations DPD was made to provide further housing allocations and so meet the required need.
- 5.3. Accordingly, the Submission Draft Site Allocations DPD has been produced, which provisionally allocates 1,764 dwellings. This document as a whole is supported in principle, however aspects of particular policies merit additional comment:

Policy SA10: Housing

- 5.4. Policy SA10 identifies the current status of housing supply in Mid Sussex District, and identifies the residual need for housing when considering the housing supply, completions, and known commitments that have occurred during the plan period of the District Plan. The policy also identifies the spatial distribution of the housing requirement across the various settlement categories of the District. This identifies that a minimum of 371 units should be allocated to Category 3 settlements. This distribution of housing across the settlement categories is felt to be proportionate and is therefore supported.

Policy SA11: Housing Allocations

- 5.5. It is of key importance that development is distributed evenly across the District to ensure that settlements and local infrastructure are not overloaded and so are able to cope with growth without negatively impacting on existing residents. It can be seen from the details set out in Policy SA11 that this has been acknowledged. Policy SA11 specifically identifies the sites and the number of dwellings on each site that will be brought forward as part of the Site Allocations DPD and that proportional growth has been attempted in the distribution of allocations across the District. This has been sought to be achieved through larger more sustainable settlements being given a larger proportion of growth given their current provision of infrastructure and services.
- 5.6. The DPD has identified a number of sites across Category 3 settlements that will provide a cumulative total of 238 dwellings. It has specifically identified that Site SA25: Land West of Selsfield Road, Ardingly, will provide 70 units of the identified provision.
- 5.7. Overall, Policy SA11 is supported. The allocation of the number of sites in policy SA11 is appropriate given the number of dwellings provided, the settlement categories into which they have been allocated, and the overall distribution of development across all settlement categories.

- 5.8. It must be noted that there is a clear disparity between the minimum number of units identified as being required in category 3 – Medium Sized Villages (371) and the number of units allocated (238). It is felt that the shortfall in units in these types of settlements would be better met through further allocations in Category 3 villages, in order to ensure an even spread of development across the District and ensure that there is no imbalance in growth and demand on facilities. However, it can be seen that the shortfall in housing numbers identified is accommodated for in additional allocations at the larger settlements of Burgess Hill, East Grinstead and Haywards Heath. Therefore overall the volume of housing delivered is sufficient to meet MSDC's identified needs. Whilst better distribution across the smaller villages would be preferable, overall Policy SA11 is supported.
- 5.9. The identified provision of sites across Category 3 settlements is below the number calculated as being the residual need in Policy SA10, therefore the allocation of site SA25 as part of the Category 3 settlement allocations is strongly supported.

Policy SA25: Land West of Selsfield Road, Ardingly

- 5.10. Policy SA25 is the Individual Housing Allocation Policy for Land West of Selsfield Road, Ardingly. The policy is largely supported, however there are aspects to the policy over which amendments are sought.
- 5.11. The policy seeks the delivery of Land West of Selsfield Road, Ardingly for approximately 70 dwellings on approximately 3.2ha of the site, with "*on site public open space*" on the remaining 2ha. This is a reduction from the 100 units on 5.2ha of land (including open space) previously set out in the Regulation 18 Consultation Document.
- 5.12. This reduction in the quantum of housing to be provided, and the reduction in the identified area for development, is disappointing. It can be seen in the Regulation 19 Consultation document that MSDC are not meeting the minimum residual figure that has been calculated for Category 3 Settlements, and are in fact 133 units below. The provision of an additional 30 units on Site SA25 would ensure that the gap between the provision of units and the calculated minimum number of units would be reduced, and ensure that a more even distribution of development is achieved across the District. Therefore the loss of units from the allocation is a move that does not tally with MSDC's desired approach of a proportionate distribution of development across settlement categories. Consequently the decision to reduce units from the allocation is disappointing.
- 5.13. The reduction of the developable area, through drawing in hard boundaries on the western extent of the site, is also disappointing. The concept of leaving the western end of the site free is readily understood, as the desire to ensure that there is minimal impact on the Conservation Area or listed buildings along Street Lane is perfectly understandable. However, the inclusion of a new planted boundary will result in a harsh and abrupt end to development that will not be in keeping with the wider village. Whilst it is acknowledged that the line drawn on the plan is to mimic a historic field boundary, the sudden transition across a clearly demarcated boundary will result in the creation of an abrupt edge to the development. It would however seem more appropriate to allow organic integration into the western end of the site.

- 5.14. The allocation of the western end of the site as informal public open space in Policy SA25 is objected to. If this end of the site is to not be developed at this time, the Showground would instead like to maintain ownership and control of the part of the site and so continue to utilise the land for further car parking and other ongoing operational uses. The land will remain the same as it currently is, and will therefore not result in any encroachment of built form towards the Conservation Area or the western end of the site above and beyond that which is already experienced. The formal designation of the site as informal public open space will remove the ability of the western end of the site to be utilised by the Showground for its continued operational use.
- 5.15. With regard to other aspects of Policy SA25, a number of design principles are raised that the proposals should look to include. These are agreed with and supported, as they will ensure that the eastern end of the site will integrate with the existing built form of Ardingly and will deliver a positive and attractive place to live whilst maintaining the character of the village.
- 5.16. Technical reports have already been prepared to demonstrate the site's suitability and developability. Most notably a Landscape and Visual appraisal has been conducted, based upon the initial 100 units that were proposed in the Regulation 18 Consultation, which found that residential development on the site could be readily accommodated and would have limited impact upon the sensitive character of the AONB. In particular, the proposed development could help to deliver a softer and more in-character edge to the settlement that also contributes positively to meeting the objectives of the High Weald AONB Management Plan. Other reports have also found that traffic movements into and out of the site can be suitably accommodated; that there are no known ecological constraints that would prevent the site being developed. The site can therefore be shown to be readily able to accommodate the originally proposed 100 units, and therefore is certainly able to accommodate 70 units and in fact this is arguably underutilisation of the potential of this site to contribute towards the housing need of the district.

Summary

- 5.17. 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 to ensure a robust position when measured against five year housing land supply or the Housing Delivery Test. MSDC needs to ensure that the Plan is able to meet the demands both in terms of providing for housing need but also delivering at a sufficient rate.
- 5.18. Through seeking to distribute housing proportionally across the differing settlement categories, MSDC are seeking to 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. Indeed research has shown that housing growth will have a wholly positive effect on local shops and services by providing valuable additional custom.

- 5.19. MSDC have shown that the desire exists to distribute development evenly across the various settlements. However there have been a lack of suitable sites in Category 3 settlements presented to MSDC for development. Therefore there have been only 238 dwellings allocated to Category 3 settlements when a minimum housing need figure of 371 has been calculated. It is therefore disappointing that a key site such as SA25, Selsfield Road, Ardingly, has seen a reduction in the number of units allocated to it (a decrease from 100 units allocated in the Regulation 18 Consultation to 70 units allocated in the Regulation 19 Consultation) when the Site Allocations DPD cannot distribute development evenly across the District.
- 5.20. The allocation of the site in the Site Allocations DPD is strongly supported as it remains key that it comes forward through this plan, in order to ensure the distribution of development across the District is achieved in a manner that is as balanced as possible. Accordingly, the inclusion of site SA25 in the Site Allocations DPD is strongly supported.
- 5.21. The designation of a firm boundary where the western edge of Site SA25 will fall, half way across an open field is disappointing, as this will not allow the allocation to naturally blend into the existing adjacent landscape. It is understood that the rationale behind this is to replicate a historic field boundary, but it is felt that this could appear visually jarring and would be best achieved through setting out in policy wording the approximate area of open space to be left at the western end of the site or altering the proposed edge to the allocation so it makes better use of the land available.
- 5.22. The designation of the western end of the site as informal public open space is strongly objected to. In the event that the western end of the site is not part of the residential development, the landowners would prefer to retain it in its current form. The site will therefore continue to be utilised as overflow parking and for showground operations as and when required. This will result in no encroachment of built form and the site will maintain the site in its current form. The allocation of the site as informal public open space will prohibit these operations from occurring unnecessarily.

6. Conclusion

- 6.1. These representations have been prepared on behalf of Charterhouse Strategic Land and the South of England Agricultural Society (SEAS) to support the allocation of Land west of Selsfield Road (identified as Site SA25 in the Draft Site Allocations DPD).
- 6.2. The Site Allocations Development Plan Document is supported, in particular policies SA10: Housing, SA11: Additional Housing Allocations, and SA25: Land west of Selsfield Road, Ardingly.
- 6.3. The allocation of site SA25 is supported. The Site is suitable, available and deliverable, and its development would not result in the overexpansion of the settlement of Ardingly. Site SA25 is adjacent to the existing Ardingly settlement boundary, and is not located in a prominent location in the countryside. The development of the site would result in a sustainable addition to the settlement of Ardingly, and would accord with the approach to plan-making as set out in National Planning Policy.
- 6.4. The development of the site will allow for the managed growth of Ardingly, and would allow a level of population increase that can be readily accommodated. The growth would provide further support of the existing local services and would result in a greater level of economic expenditure in the village. It would provide further pupils for the local primary school (currently operating at only 67% of capacity, with space for a further 46 pupils) and financial contributions through S106 contributions for any necessary enhancements to the school, and would contribute to the ongoing operation and upkeep of the local community recreational facilities.
- 6.5. The overriding need for housing across Mid Sussex is recognised by MSDC, and the delivery of 70 units through site SA25 in the Site Allocations DPD will result in the delivery of much needed homes in Mid Sussex.
- 6.6. It can be seen in both the adopted District Plan and the emerging Site Allocations DPD that MSDC have sought to distribute homes evenly across settlements, in order to ensure that population growth is balanced between settlements. Category 3 villages have been identified as supplying 238 units in the plan, less than the minimum need figure of 371. Therefore the reduction in units allocated through Policy SA25 from 100 in the Regulation 18 Consultation to 70 in the Regulation 19 Consultation, when the minimum required figure of 371 units is not being met and technical reports have been prepared that show the site can readily support 100 units, is disappointing.
- 6.7. The designation of an artificial and firm boundary where the western edge of Site SA25 will fall is also disappointing, as this will not allow the allocation to naturally blend into the existing landscape. It is understood that the rationale behind this is to replicate a historic field boundary but only one mature tree remains of this entire boundary, and it is felt that even with suitable landscaping and urban design this will appear visually jarring and would be better achieved through setting out in the policy wording the approximate area of open space to be left at the western end of the site.

- 6.8. The designation of the western end of the site as informal public open space is strongly objected to. In the event that the western end of the site is not part of the residential development, the landowners would like to continue to be use this for showground activities including overflow parking. This will result in no encroachment of built form and the site will maintain the site in its current form. The allocation of the site as informal open space will unnecessarily prohibit this from occurring
- 6.9. Overall however the inclusion of the site in the Site Allocations DPD is in keeping with both National Planning Policy and Local Planning Policy, and the inclusion of site SA25 in the Site Allocations DPD is strongly supported.

Appendices

Appendix 1.0

Proposed 100 Unit Scheme for Site SA25

Sketch Illustrative Masterplan

Land West of Selsfield Road, Ardingly



Key Features

- ① Central Green around existing tree
- ② Attenuation feature
- ③ Car free frontage onto conservation area
- ④ Play area
- ⑤ Shared Private Drive
- ⑥ Footpath along the southern edge
- ⑦ Replacement Scout Hut and Parking
- ⑧ POS
- ⑨ Primary Vehicle Access
- ⑩ Emergency Access Only
- ⑪ School drop-off
- Conservation Area
- Listed Building
- ← Vista to the Church Tower

Scale NTS @ A3

title Illustrative Masteplan

project Ardingly

client Charterhouse Land

job no 450456

drawing no MP001

revision -

date Feb 20

drawn by CO

checked by CO

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1842

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA10

ID: 1842

Response Ref: Reg19/1842/3

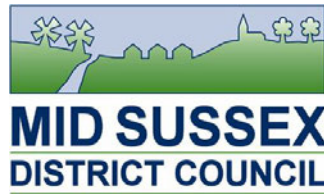
Respondent: Mr H Bennett

Organisation: Lichfields

On Behalf Of: Whitehall Homes LLP

Category: Organisation

Appear at Examination? ✓



Site Allocations Development Plan Document Regulation 19 Submission Draft Consultation Form

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

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

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

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

The Site Allocations DPD is available to view at:

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

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

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

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

How can I respond to this consultation?

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

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

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

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

E-mail: LDFconsultation@midsussex.gov.uk

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

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

1. Personal Details

Title	<input type="text" value="Mr"/>
First Name	<input type="text" value="Harry"/>
Last Name	<input type="text" value="Bennett"/>
Job Title (where relevant)	<input type="text" value="Senior Planner"/>
Organisation (where relevant)	<input type="text" value="Lichfields"/>
Respondent Ref. No. (if known)	<input type="text"/>
On behalf of (where relevant)	<input type="text" value="Whitehall Homes LLP"/>
Address Line 1	<input type="text" value="Dorset House"/>
Line 2	<input type="text" value="64 High Street"/>
Line 3	<input type="text" value="East Grinstead"/>
Line 4	<input type="text" value="West Sussex"/>
Post Code	<input type="text" value="RH19 3DE"/>
Telephone Number	<input type="text" value="c/o Agent – 020 7837 4477"/>
E-mail Address	<input type="text" value="c/o Agent – harry.bennett@lichfields.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:

Lichfields on behalf of Whitehall Homes LLP

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

N/A

Policy SA

10

Draft Policies Map

N/A

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 type="checkbox"/>
(4) Consistent with national policy	<input type="checkbox"/>	<input type="checkbox"/>

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

N/A

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.

Please see attached representations.

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 representations.

In summary, Policy SA10 of the Sites Allocation DPD is not positively prepared given it does not meet the minimum housing requirement of Albourne. No sites are proposed to be allocated despite an identified need. Suitable sites should therefore be allocated in the village.

Whitehall Homes LLP therefore promotes Phases 1a and 1b of Swallows Yard for a development of c.38 to 45 homes. This is a deliverable and the most sustainable development site option in Albourne and would ensure the development requirements of the village are met in full. Allocating Swallows Yard Phases 1a and 1b would therefore ensure Policy SA10 is positively prepared in respect of meeting the minimum housing requirement for the village and supporting the delivery of homes in the District more widely.

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

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

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

☐

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

☒

Yes, I wish to participate at the oral examination

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

To promote the Whitehall Homes LLP interests in respect of Swallows Yard to ensure the housing requirement of Albourne is met in full.

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:

25/09/20

Thank you for taking time to respond to this consultation

1847

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA10

ID: 1847

Response Ref: Reg19/1847/2

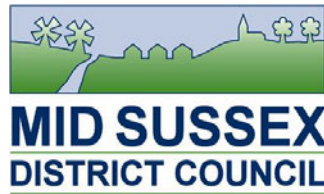
Respondent: Mr G Dixon

Organisation: Savills

On Behalf Of: Fairfax Acquisitions Ltd

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:

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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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E-mail: LDFconsultation@midsussex.gov.uk

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

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

1. Personal Details

Title	<input type="text" value="Mr"/>
First Name	<input type="text" value="Guy"/>
Last Name	<input type="text" value="Dixon"/>
Job Title (where relevant)	<input type="text" value="Director"/>
Organisation (where relevant)	<input type="text" value="Savills"/>
Respondent Ref. No. (if known)	<input type="text"/>
On behalf of (where relevant)	<input type="text" value="Fairfax Acquisitions Ltd"/>
Address Line 1	<input type="text" value="Mocatta House"/>
Line 2	<input type="text" value="Trafalgar Place"/>
Line 3	<input type="text" value="Brighton"/>
Line 4	<input type="text"/>
Post Code	<input type="text" value="BN1 4DU"/>
Telephone Number	<input type="text" value="01273 200098"/>
E-mail Address	<input type="text" value="gdixon@savills.com"/>



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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:

Savills

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

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

Please see accompanying Representations

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 accompanying Representations

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.

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Please see accompanying Representation for full details

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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:

Our client's site should be included as a site allocations, and the allocation process does not fully address the future requirements of the District

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

☒

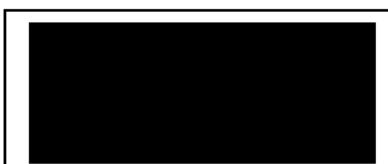
(ii) The publication of the recommendations from the Examination

☒

(iii) The Site Allocations DPD is adopted

☒

Signature:



Date:

25/09/2020

Thank you for taking time to respond to this consultation

Representations to the Mid-Sussex District Council Site Allocations Development Plan Document

Regulation 19 Consultation

Land at Ansty Farm



Representations to the Mid-Sussex District Council Site Allocations Development Plan Document

Regulation 19 Consultation



Contents

1.	Executive Summary	1
2.	The Site	2
3.	Proposals	4
4.	National Planning Policy Position	5
5.	Considerations	8
6.	Conclusion	14

1. Executive Summary

- 1.1. On behalf of our client Fairfax Acquisitions Ltd, Savills has prepared this representation to the Mid Sussex District Council (MSDC) Regulation 19 Draft Site Allocations Development Plan Document (DPD) Consultation.

The Purpose of the Representations

- 1.2. These representations seek to address the allocation of Land to the east of Ansty, particularly:
- Land at Ansty Farm, Land north of The Lizard, (Site A), Cuckfield Road, Ansty (SHLAA ref. 791)
 - Land at Ansty Farm, Land east of Little Orchard, (Site B), Cuckfield Road, Ansty (SHLAA ref. 576)
- 1.3. It is contended that the above sites should be included as draft allocations in the Site Allocations DPD. Both sites are located adjacent to the existing Ansty settlement boundary, are not located in overly sensitive landscape positions in the countryside, and are outside of the AONB. The Sites are suitable and available, and development of the sites would therefore result in a sustainable addition to the settlement of Ansty. Inclusion of the sites as Site Allocations would not result in the over expansion of the settlement of Ansty.
- 1.4. The benefits that can be achieved through developing the two sites are numerous: The allocation of two smaller greenfield sites that are readily available now will allow for a short term boost in housing supply that can be achieved early on in the plan period; The allocation of additional smaller sites in Ansty will provide greater support and demand for the existing level of services that are already present in the village, and would result in a greater level of economic expenditure in the village; the sites are not on land that is designated as being part of the High Weald Area of Outstanding Natural Beauty (AONB); and given that the proposals are adjacent to the existing settlement boundary would represent sustainable development.
- 1.5. The overriding need for housing across Mid Sussex has been identified in the District Plan and the subsequent preparation of the Site Allocations DPD. The delivery of approximately 100 units on these sites (75 on Site A and 25 on Site B) will result in the delivery of much needed homes in Mid Sussex. It can be seen from Draft Policy SA11 that MSDC have sought to distribute homes evenly across a range of settlement categories and individual settlements within those categories, in order to ensure that population growth is balanced between settlements. Category 4 Settlements have been identified as having a residual need of 5 units in the Site Allocations DPD, and given an allocation that will provide 12 units. However, it cannot be overlooked that Category 3 Settlements should provide 371 units, and are only allocated to provide 238, presumably due to the limited availability of suitable development sites. Similarly Category 2 Settlements have been identified as having a residual need of 198 units, but only allocated 105. Therefore there should be a redistribution of development both farther 'down' the settlement hierarchy, and not just 'up' towards the larger settlements which have collectively taken very significant growth in the last decade.

2. The Site

- 2.1. The Sites comprise a total of approximately 3.9 hectares of land on the north eastern and south eastern edges of Ansty, and is located within the administrative boundary of Mid Sussex District Council (MSDC). The Sites are adjacent to the settlement boundary of Ansty, and do not fall within either the High Weald AONB, or the 7km Ashdown Forest zone of influence. Both sites are classified as falling within Flood Zone 1. There are no listed buildings on or directly adjacent to the site.
- 2.2. The Sites are shown in their wider context below:



- 2.3. In terms of a general location, Site A (SHLAA ref 791) is bordered to the south by the existing settlement of Ansty, to the west by the A272, and to the east and northeast by agricultural land. The Site is within easy access of the local road network, fronting on to the main 'A' road that connects Haywards Heath and Cuckfield with the A23/M23.
- 2.4. Site B (SHLAA ref 576) is bordered to the north west by the existing settlement of Ansty, to the south west by the B2036, to the north east by mature trees and woodland, and to the south east by agricultural land.

Representations to the Mid-Sussex District Council Site Allocations Development Plan Document

Regulation 19 Consultation



- 2.5. Both Sites are located in close proximity to existing public transport, with a bus stop less than 100m from the western boundary of Site A and 400m from Site B, providing services to Horsham and Haywards Heath. Bus services run at peak hours in the morning and evening, with infrequent services during the day via Compass Bus service number 89. Mainline rail services are located nearby, with Haywards Heath station located only 4.5km away to the east providing regular mainline rail services to both Brighton and London.
- 2.6. Within MSDC, Ansty is identified in Policy DP6 of the District Plan 2014-2031 as being a category 4 settlement, alongside such settlements as Slaugham, Twineham and Warninglid. However, of these, only Ansty is located in a prominent position on a significant arterial road that services existing higher category settlements and leads directly onto the A23 Trunk Road to the west.
- 2.7. Furthermore the facilities present in Ansty already surpass those available in similarly categorised villages, with the garage at the centre of the village possessing a well-stocked local convenience store to provide for essential day to day needs.

3. Proposals

- 3.1. Site A constitutes 2.7ha. The entire site is being promoted for residential development. An initial layout scheme has been produced, and would include the provision of a new access point onto the A272 in order to ensure that safe access could be achieved onto the site.
- 3.2. Site B constitutes 1.2ha. As with Site A, the entire site is also being promoted for residential development. The proposals are still at an early stage, however the works would include the provision of access from the B2036.
- 3.3. The proposals have thus far been informed through input from highway specialists, which have established that safe and appropriate access can be achieved from the public highway to both sites, and also by initial ecology surveys which have confirmed that there are no immediate ecological constraints.

4. National Planning Policy Position

- 4.1. This section sets out the planning policy context for the Site, and considers the National and Local Policies that are relevant to the Site and the proposals.

National Planning Policy Framework (2019)

- 4.2. The National Planning Policy Framework (NPPF) (2019) sets out the overarching framework used for assessing planning applications and preparing Local Plans, based on the Government's aims for the planning system.
- 4.3. The NPPF seeks to contribute to the achievement of sustainable development, through meeting the needs of the present without compromising the ability of future generations to meet their own needs.
- 4.4. It sets out in paragraph 8 that Sustainable development has three interdependent objectives that need to be pursued in mutually supportive ways:

Economic Role – helping to 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;

Social Role – supporting 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;

Environmental Role – contributing to protecting and enhancing our natural, built and historic environment; including making effective use of land.

- 4.5. Paragraph 11 sets out a presumption in favour of sustainable development. For plan making, this means;
- 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 addressed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless:*
 - *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*
 - *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*

- 4.6. Footnote 6 sets out that *“the policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 176) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 63); and areas at risk of flooding or coastal change.”*
- 4.7. Chapter 3 *Plan Making* clearly sets out the approach that should be adopted by Local Authorities in the preparation of their new Local Plan. Paragraph 16 sets out that plans should:
- *Be prepared with the objective of contributing to the achievement of sustainable development*
 - *Be prepared positively, in a way that is aspirational but deliverable*
 - *Be shaped by early, proportionate and effective engagement between plan-makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees*
 - *Serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area.*
- 4.8. Paragraph 20 sets out new requirements for strategic policies in the Plan making process. This states that:
- “Strategic policies should set out an overall strategy for the pattern, scale and quality of development, and make sufficient provision for:*
- a) housing (including affordable housing), employment, retail, leisure and other commercial development;*
 - b) infrastructure for transport, telecommunications, security, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat);*
 - c) community facilities (such as health, education and cultural infrastructure); and*
 - d) conservation and enhancement of the natural, built and historic environment, including landscapes and green infrastructure, and planning measures to address climate change mitigation and adaptation.”*
- 4.9. Chapter 5 *Delivering a Sufficient Supply of Homes* sets out in paragraph 59 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.”*
- 4.10. Paragraph 67 states that *“planning policies should identify a sufficient supply and mix of sites, taking into account their availability, suitability and likely economic viability.”*
- 4.11. Paragraph 68 sets out that *“small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out more quickly”.*

- 4.12. Paragraph 72 states that the supply of large numbers of new homes can often be best achieved through planning for larger scale development, such as extensions to existing villages and towns, so long as they are well located and designed, and supported by the necessary infrastructure and facilities. It goes on to state that strategic policy making authorities should “*identify suitable locations for such development where this can help to meet identified needs in a sustainable way*”. In doing so, it should:
- a) *consider the opportunities presented by existing or planned investment in infrastructure, the area’s economic potential and the scope for net environmental gains;*
 - b) *ensure that their size and location will support a sustainable community, with sufficient access to services and employment opportunities within the development itself (without expecting an unrealistic level of self-containment), or in larger towns to which there is good access;*
 - c) *set clear expectations for the quality of the development and how this can be maintained (such as by following Garden City principles), and ensure that a variety of homes to meet the needs of different groups in the community will be provided;*
- 4.13. Paragraph 73 covers how local authorities should seek to maintain the delivery of a sufficient supply of housing, and states that “*Local planning authorities should identify and update annually 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, or against their local housing need where the strategic policies are more than five years old.*”

Planning Practice Guidance

- 4.14. The Planning Practice Guidance sets out additional guidance to support the policies contained in the NPPF (2019). The section on *Housing and Economic Land Availability Assessments* sets out guidance for Councils seeking to identify appropriate land to meet development needs. Paragraph 018 (Reference ID: 3-018-20190722) states that:

“Plan-makers need to assess the suitability of identified sites or broad locations for different forms of development where appropriate, taking into account the range of needs for housing, economic and other uses”

- 4.15. The PPG goes on to advise that when assessing the suitability of sites or broad locations for development, that ; “*A site or broad location can be considered suitable if it would provide an appropriate location for development when considered against relevant constraints and their potential to be mitigated. When considering constraints, plan-makers may wish to consider the information collected as part of the initial site survey, as well as other relevant information, such as:*
- *national policy;*
 - *appropriateness and likely market attractiveness for the type of development proposed;*
 - *contribution to regeneration priority areas;*
 - *potential impacts including the effect upon landscapes including landscape features, nature and heritage conservation*

5. Considerations

- 5.1. 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.
- 5.2. As identified in the Site Allocations 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.
- 5.3. Accordingly the draft Site Allocations DPD has been produced, which provisionally allocates 1,764 dwellings.

Five Year Housing Land Supply & Housing Shortfall

- 5.4. 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.
- 5.5. 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, and accordingly the housing land supply requirements are currently just being met.
- 5.6. 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.
- 5.7. For MSDC, it can be seen from the Governments Housing Delivery Test figures published in 2020 (covering the period 2016/17 to 2018/19) that MSDC were required to deliver an average of 816 dwellings per annum. MSDC did not manage to meet this requirement, but did deliver 95% of the required housing delivery. Accordingly no changes to the 5 year housing land supply calculation have been considered necessary at this time. However, it must be acknowledged that this period of assessment occurs over the point of a new local plan being adopted, and as a result the provision for housing delivery is set out as 876 dwellings per annum until 2023/24, and from 1 April 2024 to be 1,090 dwellings per annum.

- 5.8. Given that the 5 year housing land supply is only just in place, and the District Plan includes a stepped trajectory, with the required housing provision rising from 876dpa to 1,090 dpa, MSDC need to ensure that there are sufficient sites that are readily deliverable and can come forward quickly. This will be best accomplished through the allocation of smaller sites that are readily available that can come forward early in the plan period and provide a short term boost to housing delivery whilst larger sites are prepared.
- 5.9. 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 1,764 units against a purported need of 1,280) 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.
- 5.10. 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. Additionally, it has been seen that some allocations have already either fallen away or had their number reduced, presumably as a result of detailed work ascertaining that the originally intended quantum of development cannot be achieved. 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.

Housing Distribution

- 5.11. MSDC have sought to distribute these dwellings 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.
- 5.12. It is of key importance that development is distributed evenly across the District to ensure that Settlement Categories and individual settlements themselves 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.
- 5.13. The Site Allocations DPD has set out that there is a residual housing figure that should be allocated to Category 4 sites of 5 units. Policy SA11 has a draft allocation of 12 units for Category 4 sites, with all 12 units allocated in Ansty (under Site Allocation SA33) to the rear of the garage.
- 5.14. The Site Allocations DPD has also set out that a minimum figure of 371 dwellings should be distributed across the Category 3 sites. However, the Site Allocations DPD has only identified 238 dwellings to be provided across all Category 3 settlements. Similarly, in Category 2 settlements, a residual need of 198 dwellings has been identified, however only 105 have been allocated.

- 5.15. Given MSDC's aim to distribute development evenly across all settlement categories, the allocation of 12 units across all Category 4 villages could be considered appropriate when balanced against an identified provision of 5 units. However, the lack housing sites allocated to Category 3 and Category 2 settlements should result in the provision of additional units down the settlement hierarchy as well as up, in order to ensure an even distribution of development. This has not occurred, and consequently in order to ensure that settlements are not overloaded with more development than they can sensibly cater for, the allocation of sites should be revisited and sites that are within Category 4 of the settlement hierarchy given a greater precedence.

Location

- 5.16. Paragraph 72 of the NPPF identifies that the extensions to existing towns and villages are a suitable way in which to plan for sustainable development. The location of the 2 sites represented here, adjacent to the existing settlement boundary on their respective western boundaries, will result in a sustainable addition to the village of Ansty.
- 5.17. Neither site is subject to an AONB designation, and therefore both sites should be viewed favourably given their location in less sensitive landscape than a large proportion of the District. Both sites benefit from a broadly flat topography and being well screened from the surrounding area through the presence of trees, hedgerows, and vegetation. The stage 2 site assessments identified that with regard to landscape and trees, the sites registered a score of "*low/medium*" when considering the constraints and impacts of development on the site. The relatively flat topography of the sites in conjunction with the existing vegetation ensures that neither site occupies a prominent position in the landscape, and would therefore not impact upon the AONB from wider and long range viewpoints. It is identified in the stage 2 assessment that there are medium distance views into Cuckfield, however given the topography of the site, suitable mitigation and considerate design would ensure that these views are not impactful.
- 5.18. Whilst Ansty is considered to be a Category 4 settlement, it has far greater levels of connectivity and accessibility to both sustainable transport methods and the wider road network than any of the other villages designated as being Category 4 in the settlement hierarchy. As noted in the site description, the settlement of Ansty is located on the A272, and is therefore well placed on a main road that connects Haywards Heath and Cuckfield with the A23/M23. Therefore the capacity of Ansty to accommodate a modest level of development and the associated increase in vehicular movements is far greater than that of fellow Category 4 villages, despite their similar designation.

Community Benefits

- 5.19. The inclusion of Site A and Site B not only help MSDC to meet their identified housing supply target but contribute to a further buffer against the criteria upon which housing delivery is measured. The provision of further dwellings in Ansty will provide a small but manageable increase in the level of population in the village, providing an increased level of demand and support for local services such as pubs and shops. This will help to ensure that the village of Ansty continues to be a viable settlement and a place that people wish to live.

- 5.20. The delivery of additional sites will deliver a greater level of financial benefits to both the community of Ansty and the wider District. Financial contributions through Community Infrastructure Levy (CIL) payments and agreed through a Section 106 agreement will provide a further financial boost to MSDC and ensure that the finances are in place to ensure that the needs of the community are met in an effective manner

Site Assessments

- 5.21. Both Site A and Site B were submitted to MSDC for consideration in the Call for Sites process (Site A under Site ID 791 and Site B under Site ID 576). Both sites have been assessed in the Site Selection Paper, however only Site A was formally assessed in the Sustainability Appraisal (SA), prepared in the formulation of the draft Site Allocations DPD.
- 5.22. The SA identifies that of the category 4 settlements, there is only a residual need of 6 units, and that these units should be located in Twineham. However, it can be seen from the SA that no such suitable sites are present in Twineham, and therefore, when examined against all of the submitted sites across all of the category 4 settlements, the site at Ansty garage has been selected for allocation for 12 units.
- 5.23. The residual need figures of 5 units being required in category 4 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.
- 5.24. Taking each site in turn:
- Site A
- 5.25. The site has been adjudged to score 'poorly' as it is beyond a reasonable walking distance from healthcare and school facilities. When assessed in the SA, against other potential sites in Ansty, it can be seen that the sole differentiator between Site A and site SA33 (the site in Ansty that has been selected for allocation) is that the land use of the selected site is previously developed. All other factors assessed have registered identical scores.
- 5.26. The Site Selection Paper found that Site A had many positive aspects, being free of biodiversity, heritage or flood risk constraints, and being located outside of the AONB. However it determined that due to the conclusions reached in the sustainability appraisal, there are more sustainable sites in Ansty.
- 5.27. However, the Site is still considered to be a 'marginal' site in the SA, and therefore its development would not be contrary to the aims and objectives of the SA. Therefore it should be included as a Draft Allocation in the DPD in order to ensure that the plan remains sufficiently robust and provides a variety of sites across a range of settlements.

Site B

- 5.28. The site has registered identical scores to Site A in the Site Selection Paper broad assessment. However, following further detailed site assessment, the site has been disregarded. It is stated in the Site Selection Paper that the sites openness makes a strong contribution to the rural setting and character of Ansty, is Grade 3 agricultural land, supports mid-range views, and has some landscape sensitivity.
- 5.29. The proposal site is screened to the north east by woodland, to the north west by the existing residential development, and along the majority of the adjacent B2036 by tall mature trees and vegetation. When considering the wider field of which the site is part of, openness could be considered, however the contribution to openness from a site that has either existing mature vegetation or residential development on three sides is highly questionable.
- 5.30. The agricultural land classification of Grade 3 is overly simplistic, as there can be Grade 3a and 3b land, and the further examination needs to be carried out before a site can be discounted on such grounds. It should also not be overlooked that Grade 1 and Grade 2 agricultural land are the most sought after types of agricultural land, and that Grade 3 agricultural land is only 'good to moderate' in agricultural land classification terms. Whilst it is acknowledged that the best and most versatile land should be retained, the loss of the site to housing development would not result in a significant decrease either in the volume or quality of agricultural land available in Mid Sussex.
- 5.31. The Site Selection paper identifies Ansty's residual need is zero, however this is done so from a viewpoint that looks at the settlement of Ansty in isolation. When considered in the context of all Category 4 settlements, and indeed the context of all settlements across the District, it can be seen that Ansty is a suitable location for potential further site allocations. In order to help distribute development evenly across the District, and ensure that such development is in sustainable locations that are well connected to the surroundings, further development at Ansty is appropriate.
- 5.32. Ansty is located on the A272, an arterial road that allows for easy connectivity between Ansty and larger Category 1 and 2 settlements in the form of Haywards Heath and Cuckfield. This differentiates it from all other category 4 settlements, and also many category 3 settlements, as it is more readily connected to the existing highway network. It should therefore be recognised that as a settlement it has the ability and capacity to accommodate a modest level of further growth through additional site allocations.

Conclusion

- 5.33. 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.

- 5.34. 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.
- 5.35. MSDC have shown that despite the desire to distribute development evenly across the various settlements, and the need to distribute housing across all categories of settlement, there have been a lack of suitable sites in category 3 settlements. Therefore the supply from category 3 settlements is less than required, with only 238 dwellings allocated to category 3 settlements when it was anticipated that 371 should be provided.
- 5.36. In order to address this shortfall, MSDC have provided a greater level of draft housing site allocations in the Site Allocations DPD to Category 1 sites than required, and only marginally exceeded the recognised number of allocated units in Category 4 sites (by 7 units). It would therefore be prudent, in order to ensure that the distribution of development remains balanced, that the sites unallocated from Category 3 (and Category 2) settlements are reallocated down to smaller settlements in the settlement hierarchy as well as up to larger settlements.
- 5.37. Site A - *Land at Ansty Farm, Land north of The Lizard, Cuckfield Road, Ansty*, and Site B - *Land at Ansty Farm, Land east of Little Orchard, Cuckfield Road, Ansty*, should be added to the Site Allocations DPD as additional sites. Site A has been identified as being 'marginal' in the site assessment conducted through the SA, and its only differentiator is that it is not previously developed land. Site B has been identified as being an important part of an open landscape, despite being in one end of a field and bordered on three sides by either development or mature trees and vegetation. Both sites present an opportunity to better distribute development across the District whilst also providing small sites that are readily available and able to come forward early in the plan period, therefore helping MSDC meet their housing delivery targets.

6. Conclusion

6.1. These representations have been prepared on behalf of Fairfax to address the following Sites in respect of the Draft Site Allocations DPD:

- Land at Ansty Farm, Land north of The Lizard, (Site A), Cuckfield Road, Ansty
- Land at Ansty Farm, Land east of Little Orchard, (Site B), Cuckfield Road, Ansty.

Representations to the Mid-Sussex District Council Site Allocations Development Plan Document

Regulation 19 Consultation



- 6.2. The sites should be included as draft allocations in the Site Allocations DPD. Both sites are located adjacent to the existing Ansty settlement boundary, and are not located within either the High Weald Area of Outstanding Natural Beauty or in prominent positions in the countryside. The Sites are suitable and available, and development of the sites would therefore result in sustainable additions to the settlement of Ansty. Inclusion of the sites as Site Allocations would not result in the over expansion of the settlement of Ansty village.
- 6.3. The inclusion of the sites in the Site Allocations DPD will allow for two smaller sites that are readily available to come forward. Smaller sites will deliver a short term boost in housing supply that can be achieved early in the plan period. The allocation of additional sites in Ansty will provide greater support and demand for services that are already present in the village, and would result in a greater level of economic expenditure in the village. Allocation and development of the sites would provide additional financial contributions through S106 and CIL contributions.
- 6.4. The overriding need for housing across Mid Sussex has been identified in the District Plan and the subsequent preparation of the Site Allocations DPD. The delivery of approximately 100 units across the two sites (75 on Site A and 25 on Site B) will result in the delivery of much needed homes in Mid Sussex. It can be seen from Draft Policy SA11 that MSDC have sought to distribute homes evenly across settlements, in order to ensure that population growth is balanced between settlements. Category 4 villages have been identified as having a residual need of 5 units in the Site Allocations DPD, and given an allocation that will provide 12 units. However, it cannot be overlooked that Category 3 villages should provide 371 units, and are only allocated to provide 238. Furthermore Category 2 Settlements should be providing 198 units, and are only providing 105. Therefore there should be a redistribution of development both farther 'down' the settlement hierarchy, and not just 'up' towards the largest settlements.
- 6.5. The addition of Site A and Site B to the Site Allocations DPD would give MSDC a plan that contained a higher proposed level of development. However, it is prudent to adopt this position, as there will inevitably be a number of sites that do not progress to the adopted DPD. This has already been seen through the reduction in the quantum of dwellings allocated in the Site Allocations DPD between the regulation 18 and regulation 19 stage, and the reduction in the volume of delivery on some sites that remain as site allocations. Therefore the greater the number of housing sites and volume of delivery provided in the DPD will enable there to be 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.
- 6.6. The inclusion of both Site A ("*Land north of The Lizard*"), and Site B ("*Land east of Little Orchard*") is in keeping with both National Planning Policy and Local Planning Policy. Therefore we urge MSDC to include them in the Site Allocations DPD.

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Site Allocations DPD: Regulation 19 Consultation Response**Policy:** SA10**ID:** 1987**Response Ref:** Reg19/1987/2**Respondent:** Ms S Mizen**Organisation:** JLL**On Behalf Of:** Wates - Foxhole Farm**Category:** Promoter**Appear at Examination?** x

From: Mizen, Stefanie <Stefanie.Mizen@eu.jll.com>
Sent: 28 September 2020 21:53
To: ldfconsultation
Subject: RE: Draft Site Allocations DPD (Regulation 19) Consultation
Attachments: 200928 Bolney Reps - Wates.pdf; Bolney vision document.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Dear Sir / Madam,

On behalf of Wates Developments please find our comments on the Draft Site Allocations Development Plan Document.

Look forward to confirmation of receipt.

Kind regards,

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28 September 2020

Dear Sir / Madam,

**Consultation on Site Allocations Development Plan Document – Regulation 19
Land at Foxhole Farm, Bolney, Mid Sussex**

We write on behalf of Wates Developments ('the client'), to provide our comments on the published Site Allocations Development Plan Document ('DPD') which is now out for consultation.

Paragraph 67 of the National Planning Policy Framework (2019) ('NPPF') requires that local authorities have a clear understanding of land available in their area and identify a sufficient supply and mix of sites. It requires planning policies to identify a supply of specific and deliverable sites.

We understand Mid Sussex District Council ('the Council') is seeking to identify sufficient housing sites across the borough to meet housing need and provide a sustainable five-year housing land supply. The Site Allocations DPD forms part of the Mid Sussex District Plan ('DP') 2014-2031, which was adopted in March 2018. Its preparation is in response to the requirement by the Planning Inspector to meet the residual housing and employment needs up to 2031. The Site Allocations DPD proposes a number of new housing and employment sites for allocation in order to meet this need.

The Council is seeking views on whether the Plan is legally compliant and meets the test of 'soundness' set out in the NPPF. We therefore provide our comments below in particular in relation to our client's Site - the Land at Foxhole Farm Bolney, Mid Sussex ('the Site').

Our representations are in two parts: the first part seeks to consider whether the Site Allocations DPD will deliver sufficient homes to meet the need and whether the tests of soundness are met; whilst the second part considers the settlement of Bolney and the site being promoted.

The DPD

The Site Allocations DPD purports to deliver sufficient new homes to meet the requirement set out in the District Plan 2018. It is a 'daughter' document to the 2018 District Plan. What it does not do is consider the 'real' housing need in Mid Sussex. Using the Government's standard methodology for assessing housing need, the need in Mid Sussex is to deliver 1,132 new homes per annum, significantly above the current District Plan's figure. Whilst legally, the Council does not have to allocate additional sites to meet this higher need, it is our view that it would be prudent and good planning to do so.

The Council in its Regulation 19 consultation sets out that it is allocating additional homes over and above the requirement. Policy SA10 makes the case that the Council has 484 additional homes over and above the

requirements. However, it is our view that not only does the DPD not provide additional homes over the requirement, but that it fails in meeting even the minimum number required. This is because, a significant number of the sites being allocated will not deliver homes within the Plan period. Indeed, we consider that only 694 of the 1,764 homes set out by the Council can be considered as either deliverable or developable. This leads to a shortfall of 1,070 homes. If the Council is correct and there are an additional 484 homes, this still will lead to an overall shortfall of 586 homes. As such, the Site Allocations does not provide sufficient homes to meet the requirement set out in the District Plan and therefore is unsound. Additional sustainable sites should be included to meet the minimum number of homes required, and, in our view, there should be additional homes allocated in any case in order to meet the significant real need for housing in Mid Sussex.

The Sustainability Appraisal ('SA') that accompanies the Regulation 19 consultation does not refer to the latest evidence and data and is therefore not a sound basis to develop the Site Allocations against. For example, in paragraph 3.19 it refers to the 2017 ONS data on affordability and does not reflect the latest data on affordability which shows worsening affordability. As such, the SA is unable to provide the correct baseline for assessment and does not reflect latest evidence.

The second area where the Site Allocations DPD is unsound relates to the distribution of housing and the need to continue to sustain and enhance rural settlements in the District. Provision of new homes at category 2 and 3 settlements should be supported in order to enhance the vitality and viability of the rural settlements and the services within them. However, the approach of the Council to housing delivery does not take account of this, or the policies in the District Plan which seeks to support the more rural parts of the District.

As set out in Table 2.4 of draft Policy SA10, the Council has decided to significantly reduce the allocations in category two and three settlements and concentrate the majority of additional development in the category one settlements, where significant development is already proposed and allocated in the District Plan. This has two implications. The first is that the sustainable settlements will not be enhanced and growth will not be directed to settlements that are sustainable. This is likely to have a negative effect on their long-term vitality and viability. The second implication is by directing growth to areas of high growth, infrastructure and services would come under significant strain.

This is a further failure of both the DPD and the SA in that it did not consider the effects on category two and three settlements whatsoever. The SA focusses solely on the sustainability of sites rather than considering the benefits of providing housing in other locations. For example, paragraph 6.48 states that *"It is therefore concluded that, should additional sites be required, these should ideally be drawn from sites in the highest settlement category in the hierarchy. These sites perform well, and would mean focusing additional growth (beyond that required to meet the residual housing requirement) at the most sustainable locations using the most sustainable sites still in the process"*.

Furthermore, paragraph 6.43 states *"By allocating the 20 sites that perform well individually and on a settlement basis, the residual housing need of 1,280 would be met with a small over-supply of 144 units. Overall, the collection of sites is largely consistent with the spatial strategy at a settlement category level. 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 settlement category, and under-supply should be met at categories higher-up in the settlement hierarchy, this is acceptable"*. Again, this approach fails to recognise that delivery of nearly all new homes at the category one settlements will have a significant adverse effect on other settlements. This is a further area where the Site Allocations DPD is unsound.

We conclude that the Site Allocations DPD is unsound. It does not reflect the adopted District Plan and does not consider the social and economic effects of non-delivery of homes in category two and three settlements. It also does not deliver the minimum number of homes required to meet the District Plan requirements and falls way short of meeting the real need for housing in Mid Sussex.

As such, it is our contention that additional suitable sites should be allocated now to meet this need.

The Site

The Site adjoins the western edge of Bolney village, see Appendix 1 (Site Location Plan) and comprises a total area of 19.6ha. The Site is well-screened by tree cover, which encloses the boundary along Foxhole Lane limiting views into the Site from publicly accessible areas. The Site comprises Foxhole Farm which includes a manège and various barns and partly derelict storage buildings associated with the farm together with a number of surrounding fields.

The eastern boundary of the Site adjoins the existing built-up edge of Bolney village, running parallel to The St, which consists of detached residential properties and bounds their rear gardens.

The Site is located immediately adjacent to the Built-up Area Boundary. The High Weald Area of Outstanding Natural Beauty ('AONB') is located 460m further north. The Site is not located in a Conservation Area (10m away) and there are no statutorily Listed buildings on-site. The Environment Agency's Flood Map for Planning indicates that the Site falls within Flood Zone 1 and is therefore subject to a low risk of flooding from rivers or the sea.

The Surroundings

The village of Bolney lies less than 6 miles west of Haywards Heath. The Parish has a population of 1,407 residents living in 534 households (source: ONS 2012-based subnational population projections) however only half of the housing is in the actual village settlement.

Outside the built-up area of the village, services and facilities are spread out providing Bolney Wine Estate, part-time post office, café, and Under 5s Pre-School, The Bolney Stage Public House and Bolney Cross Service Station. The closest GPs and dentists are located in Cuckfield, Burgess Hill and Haywards Heath, which also provides a hospital.

Accessibility

Foxhole Lane runs along the western Site boundary in a north-south direction, meeting at the junction with the A272/Cowfold Road to the south and joining the A23 approximately 0.8km to the east of the Site.

Two bus stops are in close proximity to the Site – one less than 100m away along The St to the east providing a regular service between Horsham and Haywards Heath. The other is located on London Road which provides a service from Crawley to Brighton.

The closest railway station to Bolney is at Haywards Heath, located circa 5 miles away to the east, providing regular services towards London and Brighton.

Planning Case for Residential Development in Bolney

The Site Allocations DPD forms part of the Mid Sussex District Plan 2014-2031. Its preparation is in response to the requirement by the Planning Inspector to meet the residual housing and employment needs up to 2031.

Having reviewed the Site Allocations DPD, we consider the following to be important:

- It is proposed to allocate 17ha of additional employment land to meet identified needs. Of this, 9.4ha, i.e. more than half, is allocated for the category three settlement of Bolney;

- The document provides an update (Policy SA10) on the minimum residual amount of new homes required to be delivered in category three settlements. This figure is now 371 new homes (as a minimum), an increase of 60 homes since the DP was adopted;
- Notwithstanding this, no housing allocations whatsoever are identified in Bolney.

We would like to promote the delivery of residential development in Bolney, with specific regards to our client's Site, for the reasons stated below.

Requirement for Housing

The NPPF encourages the provision of more housing and states that applications should be considered in the context of the presumption in favour of sustainable development. Policy DP4 of the DP relates to housing and states that *"there is a minimum District housing requirement of 16,390 dwellings between 2014 – 2031"*, which it advises is made up of the District's objectively assessed need (OAN) of 14,892 dwellings over the plan period as well as *"1,498 dwellings to ensure unmet need is addressed in the Northern West Sussex Housing Market Area"*. Policy states *"the Plan will deliver an average of 876 dwellings per annum (dpa) until 2023/24. Thereafter an average of 1,090 dpa will be delivered between 2024/25 and 2030/31"*.

The supporting text then advises that *"the spatial strategy of the District Plan is to focus the majority of housing and employment development at Burgess Hill as it has greater potential to deliver sustainable communities and to benefit from the opportunities that new development can deliver than at East Grinstead and Haywards Heath. A smaller scale development is allocated in this plan and was granted outline planning permission in 2016 at Pease Pottage as a contribution towards meeting the needs of the Northern West Sussex Housing Market Area. A smaller scale development is allocated at north of Clayton Mills, Hassocks. The remainder of development will be delivered as sustainable developments, including possible new strategic developments and development in other towns and villages"*.

There are no proposed site allocations within Bolney. This is notwithstanding Policy DP4, which sets out the strategic distribution of housing across the District and states that Bolney – along with 12 other settlements – should deliver 311 homes for the remainder of the Plan period and the proposed uplift to this requirement as set out in the Site Allocations DPD. Given over half of the additional employment land has been allocated for Bolney, clearly additional housing would be required both in terms of 1) meeting the provision required in Policy DP4 and 2) meeting the demand generated by increased employment land in that area.

Sustainable Location

Bolney is a sustainable location where significant development was proposed in the District Plan and the Neighbourhood Plan.

The Council's Settlement Sustainability Review ('SSR') was produced in 2015 in order to assist in the production of the DP, specifically the settlement strategy now set out within Policy DP4. The review lists Bolney – along with 9 other settlements - as a "Category 3" settlement and page 14 of the document provides the following assessment of the village:

"Bolney has a higher proportion of children aged up to 15 years of age and 45-64 than the Mid Sussex "district" and "rural" averages; and a lower proportion of the same indices of those aged 25-44 and 65+. The village is considered to be a Limited Local Service Centre. The village benefits from an off-peak public transport service that is sufficient to enable access to further services and facilities. Bolney is constrained to the north and to the east in part by the High Weald Area of Outstanding Natural Beauty. The A23 also runs in close proximity to the east of the village".

The SSR states Bolney is considered to meet all of the criteria to be considered a Limited Local Service Centre where “a settlement must have or share a maximum of two of the following:

- One or more retail uses which must include a convenience store;
- An infant/ primary school;
- A village hall/ community centre
- Public House“.

Table 5 of the SSR, states that Bolney shares such services with Ansty, Cuckfield, Sayer Common and Warninglid. Table 6 then provides a matrix of services found in Bolney. It is evident upon viewing Table 6 that Bolney has a good provision of services providing 15 of the 28 services listed in the table.

Bolney is clearly a suitable location to accommodate residential-led development. There would be no effect on the settlement hierarchy or breach of development plan policy in terms of location of development.

Planning Case for Site Allocation

Given the above, our client’s Site would be completely appropriate for residential development and should be considered as an additional allocation for residential.

The Site is located in Bolney, adjacent to the settlement boundary and residential development to the east. Although abutting the settlement boundary, the NPPF (paragraph 84) recognises this when it states that “*planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements*”. DP Policy DP6 (Settlement Hierarchy) states “*The growth of settlements will be supported where this meets identified local housing, employment and community needs. 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 DP and its evidence base recognise the need for significant residential development across West Sussex. Bolney is the most sustainable of the stand-alone settlements in category three, therefore significant housing and employment development should be directed to this settlement. The Site’s location immediately adjacent to the built area of Bolney would serve as a natural extension of the existing village whilst not impacting on the AONB.

When assessing sites for allocation, paragraph 108 of the NPPF requires that local authorities consider appropriate opportunities to promote sustainable transport, safe and suitable access and that any significant impacts from development on the transport network can be mitigated. The Site lies within a relatively short walking distance of three bus stops, providing a regular service to Haywards Heath, Crawley, Burgess Hill and Brighton. These factors, together with the findings set out in the SSR demonstrate that the Site is clearly a sustainable location to accommodate residential-led development in accordance with Policy DP6.

Conclusion

We support the inclusion of the Land at Foxhole Farm, Bolney as an additional site allocation in the Site Allocations DPD. As demonstrated above, Bolney and specifically our client’s Site has potential for residential development because:

- There are no proposed site allocations within Bolney. This is notwithstanding Policy DP4, which sets out the strategic distribution of housing across the District and states that Bolney – along with 12 other

settlements –should deliver 311 homes for the remainder of the Plan period and the proposed uplift to this requirement as set out in the Site Allocations DPD.

- Bolney has been classed as a category three settlement and is clearly a sustainable location in which to accommodate residential-led development. There would be no effect on the settlement hierarchy or breach of development plan policy in terms of location of development.
- The Site's location immediately adjacent to the built area of Bolney would serve as a natural extension of the existing village.
- The Site has no environmental constraints to development such as flood risk (Flood Zone 1).
- The Site is in a sustainable location with good access to public transport and development would not result in adverse impacts to the highway network.

We look forward to your confirmation of receipt of this letter. If you require any information or clarification, please contact Stefanie Mizen of this office on 0203 147 1815.

Yours faithfully,

Stefanie Mizen

Stefanie Mizen

Associate – Planning, Development & Heritage

Direct line 0203 147 1815

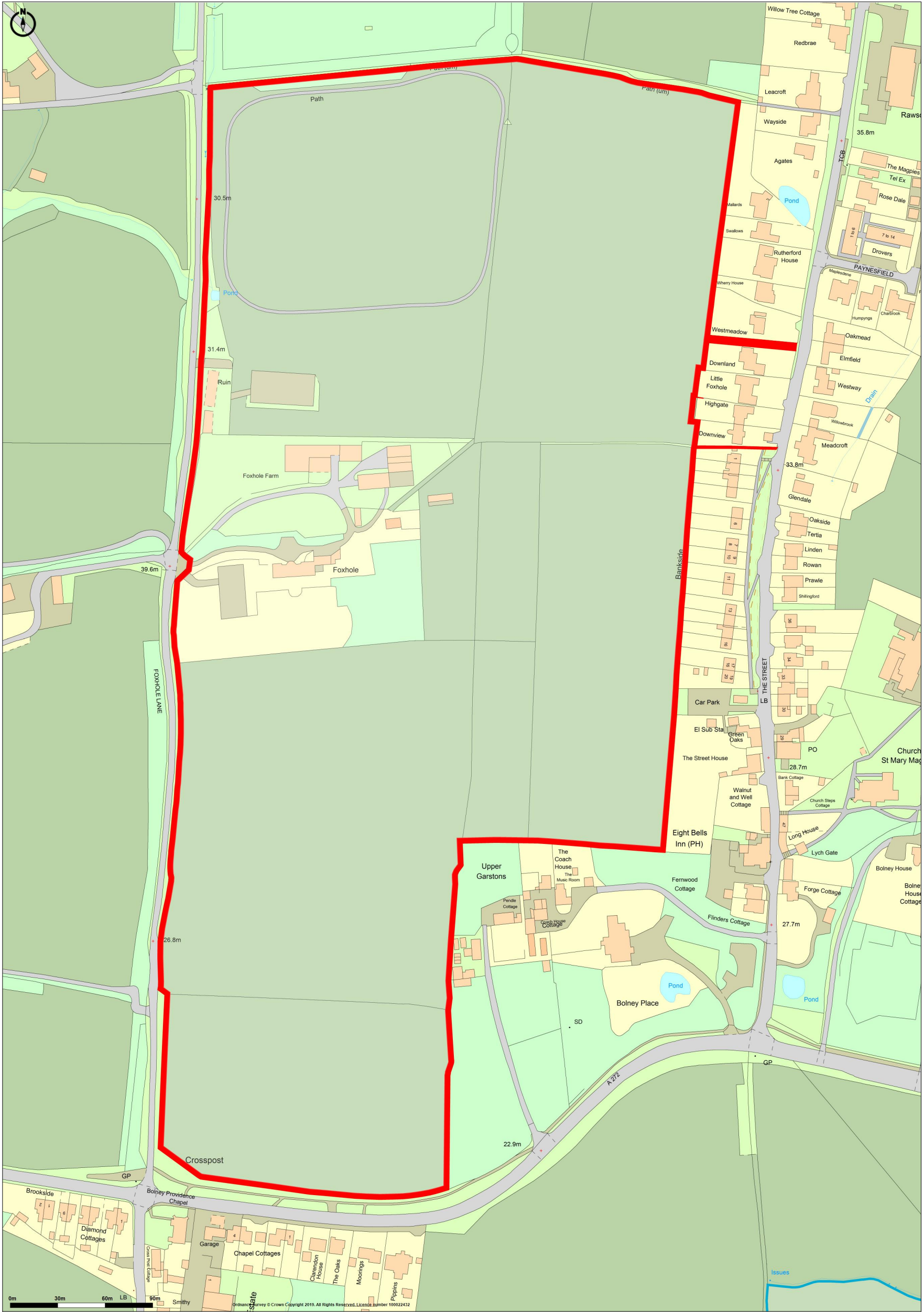
Mobile 07968 331943

Stefanie.Mizen@eu.jll.com



Appendix 1 – Site Location Plan

Land at Foxhole Farm, Bolney



2001

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA10

ID: 2001

Response Ref: Reg19/2001/2

Respondent: Mr H Lindley-Clapp

Organisation: Nexus Planning

On Behalf Of: Frontier Estates _Hassocks

Category: Promoter

Appear at Examination? x

From: Heather Lindley-Clapp <h.lindley-clapp@nexusplanning.co.uk>
Sent: 28 September 2020 18:43
To: Idfconsultation
Cc: Sophie Bleasdale; Peter Tooher
Subject: Site Allocations DPD - Submission of Representations on Behalf of Frontier
Attachments: 200928_Site Allocations DPD_Frontier Reps.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Dear Sir/Madam

Please find attached representations made on behalf of Frontier Estates in respect of the Site Allocations DPD Consultation Draft.

I would be grateful if you could confirm receipt of this email and the attached representations.

We look forward to discussing the matters further with the Council.

Kind regards

Heather

Heather Lindley-Clapp
Associate Director

M +44 (0) 7795 971 672
E h.lindley-clapp@nexusplanning.co.uk

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Planning Policy

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

Manchester

Eastgate
2 Castle Street
Castlefield
Manchester M3 4LZ

nexusplanning.co.uk

28th September 2020

By Email: LDFconsultation@midsussex.gov.uk

Dear Sir/Madam

**Mid Sussex District Council Site Allocations Development Plan Document
Representation to Site Allocations Development Plan Document (Regulation 19) Submission Draft
Consultation on behalf of Frontier Estates.**

Introduction

We write on behalf of Frontier Estates to make formal representations to Mid Sussex District Council in respect of the consultation on the Site Allocations and Development Plan Document (DPD) (Regulation 19) Submission Draft.

The District Plan sets out the housing and employment needs for the district for the period to 2031 and committed the Council to preparing a Site Allocations DPD in order to find sufficient housing and employment sites to meet the remaining need. As such, the Submission Draft Site Allocations DPD recommends allocation of 22 housing sites; seven employment sites; and a Science and Technology Park.

The purpose of this representations is to provide information on a site that is currently omitted from the Site Allocations DPD as suitable for development. The site of relevance is the land at Byanda, Brighton Road, Hassocks (suitable for both residential and Class C2 Uses). The site already benefits from an extant permission for substantial intensification of uses for residential development (permission reference DM/16/4514).

A location plan of the site is provided at Appendix A and proforma setting out the sites' deliverability and suitability for Class C2 and C3 uses is provided at Appendix B.

We note that the Council is also recommending to alter the defined settlement boundary in order to accommodate one of the suggested residential allocations. As such, we also seek to provide additional

London

Birmingham

Manchester

Reading

commentary in respect of the Council's approach and propose an amendment to the settlement boundary at Hassocks to reflect the urban form of the settlement and include the Byanda site.

At the outset, it is important to note that Frontier Estates support Mid Sussex Council's decision to produce a new Local Plan Site Allocations DPD to ensure that there are sufficient sites to meet the identified housing need for the district up to 2031 as this will ensure that planning policy remains effective in addressing the physical constraints of the borough and approaching the projected demographic change that will occur during the New Local Plan period.

Representations

We provide below a summary in respect of the site of relevance to these representations.

Land at Byanda, off Brighton Road, Hassocks

The site is located to the south-west of Hassocks on the east side of the A273 Brighton Road, south of Stone Pound cross-roads, South Bank and Pound Gate, and to the North of the South Downs Garden Centre.

The site comprises approximately 0.4 hectares of land to the east of Brighton Road, Hassocks. The site is currently occupied by one detached dwelling, a dome, landscaping and areas of hardstanding used for driveway access. The site forms a dwelling and its residential curtilage surrounded by hedging, vegetation and matures trees to the boundaries, at a level lower than adjoining land.

The site holds extant permission for the intensification of the site's development, in the form of Planning permission ref. DM/16/4514. This application for the demolition of the detached dwelling and the erection of four detached dwellings, two garages and landscaping was granted for on the site in December 2016 and confirms the principle of redeveloping the site for residential use and making more effective use of the land.

Separating the land from Brighton Road to the west are a pair of two-storey, detached dwellings. To the east, an additional three dwellings separate the land from The Weald Tennis and Squash Club. Immediately south of the site, across a dirt track road, is the South Downs Nurseries. Pound Gate cul-de-sac is located to the north of the site. The existing access is via a driveway from Brighton Road located to the north west corner of the site and shared with the adjoining property to the east, Faerie Glen.

More broadly, the site is located approximately 650m south-west of Hassocks Village Centre where a number of amenities including grocery stores, a post office, and several eating and drinking establishments are located. Hassocks Health Centre is located less than 1km east of the site and is approximately five minutes away by car. The site is located 0.4 miles from Hassocks Train Station which provides two services every hour to Cambridge, Brighton, and London Victoria via Gatwick Airport. In addition, there are two bus stops within 200m of the site that provide access to Brighton, Kemp Town, Crawley, Haywards Heath and East Grinstead.

A bus stop situated less than 100m north of the site at Stonepound Crossroads provides hourly services to Brighton and Kemp Town, whilst a bus stop to the south, opposite the South Downs Garden Centre, benefits from services to Crawley every 30 minutes, and East Grinstead/Haywards Heath every two hours.

The South Downs Garden Centre is located immediately south of the site and is the largest of the Tate's of Sussex Garden Centre facilities. Together with the South Downs Heritage Centre, also run by the Tate's of Sussex, the facility comprises approximately 14,000 square metres of floorspace to the south of the site off Brighton Road. An application in November 2013 granted permission for the replacement of the greenhouse café with taller oak barns to accommodate a café, the heritage centre, classroom space and kitchens. This redevelopment

of the garden centre opened in 2016 enabling the centre to hold a number of sewing and craft workshops as well as a popular food hall and Gardening Museum.

As such, it is clear that site is located within a sustainable area that benefits from several local amenities and attractions within a suitable distance from the site, making this a prime location on the edge of the parish for older persons to enjoy the convenience of services whilst also enjoying the views and location adjacent to the countryside. Furthermore, the presence of the South Downs Garden and Heritage Centre to the immediate south of the site shields the site from impacting upon the South Downs National Park. A site location plan is appended to this representation at Appendix A.

Allocation of Sites

The Site Allocations DPD allocates just one site for C2 Uses – Site SA20, known as land south and west of Imberhorne Upper School, East Grinstead. It is our client's view that just one single allocation for a Class C2 care home across the plan period in the authority area does not suitably meet the identified requirements within Mid Sussex, particularly in light of the uncertainty of the deliverability of the site including wider land ownership issues.

In this regard, the Mid Sussex Council's Strategic Housing Market Assessment (SHMA) of housing needs in 2009, and the subsequent update in 2013, demonstrates a need for improved provision for the elderly population, with paragraph 8.99 stating that: **'The projected growth of single person households is a significant national trend driven by a range of factors such as increasing older age single person households'**

Paragraph 8.103 goes on to state that: **'Providing a choice of appropriate housing for older people is essential to help encourage opportunities for downsizing or move into accommodation more appropriate for their needs (the Lifetime Homes Standard will assist in this respect). This will assist in releasing a supply of existing housing for younger households to occupy and thereby make better use of the existing stock supply.'**

Given the identified demand for additional care home bedspaces within Mid Sussex, we request that the Council revisits its Class C2 allocations within the Site Allocations DPD and seeks to appropriately allocate sites within the adopted plan for such uses.

It is important to also refer to the very recent appeal decision relating to the site of the former Hazeldens Nursery on London Road, Albourne for the erection of a Class C2 extra care development (appeal reference APP/D3830/W/19/3241644). The appeal was allowed by the Inspector Christina Downes on 11 September 2020.

The appeal relates to an outline application for up to 84 extra care units, with associated communal facilities and highways works. As the Council is aware, there is a key matter of relevance in respect of the allocation of the site at Brighton Road, Hassocks, in that it refers specifically to the identified need and demand for additional Class C2 developments within Mid Sussex.

In terms of meeting the need for extra care living, the Inspector is very clear in her conclusions in respect of the need within Mid Sussex for additional Class C2 beds, along with the requirement for the Council to allocate appropriate sites within the development plan for such uses. In this regard, Inspector Downes states at paragraphs 92 and 93 that:

'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.

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.’ (our emphasis added).

There is a clear established need for additional C2 developments within Mid Sussex as evidenced by the appellant within their appeal documentation, which was accepted by the Inspector in her decision. In this regard, it is also recognised by the Inspector that allocating sites within the development plan would be appropriate and necessary given this substantial requirement within the authority area. Indeed, our client has made it very clear that there is a genuine requirement for such uses within Mid Sussex as a whole, and Hassocks.

It is clear that the Byanda site in Hassocks is a suitable, achievable and sustainable location for the provision of C2 uses. This is reflected in pre-application responses from the Council and the design review panel on an emerging application for the site. The site is suitably located and available for development to meet the needs of the ageing population. Particularly, in light of recent health crises, the importance of the identification of sites within the development plan to deliver high quality, modern and dedicated facilities is considered by Frontier Estates to be of the utmost importance. Further details in respect of the sites suitability and deliverability for Class C2 Uses are provided at Appendix B.

We therefore formally request that the Council updates the Site Allocations DPD to allocate the Byanda site to meet the identified need for additional care home facilities within Mid Sussex. The current Class C2 allocation at Imberhorne Upper School is insufficient to meet this identified demand, and therefore the Plan as currently drafted has not identified sufficient allocations to respond directly to residents’ needs.

In light of the above and the additional evidence provided at Appendix B, we request that the Council includes the land at Byanda, Hassocks, measuring 0.4ha for Class C3 and Class C2 Uses within the Site Allocations DPD.

Built Up Area Boundary

It is noted that the defined Built Up Area Boundaries for both Haywards Heath and Hassocks are proposed to be extended to include the site allocations SA21 and SA24. Therefore, it is clear that when appropriate and to accommodate suitable sites, the Council will extend the defined Built Up Area Boundary.

In this regard, the Mid Sussex District Plan Core Strategy Policy DP12 regarding the protection and enhancement of Countryside states that Built-Up Area boundaries are subject to review through a Site Allocations Development Plan Document and that landscape evidence such as the Mid Sussex Landscape Capacity Study (2007) which forms part of the evidence base for the Core Strategy, will be used to assess the impact of development on proposals on the quality of rural and landscape character.

Given the representations made above in respect of the site at Byanda, Hassocks, we also consider it necessary for the Council to amend the defined Built Up Area Boundary to appropriately include the site in Hassocks within the defined boundary, and in doing so, ensure a consistent approach is being applied across the authority

area. Indeed, it would be appropriate and logical for the Council to review the Built Up Area Boundary as a whole around Hassocks to take account of all built form and areas which are evidently urban in character.

The site at Byanda in Hassocks is surrounded by built development and already naturally forms part of the built up area of the settlement. In this regard, on the south side in particular by the South Downs Garden Centre where the proposed SAPD's designation of the Garden Centre to the immediate south of the site under SA34 for Existing Employment Sites supports the potential expansion of the commercial site. The site also benefits from extant permission for intensified residential uses.

It is considered that the site is not important visually, historically or with regard to biodiversity. It does not serve the purposes of Countryside with regard to views protection from the South Downs National Park. The site is entirely surrounded by urbanised area and is a previously developed site itself. It does not prevent coalescence and is not designated as a local gap.

This is evidenced further by the lack of assessment of the site within the Mid Sussex Landscape Capacity Study (2007), which assesses all landscape areas outside of the built development boundaries within Mid Sussex. Importantly, the Byanda site was not included in this study.

As such, as the site at Brighton Road has not been assessed within the landscape capacity study, cited by Policy DP12, and is therefore not of notable landscape quality, it is concluded that the development of the site upon the quality of the rural and landscape character will not be significant. It can only be concluded that the site has limited capacity as a valued landscape with visual or biodiversity qualities worthy of protection under this designation. It is considered that a failure to extend the built up area boundary for Hassocks to include an established built up area would be contradictory to the purpose of the boundary which is to reflect the line which forms the edge of the settlement.

As a consequence, we request that the Council amends the built up area boundary as to ensure that DP12 designates areas worthy of visual, historic and biodiversity qualities as to not undermine a core strategic policies.

Summary

It is the opinion of Frontier Estates that careful consideration needs to be given to the site allocations that will form the basis for growth to address unmet housing need across the Borough and support the future growth of Mid Sussex.

In this regard, we formally request that the Council:

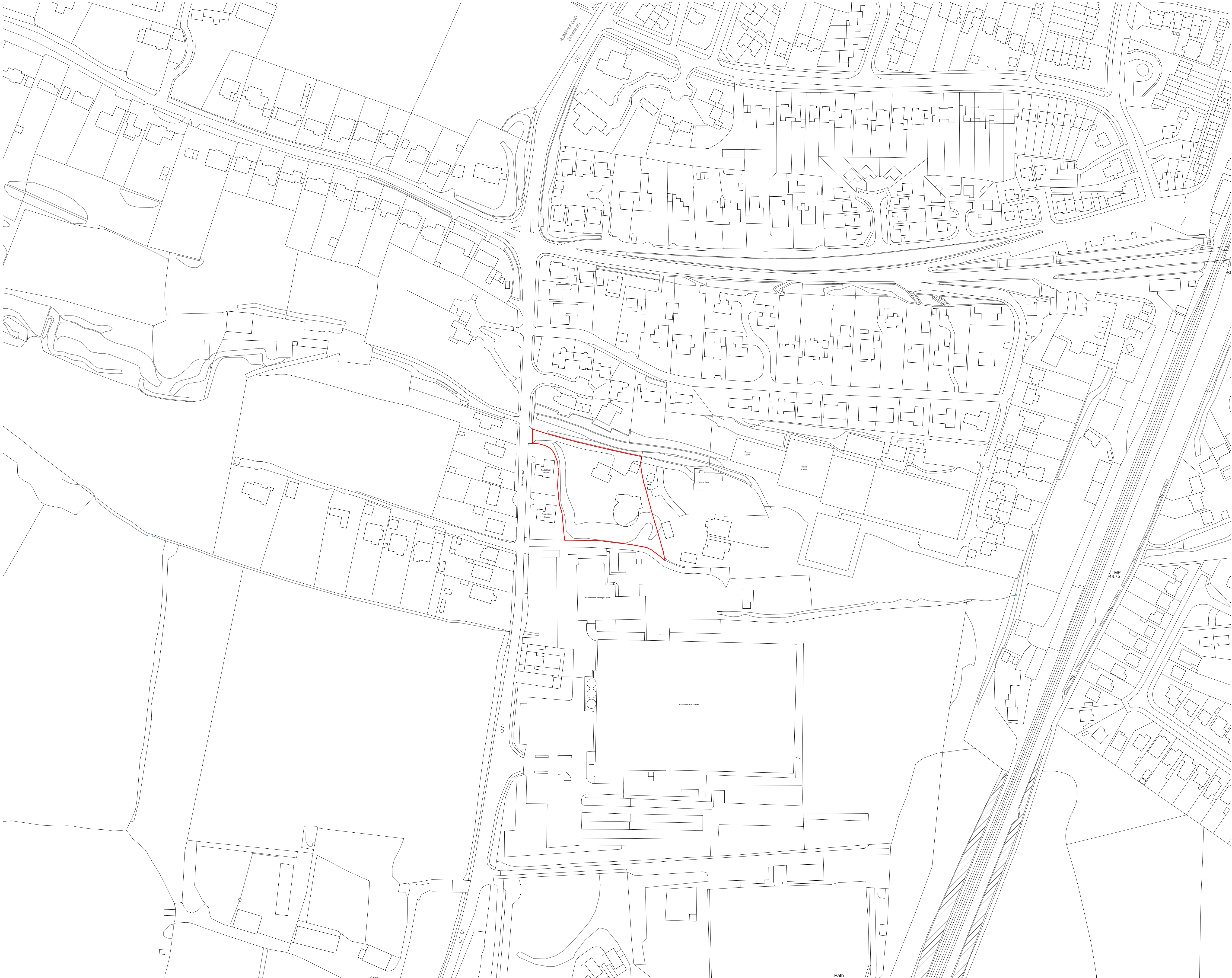
1. Allocates the site at Byanda, Brighton Road, Hassocks for Class C3 and Class C2 Uses; and
2. Amends the Built Up Area Boundary to the south of Hassocks to include the land at Byanda.

We trust these representations will be taken into account during the review of the consultation during the examination of the Site Allocations DPD. Should you have any queries or require any additional information, please do not hesitate to contact us.

Yours sincerely

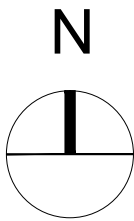
Nexus Planning

Appendix A: Site Location Plan



Contractors and consultants are not to scale dimensions from this drawing

The mapping data was prepared by a third party and Broadway Malyan Limited does not accept responsibility for the accuracy or completeness of the data or any information contained therein.




Site boundary

Revision	Date	Description
BroadwayMalyan^{BM}		
Interchange Place 151-165 Edmund Street Birmingham B3 2TA		
T: +44 (0)121 236 2030 F: +44 (0)121 237 2080 E: Br@BroadwayMalyan.com		
www.BroadwayMalyan.com		
Client Fronteir Estates		
Project Hassocks Byanda		
Description Location Plan		
Status Planning		
Scale 1:1250@A1	Drawn By RS	Date May 2020
Job Number 34484	Drawing Number A-01-001	Revision /
Original size 100mm @ A1 Copyright Broadway Malyan Limited		

Appendix B: Site Proforma

Appendix B – Byanda, Brighton Road, Hassocks
Site Proforma

Byanda, Brighton Road, Hassocks	
	
Description	Proposed Housing Allocation (inclusive of C2 and C3 Use)
Site Size	0.4ha
Current Use	The site is currently occupied by one detached dwelling, a dome, landscaping and areas of hardstanding used for driveway access
Relevant Planning History	Planning permission for the demolition of the detached dwelling and the erection of four detached dwellings, two garages and landscaping was granted for on the site in December 2016 (DM/16/4514).
Proposed Use	The development of a specialist Care Home Facility (C2 use) managed by a healthcare provider.
Environmental Considerations	A preliminary Ecological Appraisal has been undertaken and considers that the site is only considered to have moderate ecological value. The appraisal identifies a number of mitigation options which will ensure that adverse impacts are avoided and that any unavoidable residual impacts can be compensated for.
Highways Considerations	A Transport Assessment has been undertaken for the site and confirms that the site is well located for trips to day-to-day facilities and that the proposed care home would generate low numbers of vehicle movements in any event. As such, it is considered that the development proposals are not likely to lead to a material impact on the operation of the local highway network. Overall the proposal is considered acceptable in highways and transport terms.
Ground Contamination	No issues with regard to ground contamination.
Heritage	The site does not comprise a heritage asset and there are no listed buildings on or within the immediate vicinity of the site. The site is not within a conservation area.
Summary and Conclusion	It is clear that site is located within a sustainable area that benefits from several local amenities and attractions, and would not raise any concern from highways, ecology or heritage perspectives. As such, the site is concluded to be both Deliverable and Developable.

2005

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA10

ID: 2005

Response Ref: Reg19/2005/2

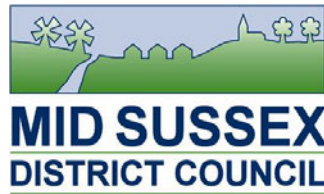
Respondent: Mr M Flemington

Organisation: Savills

On Behalf Of: The Brian Williams Discretionary

Category: Organisation

Appear at Examination? ✓



Site Allocations Development Plan Document Regulation 19 Submission Draft Consultation Form

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

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

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

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

The Site Allocations DPD is available to view at:

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

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

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

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

How can I respond to this consultation?

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

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

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

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

E-mail: LDFconsultation@midsussex.gov.uk

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

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

1. Personal Details

Title	<input type="text" value="Mr"/>
First Name	<input type="text" value="Mark"/>
Last Name	<input type="text" value="Flemington"/>
Job Title (where relevant)	<input type="text" value="Director"/>
Organisation (where relevant)	<input type="text" value="Savills"/>
Respondent Ref. No. (if known)	<input type="text"/>
On behalf of (where relevant)	<input type="text"/>
Address Line 1	<input type="text" value="74 High Street"/>
Line 2	<input type="text"/>
Line 3	<input type="text" value="Sevenoaks"/>
Line 4	<input type="text"/>
Post Code	<input type="text" value="TN13 1JR"/>
Telephone Number	<input type="text" value="01732 789722"/>
E-mail Address	<input type="text" value="mflemington@savills.com"/>



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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:

Savills

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

☒☐

(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**.

Please see accompanying Representations

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 accompanying Representations

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 accompanying Representation for full 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:

Our clients site should be included as a site allocation as the allocation process does not fully address the future requirements of the District

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

2031

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA10

ID: 2031

Response Ref: Reg19/2031/2

Respondent: Ms S Mizen

Organisation: JLL

On Behalf Of: Wates - Snowdrop Lane

Category: Promoter

Appear at Examination? x

From: Mizen, Stefanie <Stefanie.Mizen@eu.jll.com>
Sent: 28 September 2020 16:14
To: ldfconsultation
Subject: Draft Site Allocations DPD (Regulation 19) Consultation
Attachments: 200928 Lindfield Reps - Wates.pdf; Snowdrop lane vision document.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Dear Sir / Madam,

On behalf of Wates Developments please find our comments on the Draft Site Allocations Development Plan Document.

Look forward to confirmation of receipt.

Kind regards,

Stefanie
Stefanie Mizen
Associate - Planning, Development & Heritage
JLL
30 Warwick Street | London W1B 5NH

T [+442031471815](tel:+442031471815)
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Stefanie.Mizen@eu.jll.com
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Planning Policy
Mid Sussex District Council
Oaklands
Oaklands Road
Haywards Heath
West Sussex
RH16 1SS

Your ref N/A
Our ref 920000000104859
Direct line 0203 147 1815
Stefanie.Mizen@eu.jll.com

28 September 2020

Dear Sir / Madam,

**Consultation on Site Allocations Development Plan Document – Regulation 19
Land off Lyoth Lane and Snowdrop Lane, Lindfield, Mid Sussex**

We write on behalf of Wates Developments ('the client'), to provide our comments on the published Site Allocations Development Plan Document ('DPD') which is now out for consultation.

Paragraph 67 of the National Planning Policy Framework (2019) ('NPPF') requires that local authorities have a clear understanding of land available in their area and identify a sufficient supply and mix of sites. It requires planning policies to identify a supply of specific and deliverable sites.

We understand Mid Sussex District Council ('the Council') is seeking to identify sufficient housing sites across the borough to meet housing need and provide a sustainable five-year housing land supply. The Site Allocations DPD forms part of the Mid Sussex District Plan ('DP') 2014-2031, which was adopted in March 2018. Its preparation is in response to the requirement by the Planning Inspector to meet the residual housing and employment needs up to 2031. The Site Allocations DPD proposes a number of new housing and employment sites for allocation in order to meet this need.

The Council is seeking views on whether the Plan is legally compliant and meets the test of 'soundness' set out in the NPPF. We therefore provide our comments below in particular in relation to our client's Site - the Land off Lyoth Lane and Snowdrop Lane, Lindfield, Mid Sussex ('the Site').

Our representations are in two parts: the first part seeks to consider whether the Site Allocations DPD will deliver sufficient homes to meet the need and whether the tests of soundness are met; whilst the second part considers the settlement of Lindfield and the Site being promoted.

The DPD

The Site Allocations DPD purports to deliver sufficient new homes to meet the requirement set out in the District Plan 2018. It is a 'daughter' document to the 2018 District Plan. What it does not do is consider the 'real' housing need in Mid Sussex. Using the Government's standard methodology for assessing housing need, the need in Mid Sussex is to deliver 1,132 new homes per annum, significantly above the current District Plan's figure. Whilst legally, the Council does not have to allocate additional sites to meet this higher need, it is our view that it would be prudent and good planning to do so.

The Council in its Regulation 19 consultation sets out that it is allocating additional homes over and above the requirement. Policy SA10 makes the case that the Council has 484 additional homes over and above the

requirements. However, it is our view that not only does the DPD not provide additional homes over the requirement, but that it fails in meeting even the minimum number required. This is because, a significant number of the sites being allocated will not deliver homes within the Plan period. Indeed, we consider that only 694 of the 1,764 homes set out by the Council can be considered as either deliverable or developable. This leads to a shortfall of 1,070 homes. If the Council is correct and there are an additional 484 homes, this still will lead to an overall shortfall of 586 homes. As such, the Site Allocations does not provide sufficient homes to meet the requirement set out in the District Plan and therefore is unsound. Additional sustainable sites should be included to meet the minimum number of homes required, and, in our view, there should be additional homes allocated in any case in order to meet the significant real need for housing in Mid Sussex.

The Sustainability Appraisal ('SA') that accompanies the Regulation 19 consultation does not refer to the latest evidence and data and is therefore not a sound basis to develop the Site Allocations against. For example, in paragraph 3.19 it refers to the 2017 ONS data on affordability and does not reflect the latest data on affordability which shows worsening affordability. As such, the SA is unable to provide the correct baseline for assessment and does not reflect latest evidence.

The second area where the Site Allocations DPD is unsound relates to the distribution of housing and the need to continue to sustain and enhance rural settlements in the District. Provision of new homes at category two and three settlements should be supported in order to enhance the vitality and viability of the rural settlements and the services within them. However, the approach of the Council to housing delivery does not take account of this, or the policies in the District Plan which seeks to support the more rural parts of the District.

As set out in Table 2.4 of draft Policy SA10, the Council has decided to significantly reduce the allocations in category two and three settlements and concentrate the majority of additional development in the category one settlements, where significant development is already proposed and allocated in the District Plan. This has two implications. The first is that the sustainable settlements will not be enhanced and growth will not be directed to settlements that are sustainable. This is likely to have a negative effect on their long-term vitality and viability. The second implication is that by directing growth to areas of high growth, infrastructure and services would come under significant strain.

This is a further failure of both the DPD and the SA in that it did not consider the effects on category two and three settlements whatsoever. The SA focusses solely on the sustainability of sites rather than considering the benefits of providing housing in other locations. For example, paragraph 6.48 states that *"It is therefore concluded that, should additional sites be required, these should ideally be drawn from sites in the highest settlement category in the hierarchy. These sites perform well, and would mean focusing additional growth (beyond that required to meet the residual housing requirement) at the most sustainable locations using the most sustainable sites still in the process"*.

Furthermore, paragraph 6.43 states *"By allocating the 20 sites that perform well individually and on a settlement basis, the residual housing need of 1,280 would be met with a small over-supply of 144 units. Overall, the collection of sites is largely consistent with the spatial strategy at a settlement category level. 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 settlement category, and under-supply should be met at categories higher-up in the settlement hierarchy, this is acceptable"*. Again, this approach fails to recognise that delivery of nearly all new homes at the category one settlements will have a significant adverse effect on other settlements. This is a further area where the Site Allocations DPD is unsound.

We conclude that the Site Allocations DPD is unsound. It does not reflect the adopted District Plan and does not consider the social and economic effects of non-delivery of homes in category two and three settlements. It also does not deliver the minimum number of homes required to meet the District Plan requirements and falls way short of meeting the real need for housing in Mid Sussex.

As such, it is our contention that additional suitable sites should be allocated now to meet this need.

The Site

The Site adjoins the eastern edge of Haywards Heath and southern edge of Lindfield, see Appendix 1 (Site Location Plan). The Site is separated into two parcels, the first ('Parcel A') being a rectangular strip running parallel to Lyoth Lane comprising greenfield land well screened by tree cover. The second ('Parcel B') runs along Snowdrop Lane, comprising greenfield land, again well screened. Snowdrop Lane runs between the two parcels of land.

The Site is located immediately outside the Built-up Area Boundary, that of Haywards Heath located to the south-west of Parcel A and that of Lindfield further north. The Site is not located in a Conservation Area and there are no statutorily Listed buildings on-site. Lyoth Cottage (Grade II Listed) is adjacent to Parcel A to the south-west. The Environment Agency's Flood Map for Planning indicates that the Site falls within Flood Zone 1 and is therefore subject to a low risk of flooding from rivers or the sea.

The Surroundings

The Site is less than a 10-minute walk from Northlands Wood Primary School, a health centre and a Tesco convenience foodstore / chemist. The Walstead Park development, which includes a 20 acre plus Country Park, is due to commence and is accessible from the access off Lyoth Lane. The Council's initial site assessments (ID Reference Nos. 836 and 1006) noted education and health services were less than a 10-minute walk away and other services within 10-15 minutes.

This Site is located 1.5km south east of Lindfield and 1.5km north-east of Scaynes Hill. The settlement of Lindfield is located on high ground to the south of the River Ouse. The village contains shops, businesses, pubs, schools, a medical centre, churches and community groups catering for a wide range of needs. The village is well served by a frequent bus service to and from Haywards Heath. Other facilities/services in Scaynes Hill include a garage/petrol station, two churches and a primary school.

Haywards Heath is less than 2km away to the west. Haywards Heath is a key settlement in the District with a comprehensive range of employment, retail, health, education leisure services and facilities. Haywards Heath is a main service centre benefitting from excellent public transport.

Accessibility

Snowdrop Lane runs between the two parcels of land, meeting at the junction with the A272/Lewes Road to the south and joining the A23 approximately 10km to the west of the Site.

Beech Hill bus stop is in close proximity to the Site, located circa 200m away along Northlands Avenue to the west providing a regular service to Haywards Heath, Crawley, Burgess Hill and Brighton.

The closest railway station to the site is at Haywards Heath, located circa 2km away to the west, providing regular services towards London and Brighton.

Planning Case for Residential Development in Lindfield

The Site Allocations DPD forms part of the Mid Sussex District Plan 2014-2031. Its preparation is in response to the requirement by the Planning Inspector to meet the residual housing and employment needs up to 2031.

Having reviewed the Site Allocations DPD, we consider the following to be important:

- Lindfield is allocated as a category two (Local Service Centre) settlement;
- The Site Allocations DPD Policies Map is proposing to increase the Built-up Area Boundary to the north of our client's Site;
- Notwithstanding this no housing allocations whatsoever are identified in Lindfield.

We would like to promote the delivery of residential development in Lindfield, with specific regards to our client's Site, for the reasons stated below.

Requirement for Housing

The NPPF encourages the provision of more housing and states that applications should be considered in the context of the presumption in favour of sustainable development. Policy DP4 of the DP relates to housing and states that *"there is a minimum District housing requirement of 16,390 dwellings between 2014 – 2031"*, which it advises is made up of the District's objectively assessed need (OAN) of 14,892 dwellings over the plan period as well as *"1,498 dwellings to ensure unmet need is addressed in the Northern West Sussex Housing Market Area"*. Policy states *"the Plan will deliver an average of 876 dwellings per annum (dpa) until 2023/24. Thereafter an average of 1,090 dpa will be delivered between 2024/25 and 2030/31"*.

The supporting text then advises that *"the spatial strategy of the District Plan is to focus the majority of housing and employment development at Burgess Hill as it has greater potential to deliver sustainable communities and to benefit from the opportunities that new development can deliver than at East Grinstead and Haywards Heath. A smaller scale development is allocated in this plan and was granted outline planning permission in 2016 at Pease Pottage as a contribution towards meeting the needs of the Northern West Sussex Housing Market Area. A smaller scale development is allocated at north of Clayton Mills, Hassocks. The remainder of development will be delivered as sustainable developments, including possible new strategic developments and development in other towns and villages"*.

There are no proposed site allocations within Lindfield. This is notwithstanding Policy DP4, which sets out the strategic distribution of housing across the District and states that Lindfield – along with 5 other settlements – should deliver 838 homes for the remainder of the Plan period and the proposed uplift to this requirement as set out in the Site Allocations DPD.

Sustainable Location

Lindfield is a sustainable location where significant development was proposed in the District Plan and the Neighbourhood Plan.

The Council's Settlement Sustainability Review ('SSR') was produced in 2015 in order to assist in the production of the DP, specifically the settlement strategy now set out within Policy DP4. The review lists Lindfield – along with 5 other settlements - as a "Category 2" settlement and page 13 of the document provides the following assessment of the village:

"Lindfield accommodates a lower proportion of age groups 5-15 to 45-64 than the Mid Sussex "district" and "rural" averages. Lindfield also has the highest proportion of 65+ residents in Mid Sussex. The village benefits from a peak public transport service to significant local employment opportunities; and an off peak service that is sufficient to enable access to further services and facilities, aided by its relative proximity to Haywards Heath station. The south west boundary of Lindfield adjoins the town of Haywards Heath. There are patches of Ancient Woodland beyond the northern boundary of the village and an area of flood risk to the south east of the village"

The SSR states Lindfield is considered to meet all of the criteria to be considered a Local Service Centre where “a Local Service Centre, a settlement must have, or share a maximum of one of the following:

- 5 or more retail uses including at least a post office, banking facilities (bank and/or cash point) and a convenience store;
- Pre-school facilities, infant/ primary school;
- Significant local employment opportunities within 5km
- A village hall/ community centre;
- Health centre / GP facility and a dispensary;
- A good provision of recreational facilities

Table 5 of the SSR, states that Lindfield shares such services with Ardingly, Cuckfield, Haywards Heath, Horsted Keynes, Scaynes Hill. Table 6 then provides a matrix of services found in Lindfield. It is evident upon viewing Table 6 that Lindfield has a good provision of services providing 22 of the 28 services listed in the table.

Indeed, the Council’s initial site assessments (ID Reference Nos. 836 and 1006) noted education and health services were less than a 10-minute walk away and other services within 10-15 minutes, therefore clearly the Site is within a sustainable location with access to all essential services.

Lindfield is clearly a suitable location to accommodate residential-led development. There would be no effect on the settlement hierarchy in terms of location of development.

Planning Case for Site Allocation

Given the above, our client’s Site would be completely appropriate for residential development and should be considered as an additional allocation for residential.

The Site is located adjacent to the settlement boundaries of both Lindfield and Haywards Heath with residential development adjacent to the west. Although abutting the settlement boundary, the NPPF (paragraph 84) recognises this when it states that “*planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements*”. DP Policy DP6 (Settlement Hierarchy) states “*The growth of settlements will be supported where this meets identified local housing, employment and community needs. 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 DP and its evidence base recognise the need for significant residential development across West Sussex. Lindfield is a sustainable settlement within category two, therefore significant housing and employment development should be directed to this settlement. The Site’s location immediately adjacent to the built area of both Haywards Heath and Lindfield would serve as a natural extension.

When assessing sites for allocation, paragraph 108 of the NPPF requires that local authorities consider appropriate opportunities to promote sustainable transport, safe and suitable access and that any significant impacts from development on the transport network can be mitigated. The Site lies within a relatively short walking distance of Beech Hill bus providing a regular service to Haywards Heath, Crawley, Burgess Hill and Brighton. These factors, together with the findings set out in the SSR demonstrate that the Site is clearly a sustainable location to accommodate residential-led development in accordance with Policy DP6.

Conclusion

We support the inclusion of the Land off Lyoth Lane and Snowdrop Lane, Lindfield as an additional site allocation in the Site Allocations DPD. As demonstrated above, Lindfield and specifically our client's Site has potential for residential development because:

- There are no proposed site allocations within Lindfield. This is notwithstanding Policy DP4, which sets out the strategic distribution of housing across the District and states that Lindfield – along with 5 other settlements – should deliver 838 homes for the remainder of the Plan period and the proposed uplift to this requirement as set out in the Site Allocations DPD.
- Lindfield has been classed as a category two settlement and is clearly a sustainable location in which to accommodate residential-led development. There would be no effect on the settlement hierarchy or breach of development plan policy in terms of location of development.
- The Site's location immediately adjacent to the built area of Lindfield and Haywards Heath would serve as a natural extension.
- The Site has no environmental constraints to development such as flood risk (Flood Zone 1).
- The Site is in a sustainable location with good access to public transport and development would not result in adverse impacts to the highway network.

We look forward to your confirmation of receipt of this letter. If you require any information or clarification, please contact Stefanie Mizen of this office on 0203 147 1815.

Yours faithfully,

Stefanie Mizen

Stefanie Mizen

Associate – Planning, Development & Heritage

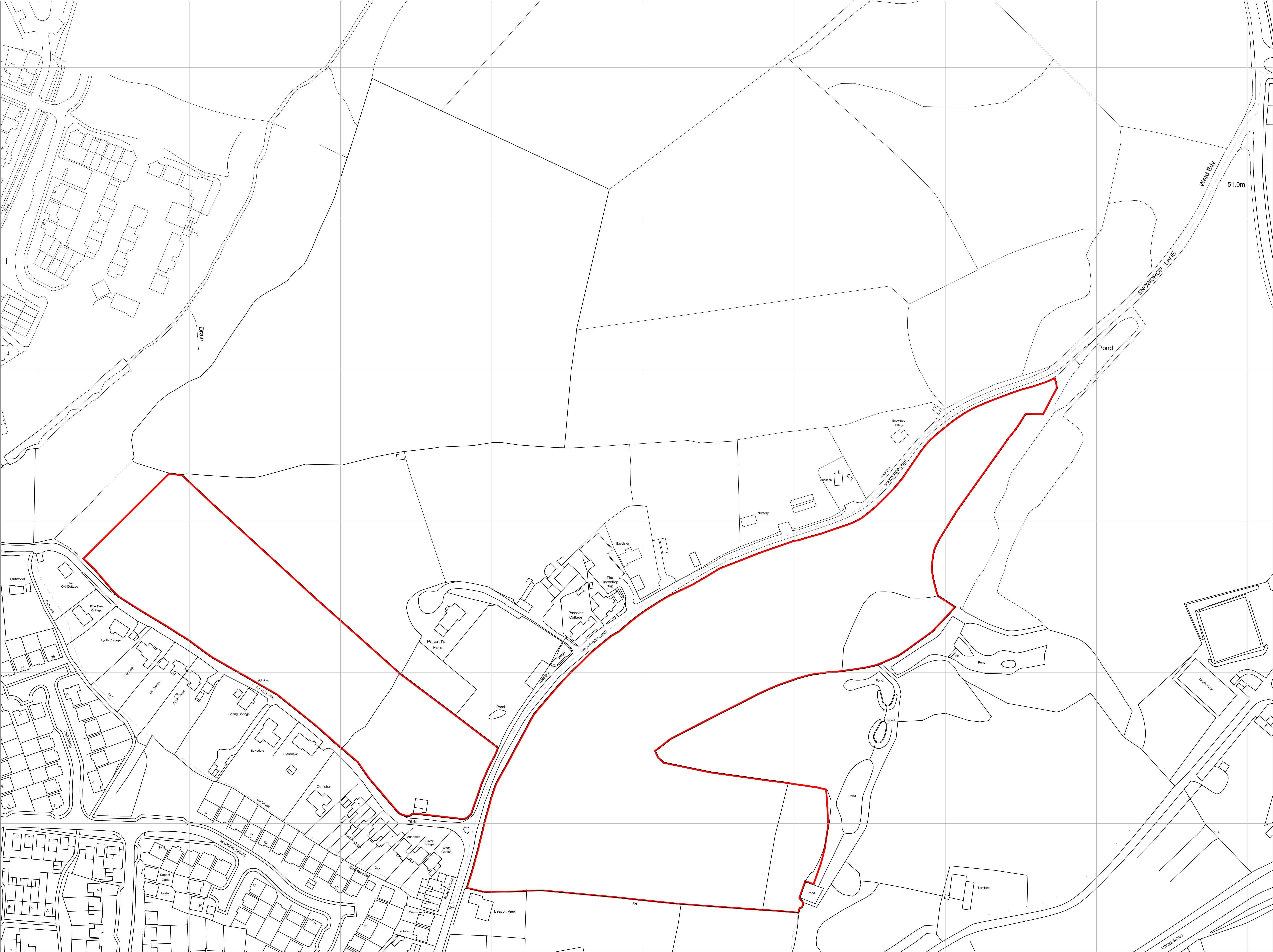
Direct line 0203 147 1815

Mobile 07968 331943

Stefanie.Mizen@eu.jll.com



Appendix 1 – Site Location Plan



Land off Lyoth Lane & Snowdrop Lane
Lindfield

Scale 1:1250 @ A1

July 2020

2059

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA10

ID: 2059

Response Ref: Reg19/2059/3

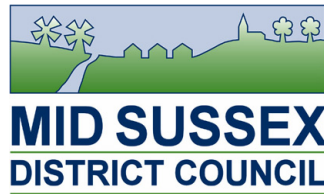
Respondent: Mr M Jackson

Organisation: Miller Homes

On Behalf Of:

Category: Developer

Appear at Examination? ✓



Site Allocations Development Plan Document Regulation 19 Submission Draft Consultation Form

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

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

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

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

The Site Allocations DPD is available to view at:

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

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

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

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

How can I respond to this consultation?

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

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

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

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

E-mail: LDFconsultation@midsussex.gov.uk

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

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

1. Personal Details

Title	<input type="text" value="Mr"/>
First Name	<input type="text" value="Mark"/>
Last Name	<input type="text" value="Jackson"/>
Job Title (where relevant)	<input type="text" value="Strategic Planning Director"/>
Organisation (where relevant)	<input type="text" value="Miller Homes"/>
Respondent Ref. No. (if known)	<input type="text"/>
On behalf of (where relevant)	<input type="text"/>
Address Line 1	<input type="text" value="Unit 3 Rankine Road"/>
Line 2	<input type="text" value="Faraday Office Park"/>
Line 3	<input type="text"/>
Line 4	<input type="text"/>
Post Code	<input type="text" value="RG24 8QB"/>
Telephone Number	<input type="text" value="07920703944"/>
E-mail Address	<input type="text" value="Mark.jackson@miller.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

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

variety

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**.

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.

Miller Homes control land at Berrylands, at Pookbourne Lane, Burgess Hill. The Site measures approximately 5 hectares, is available for development now and has an indicative capacity of 100 dwellings. A Vision Document has been prepared to set out the credentials of the Site and this is attached to these representations.

Policy SA10: Housing

Quantum of Housing

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

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.

Given the shortcomings identified above the SA DPD is unsound. Additional sites will need to be allocated in order to address these issues of soundness, such as land at Berrylands, Pookbourne Lane, Burgess Hill which has capacity to accommodate approximately 100 dwellings, is controlled by a housebuilder, Miller Homes, and is deliverable.

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

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

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

☐

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

☒

Yes, I wish to participate at the oral examination

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

To full outline concerns regarding the document.

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: Mark Jackson

Date:

28th September 2020

Thank you for taking time to respond to this consultation

6 October 2020

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

Dear Sirs

These representations have been prepared by Miller Homes Ltd in respect of the Regulation 19 consultation on the Mid Sussex draft Site Allocations DPD ("SA DPD").

Miller Homes control land at Berrylands, at Pookbourne Lane, Burgess Hill. The Site measures approximately 5 hectares, is available for development now and has an indicative capacity of 100 dwellings. A Vision Document has been prepared to set out the credentials of the Site and this is attached to these representations.

Policy SA10: Housing

Quantum of Housing

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).

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.

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).

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.

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

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.

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.

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.

Policy SA11: Additional Housing Allocations

Distribution of Development

Category 1 Settlements

Table 2.5 within Policy SA11 outlines that 1,409 dwellings are proposed to be allocated within Category 1 Settlements. Within the District Plan it is clear that Burgess Hill has by far the most housing allocations, including the Northern Arc and therefore at a strategic level it is difficult to understand the justification to allocate almost a further 612 dwellings on the edge of this settlement.

With the direction of travel for the growth of Burgess Hill being to the west of the town it is clear that sites such as Berrylands should be considered as real options to continue this level of sustainable growth.

Selection of Sites

Miller Homes Ltd control land at Berryland, and the attached brochure demonstrates how the site could be developed and delivered in short order.

Selected commentary is provided below:

- Ancient Woodland – the Site is adjacent to ancient woodland however the submitted Vision Document demonstrates that a 20m buffer is proposed, exceeding Natural England guidance. No adverse effects are therefore considered to arise.
- Listed Buildings – There are no heritage assets that would be adversely affected by this proposal.
- Trees/TPOs – There are no protected trees within the site. Any development scheme would be able to respect and maintain the boundary vegetation on this site.
- Local Road/Access – Vehicular access into the Site is available through a field gate. This would be enhanced as would the road leading to the site. This would have the advantage of enhancing the entrance to the Council’s depot opposite.
- Deliverability – The Site is controlled by a housebuilder, Miller Homes, and available for development now. The submitted Vision Document outlines that the Site can comfortably be delivered within the plan period.

Given the above, it cannot be concluded that the additional housing allocations identified through Policy SA11 have been selected on a robust basis and represent an appropriate strategy and thus the SA DPD is unsound.

To address this issue, the Council should re-appraise the site selection process to ensure all scoring is accurate and review what implications this has for conclusions in respect of allocated / omitted sites.

We agree that the SA DPD should not simply allocate all sites in Category 1 settlements as they should broadly align with the spatial strategy set out in the District Plan, but only where it is sustainable to do so. Where sufficient sites cannot be identified within a settlement category, any shortfall should then first be tested in Category 1 settlements.

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).

Given the shortcomings identified above the SA DPD is unsound. Additional sites will need to be allocated in order to address these issues of soundness, such as land at Berrylands, Pookbourne Lane, Burgess Hill which has capacity to accommodate approximately 100 dwellings, is controlled by a housebuilder, Miller Homes, and is deliverable.

I hope you find these representations helpful and if you would like to meet to discuss the development of this land please do not hesitate to contact me.

Yours faithfully

Mark Jackson

Mark.jackson@miller.co.uk

Tel: 07920703944

2065

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA10

ID: 2065

Response Ref: Reg19/2065/1

Respondent: Mr A Black

Organisation: Andrew Black consulting

On Behalf Of: Denton - Horsham Road

Category: Promoter

Appear at Examination? x

From: Andrew Black <andrew@andrewblackconsulting.co.uk>
Sent: 28 September 2020 14:41
To: Idfconsultation
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Follow Up Flag: Follow up
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Dear Sir / Madam

I attach two separate representations on behalf of my client, Denton Homes, in respect of the Site Allocations DPD (Regulation 19) Consultation.

With thanks

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Mid Sussex District Council

Draft Site Allocations DPD (Regulation 19)
Consultation

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

September 2020

Project MSDC Draft Site Allocations DPD

ABC Reference ABC/0075/07a

Local Authority Mid Sussex District Council

Client Denton Homes

Issue Final

Author Andrew Black

Date September 2020

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1. Introduction

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

2. Site and Surroundings

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

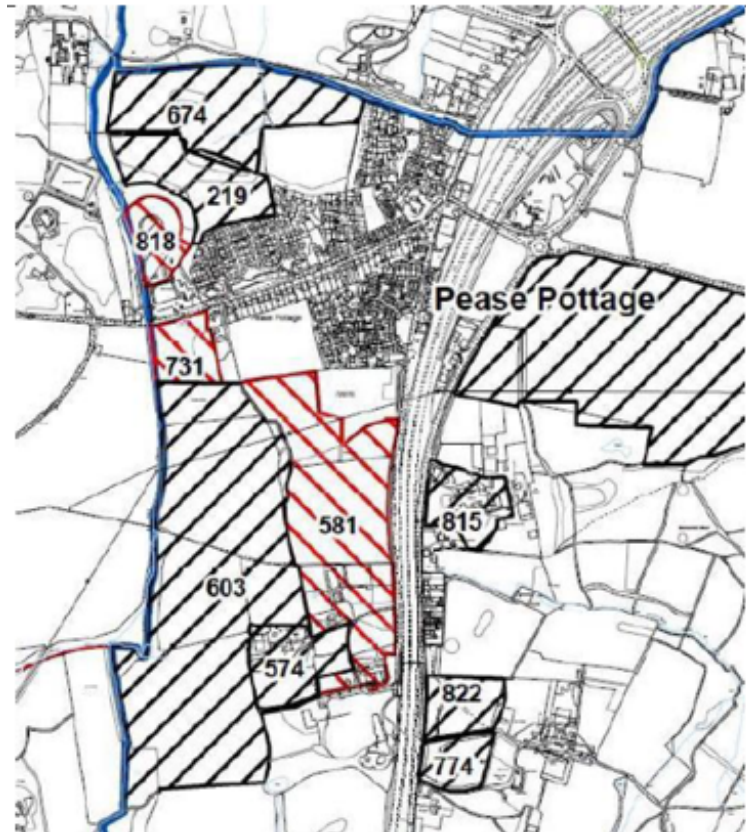


Figure 1 – SHELAA Extract

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

Surrounding Developments and Proposed Allocations

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



Figure 2 – Riverdale Homes site layout

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



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

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

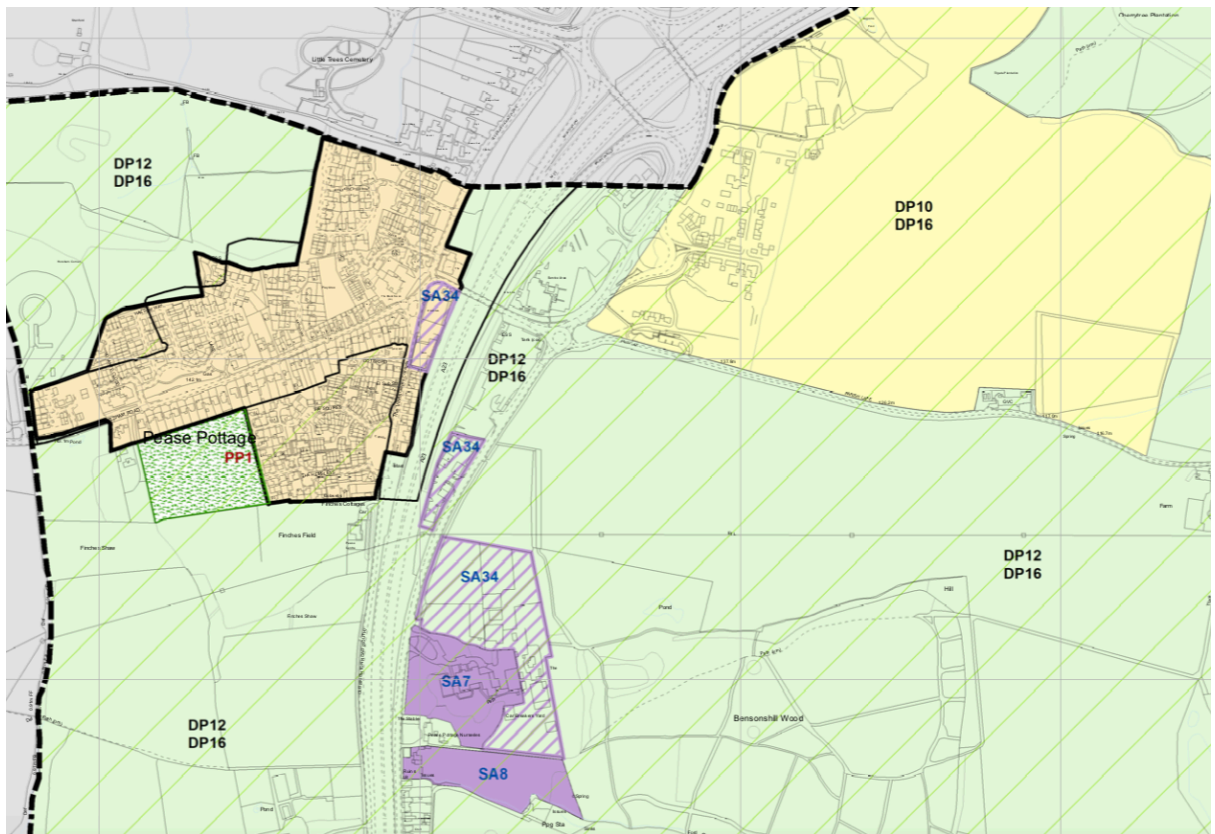


Figure 4 – SADPD Proposals Map

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

Part 3 - Sustainability / Access to Services

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

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

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

3. Housing Site Allocation Process

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

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

Figure 5 – Extract from MSDC Housing Land Supply Position Statement

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

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

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

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

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

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

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

Deliverability of Sites

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

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

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

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

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

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

Paragraph: 019 Reference ID: 3-019-20190722

Revision date: 22 07 2019

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

Historic Environment

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

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

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

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

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

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

4. Sustainability Appraisal

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

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

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

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

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

Paragraph: 018 Reference ID: 11-018-20140306

Revision date: 06 03 2014

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

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

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

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

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

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

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

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

- 4.8 Paragraph 6.52 of the SA concludes that:

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

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

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

5. Assessment of Proposed Sites.

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

SA 12 Land South of 96 Folders Lane, Burgess Hill

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

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

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

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

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

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

SA 15 Land South of Southway, Burgess Hill

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

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

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

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

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

SA 17 Woodfield House, Isaacs Lane, Burgess Hill

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

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

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

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

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

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

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

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

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

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

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

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

SA 19 Land south of Crawley Down Road, Felbridge

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

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

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

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

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

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

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

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

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

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

APPENDIX B : Gullege Farm, Imberhorne Lane

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

NPPF: LSH, high

Imberhorne Farm and Imberhorne Cottages

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

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

NPPF: LSH, high

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

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

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

SA 21 Rogers Farm, Fox Hill, Haywards Heath

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

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

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

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

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

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

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

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

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

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

SA 22 Land north of Burleigh Lane, Crawley Down

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

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

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

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

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

- 5.38 No comments.

SA 24 Land to the north of Shepherds Walk, Hassocks

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

SA 25 Land west of Selsfield Road, Ardingly

- 5.40 No comments.

SA 26 Land south of Hammerwood Road, Ashurst Wood

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

SA 27 Land at St. Martin Close, Handcross

- 5.42 No comments.

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

- 5.43 No comments.

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

- 5.44 No comments.

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

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

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

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

SA 32 Withypitts Farm, Selsfield Road, Turners Hill

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

SA 33 Ansty Cross Garage, Cuckfield Road, Ansty

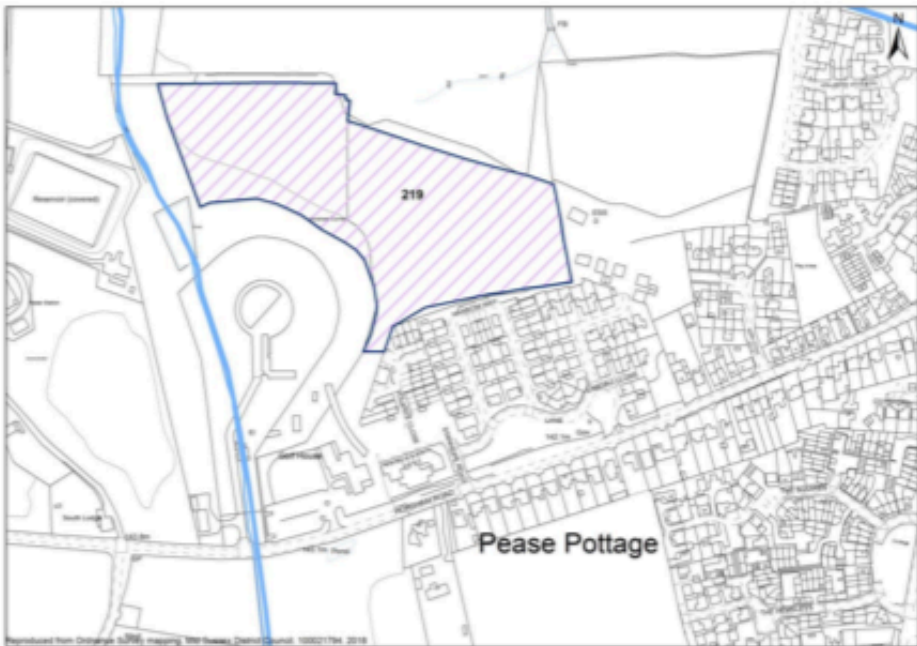
- 5.50 This site is not considered to be a sustainable location. A total of four separate sites were considered within Ansty with this being the only one accepted. The only difference between this and the other sites was that this scored slightly higher in the SA due to it being PDL. Whilst this is correct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

6. Conclusions


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

7. Appendix 1 – SHELAA Extract – February 2020


Stage 1 Site Pro-Forma – All Sites

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

Stage 1 Site Pro-Forma – All Sites

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

8. Appendix 2 – Site Selection Paper Extract

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

Site Selection - Housing

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

Part 3 - Sustainability / Access to Services

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

Part 4 - Other Considerations

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

Part 5 - Conclusion

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

2067

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA10

ID: 2067

Response Ref: Reg19/2067/2

Respondent: Mr A Black

Organisation: Andrew Black consulting

On Behalf Of: Denton Homes - Butlers green

Category: Promoter

Appear at Examination? x

From: Andrew Black <andrew@andrewblackconsulting.co.uk>
Sent: 28 September 2020 14:41
To: ldfconsultation
Subject: Site Allocations DPD (Regulation 19) Consultation
Attachments: Draft Site Allocations DPD (Reg 19) Consultation - Land North of Horsham Road - ABC obo Denton Homes.pdf; Draft Site Allocations DPD (Reg 19) Consultation - Land North of Butlers Green Road - ABC obo Denton Homes.docx

Follow Up Flag: Follow up
Flag Status: Completed

Categories: TBC

Dear Sir / Madam

I attach two separate representations on behalf of my client, Denton Homes, in respect of the Site Allocations DPD (Regulation 19) Consultation.

With thanks

Andrew Black

Andrew Black

07775 912 653

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Mid Sussex District Council

Draft Site Allocations DPD (Regulation 19)
Consultation

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

September 2020

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

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

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1. Introduction

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

2. Site and Surroundings

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



Figure 1 – SHELAA Extract

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

3. Housing Site Allocation Process

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

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

Figure 5 – Extract from MSDC Housing Land Supply Position Statement

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

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

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

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

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

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

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

Deliverability of Sites

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

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

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

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

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

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

Paragraph: 019 Reference ID: 3-019-20190722

Revision date: 22 07 2019

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

4. Sustainability Appraisal

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

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

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

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

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

Paragraph: 018 Reference ID: 11-018-20140306

Revision date: 06 03 2014

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

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

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

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

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

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

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

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

- 4.8 Paragraph 6.52 of the SA concludes that:

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

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

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

5. Assessment of Proposed Sites.

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

SA 12 Land South of 96 Folders Lane, Burgess Hill

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

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

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

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

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

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

SA 15 Land South of Southway, Burgess Hill

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

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

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

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

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

SA 17 Woodfield House, Isaacs Lane, Burgess Hill

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

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

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

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

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

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

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

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

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

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

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

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

SA 19 Land south of Crawley Down Road, Felbridge

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

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

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

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

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

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

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

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

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

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

APPENDIX B : Gullege Farm, Imberhorne Lane

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

NPPF: LSH, high

Imberhorne Farm and Imberhorne Cottages

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

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

NPPF: LSH, high

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

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

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

SA 21 Rogers Farm, Fox Hill, Haywards Heath

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

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

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

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

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

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

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

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

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

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

SA 22 Land north of Burleigh Lane, Crawley Down

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

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

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

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

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

- 5.38 No comments.

SA 24 Land to the north of Shepherds Walk, Hassocks

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

SA 25 Land west of Selsfield Road, Ardingly

- 5.40 No comments.

SA 26 Land south of Hammerwood Road, Ashurst Wood

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

SA 27 Land at St. Martin Close, Handcross

- 5.42 No comments.

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

- 5.43 No comments.

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

- 5.44 No comments.

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

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

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

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

SA 32 Withypitts Farm, Selsfield Road, Turners Hill

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

SA 33 Ansty Cross Garage, Cuckfield Road, Ansty


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

6. Conclusions


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

7. Appendix 1 – SHELAA Extract – February 2020

Stage 1 Site Pro-Forma – All Sites

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

8. Appendix 2 – Site Selection Paper Extract

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

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

2079

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA10

ID: 2079

Response Ref: Reg19/2079/2

Respondent: Mr A Black

Organisation: Andrew Black consulting

On Behalf Of: Vanderbilt Homes - Hurstwood HH

Category: Promoter

Appear at Examination? x

From: Andrew Black <andrew@andrewblackconsulting.co.uk>
Sent: 28 September 2020 14:24
To: ldfconsultation
Subject: Site Allocations DPD (Regulation 19) Consultation
Attachments: Draft Site Allocations DPD (Reg 19) Consultation - Land at Hurstwood Lane - ABC obo Vanderbilt Homes.pdf; Draft Site Allocations DPD (Reg 19) Consultation - Land South of 61 CDR - ABC obo Vanderbilt Homes.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Categories: TBC

Dear Sir / Madam

I attach two separate representations on behalf of my client, Vanderbilt Homes, in respect of the Site Allocations DPD (Regulation 19) Consultation.

With thanks

Andrew Black

Andrew Black

07775 912 653

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Mid Sussex District Council

Draft Site Allocations DPD (Regulation 19)
Consultation

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

September 2020

Project MSDC Draft Site Allocations DPD

ABC Reference ABC/0072/07b

Local Authority Mid Sussex District Council

Client Vanderbilt Homes

Issue Final

Author Andrew Black

Date September 2020

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

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1. Introduction

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

2. Site and Surroundings

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



Figure 1 – SHELAA Extract

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

Planning History

- 2.4 The site does not have any planning history.
- 2.5 The site is in close proximity to a site which was allocated under the District Plan (H1) and has a current application for a substantial application. An application was submitted in 2017 (DM/17/2739) with the following description:
- Outline application for development of up to 375 new homes, a 2 form entry primary school with Early Years provision, a new burial ground, allotments, Country Park, car parking, 'Green Way', new vehicular accesses and associated parking and landscaping. All matters are to be reserved except for access.*
- 2.6 A resolution to grant planning permission was made by planning committee in August 2018. A formal planning decision is yet to be issued as further negotiations are taking place regarding the s106 agreement. However, the allocation of the site and the resolution to grant planning

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

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

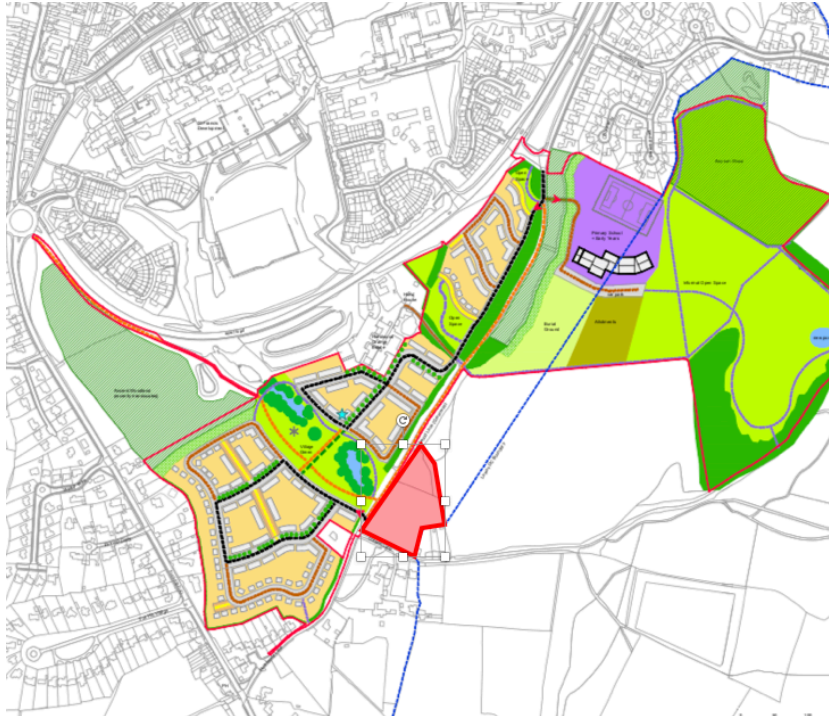


Figure 2 – Proximity of Site to significant application

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

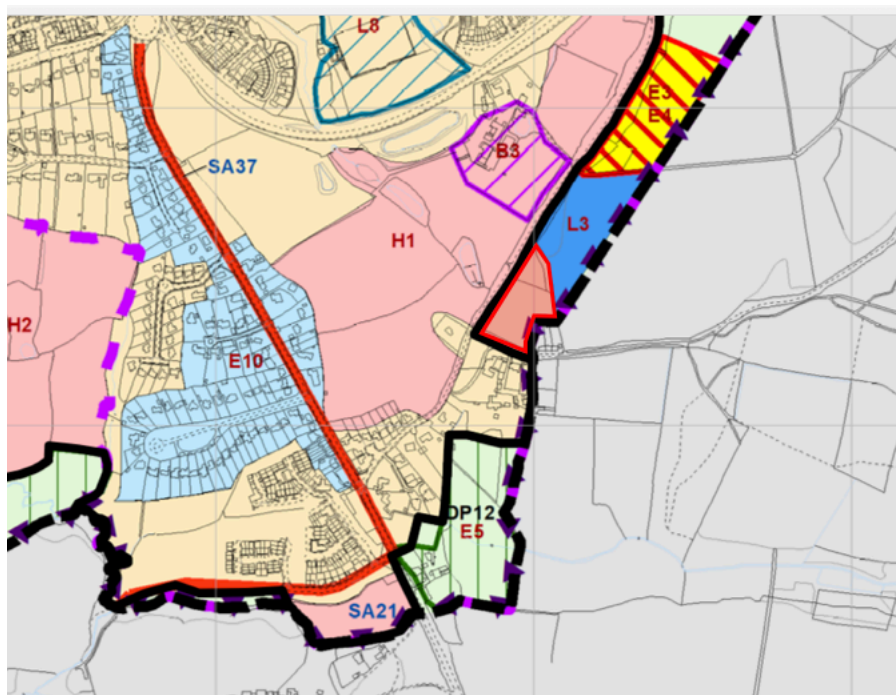


Figure 3 – Proposed Site Allocations Proposals Map

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

SA 21 Rogers Farm, Fox Hill, Haywards Heath

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3. Housing Site Allocation Process

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

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

Figure 4 – Extract from MSDC Housing Land Supply Position Statement

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

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

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

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

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

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

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

Deliverability of Sites

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

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

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

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

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

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

Paragraph: 019 Reference ID: 3-019-20190722

Revision date: 22 07 2019

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

Area of Outstanding Natural Beauty

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

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

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

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

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

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

- 3.14 It is part b of paragraph 172 that is of particular importance in this instance. It is not considered that MSDC has considered sites outside of the AONB which could be used to meet the identified residual housing requirement. It would appear that sites have been selected because of their conformity to the spatial strategy and hierarchy without the proper application of the 'great weight' required to protect the AONB.
- 3.15 The approach of allocating sites within the AONB as opposed to 'outside the designated area' should have been tested through a robust analysis of reasonable alternatives within the Sustainability Appraisal. The failure to do this adequately is a matter of soundness and it is considered that the Sites DPD fails the tests within the NPPF on this basis alone.

Historic Environment

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

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

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

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

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

4. Sustainability Appraisal

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

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

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

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

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

Paragraph: 018 Reference ID: 11-018-20140306

Revision date: 06 03 2014

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

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

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

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

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

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

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

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

- 4.8 Paragraph 6.52 of the SA concludes that:

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

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

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

5. Assessment of Proposed Sites.

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

SA 12 Land South of 96 Folders Lane, Burgess Hill

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

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

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

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

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

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

SA 15 Land South of Southway, Burgess Hill

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

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

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

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

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

SA 17 Woodfield House, Isaacs Lane, Burgess Hill

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

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

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

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

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

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

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

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

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

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

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

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

SA 19 Land south of Crawley Down Road, Felbridge

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

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

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

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

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

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

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

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

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

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

APPENDIX B : Gullege Farm, Imberhorne Lane

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

NPPF: LSH, high

Imberhorne Farm and Imberhorne Cottages

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

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

NPPF: LSH, high

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

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

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

SA 22 Land north of Burleigh Lane, Crawley Down

- 5.32 No comments.

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

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

SA 24 Land to the north of Shepherds Walk, Hassocks

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

SA 25 Land west of Selsfield Road, Ardingly

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

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

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

SA 26 Land south of Hammerwood Road, Ashurst Wood

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

SA 27 Land at St. Martin Close, Handcross

- 5.38 No comments.

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

- 5.39 No comments.

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

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

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

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

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

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

SA 32 Withypitts Farm, Selsfield Road, Turners Hill

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

SA 33 Ansty Cross Garage, Cuckfield Road, Ansty


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

6. Conclusions


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

7. Appendix 1 – SHELAA Extract – February 2020

Stage 1 Site Pro-Forma – All Sites

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

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

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

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

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

Part 4 - Other Considerations

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

Part 5 - Conclusion

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

2080

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA10

ID: 2080

Response Ref: Reg19/2080/3

Respondent: Mr A Black

Organisation: Andrew Black consulting

On Behalf Of: Vanderbilt homes - CDR

Category: Promoter

Appear at Examination? x

From: Andrew Black <andrew@andrewblackconsulting.co.uk>
Sent: 28 September 2020 14:24
To: Idfconsultation
Subject: Site Allocations DPD (Regulation 19) Consultation
Attachments: Draft Site Allocations DPD (Reg 19) Consultation - Land at Hurstwood Lane - ABC obo Vanderbilt Homes.pdf; Draft Site Allocations DPD (Reg 19) Consultation - Land South of 61 CDR - ABC obo Vanderbilt Homes.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Categories: TBC

Dear Sir / Madam

I attach two separate representations on behalf of my client, Vanderbilt Homes, in respect of the Site Allocations DPD (Regulation 19) Consultation.

With thanks

Andrew Black

Andrew Black

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Mid Sussex District Council

Draft Site Allocations DPD (Regulation 19)
Consultation

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

September 2020

Project MSDC Draft Site Allocations DPD

ABC Reference ABC/0072/07

Local Authority Mid Sussex District Council

Client Vanderbilt Homes

Issue Final

Author Andrew Black

Date September 2020

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

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1. Introduction

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

2. Site and Surroundings

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



Figure 1 – SHELAA Extract

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

Flood Risk

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

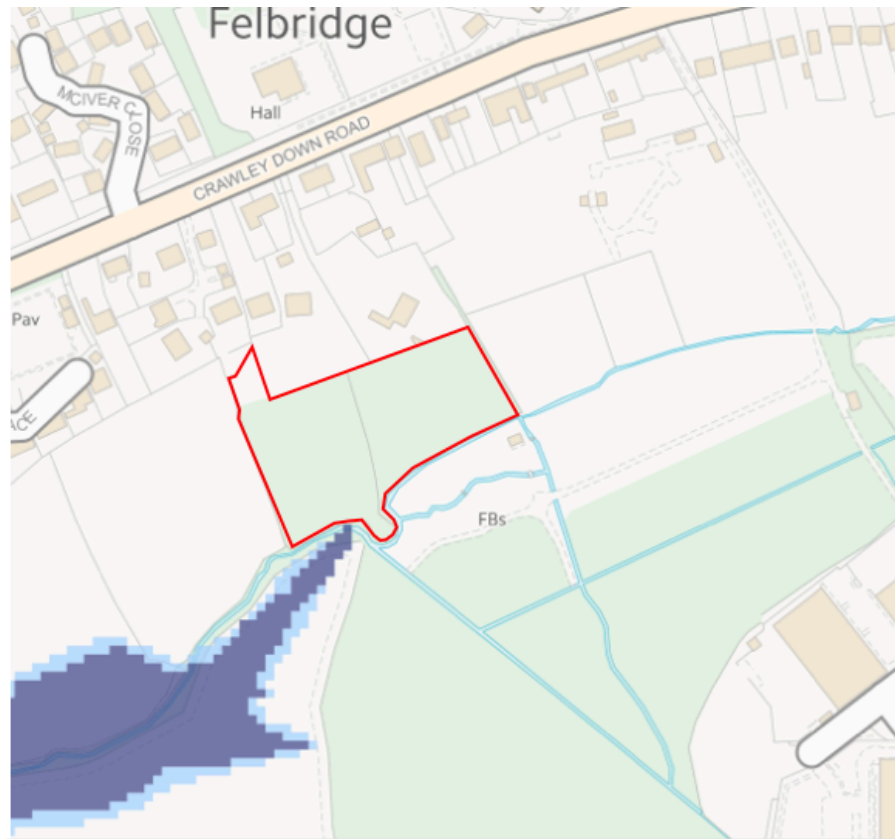


Figure 2 – Extract from Environment Agency Flood Risk Map

Ancient Woodland

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

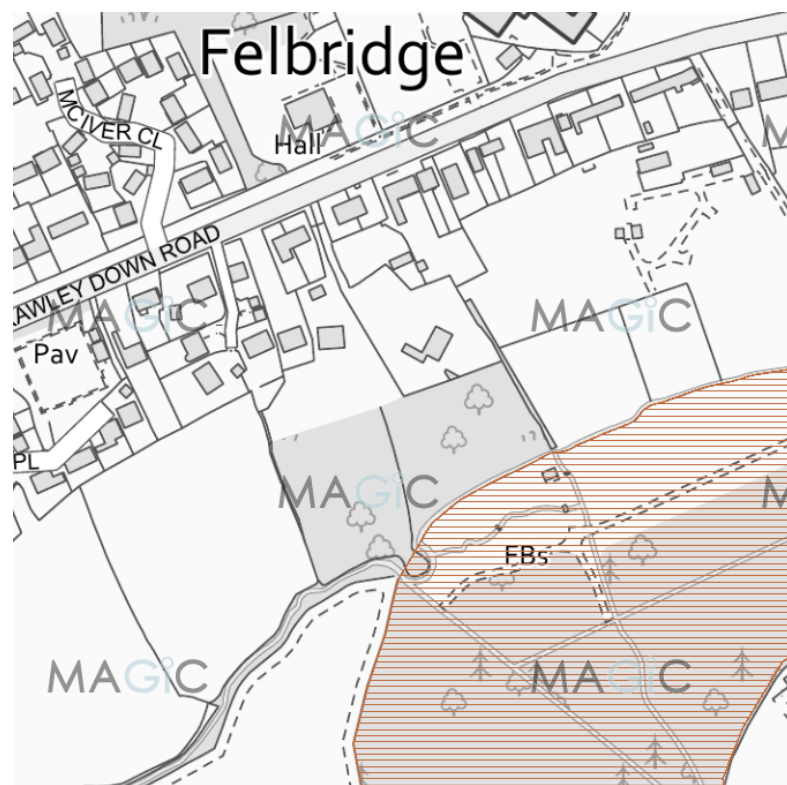


Figure 3 – Location of Ancient Woodland

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

Site of Special Scientific Interest

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

Area of Outstanding Natural Beauty

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

Local Nature Reserve

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

Conservation Area

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

Scheduled Monument

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

Listed Buildings

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

Access

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



Figure 4 – Potential Access.

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

Planning History

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

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

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

Surrounding Developments and Proposed Allocations

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



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

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



Figure 6 – Reserved Matters Plan for adjoining site.

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

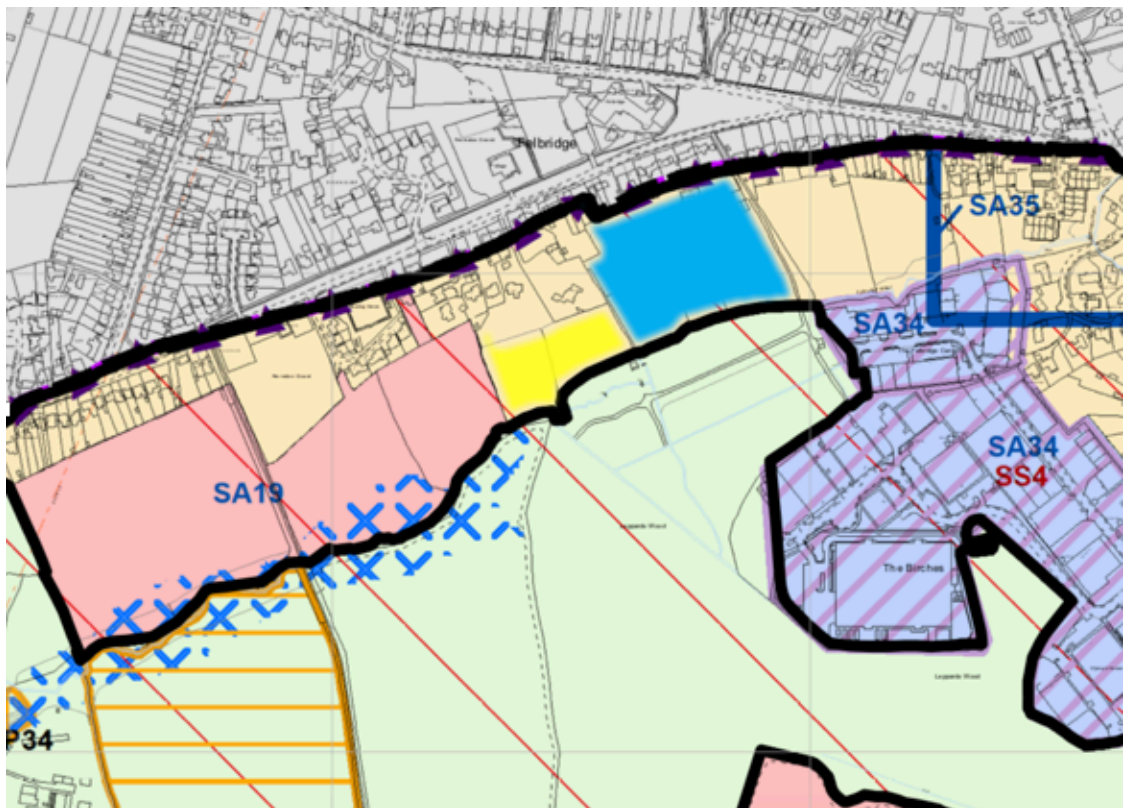


Figure 7 – Map of proposed allocation SA19, BUAB, Consented Land and Proposed Site

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

3. Built up Area Boundary Review

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



Figure 8 – Existing District Plan Proposals Map

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

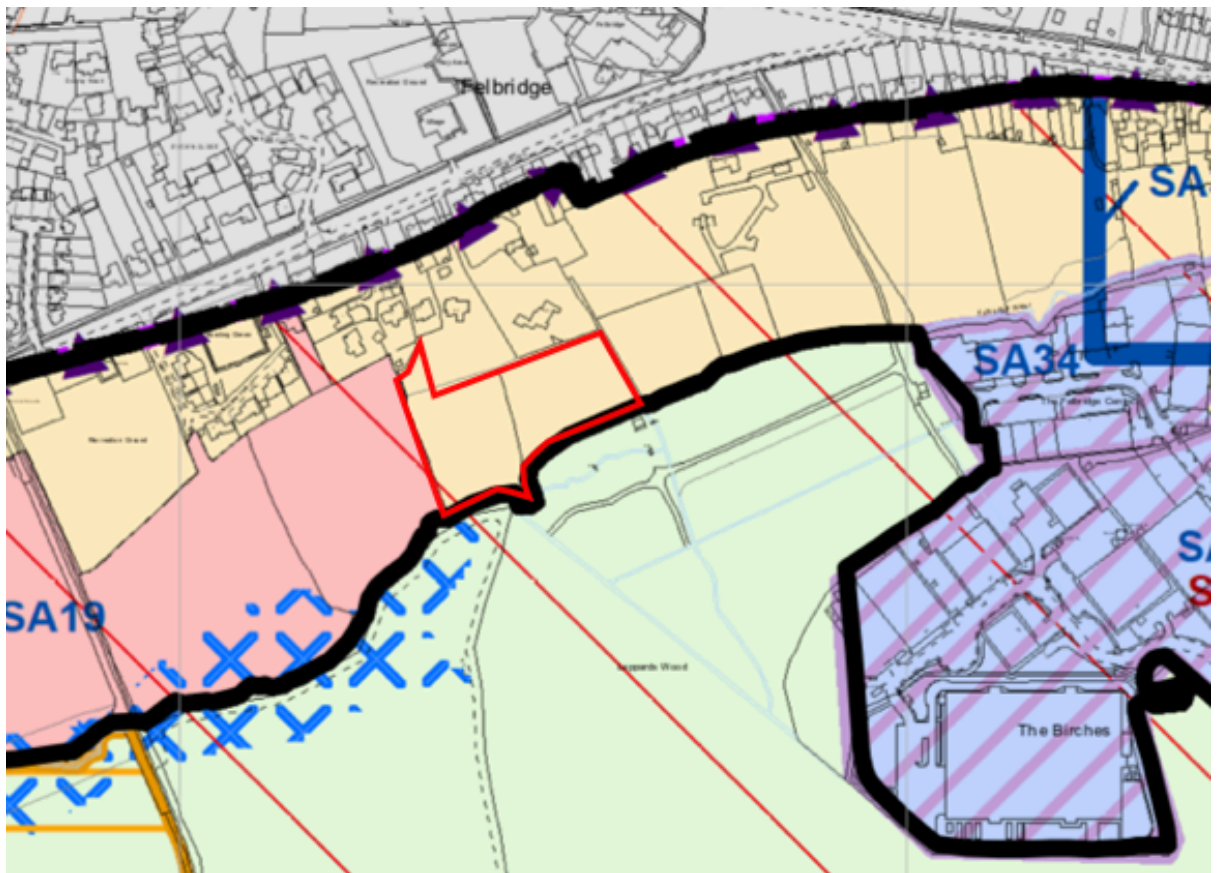


Figure 9 – Proposed BUAB

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

4. Housing Site Allocation Process

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

Category		Number of Dwellings
Housing Requirement for the full plan period (April 2014 to March 2031)		16,390
Housing Completions (April 2014 to March 2020)		4,917
Completions 2014/15		630
Completions 2015/16		868
Completions 2016/17		912
Completions 2017/18		843
Completions 2018/19		661
Completions 2019/20		1003
Housing Supply (April 2014 to March 2031)	Commitments (including District Plan Allocations)	9,689
	Site Allocations DPD - Allocations	1,764
	Windfalls	504
Total Supply (at 1 April 2019)		16,874

Figure 10 – Extract from MSDC Housing Land Supply Position Statement

- 4.4 The Housing Delivery Test was introduced in the July 2018 update to the NPPF. The Housing Delivery Test is an annual measurement of housing delivery for each local authority and the first results were published in February 2019 by the Ministry of Housing, Communities and Local Government (MHCLG). Where the Housing Delivery Test indicates that delivery has fallen below 95% of the local planning authority’s housing requirement over the previous 3 years then it is required to prepare an action plan. Where delivery has fallen below 85% of the housing requirement a 20% buffer should be added to the five year supply of deliverable sites.
- 4.5 The result for Mid Sussex produced in February 2020 was 95%. This result is based on monitoring years 2016-17, 2017-18 and 2018-19. Mid Sussex is therefore not required to add 20% buffer for significant under delivery, or prepare an Action Plan. However, it is clear that under current performance the council will struggle when the housing target steps up to 1,090 in 2024.
- 4.6 Para 4.10 of the previous MSDC Housing Land Supply Position Statement (2019) sets out the five year supply requirement for the district as follows:

Annual Requirement As set out in District Plan	876 x 5 years =	4,380
Shortfall spread over remaining plan period	466 divided by 12 remaining years x 5 years	194
Total		4,574
Buffer (see paras 2.4,4.9 above)	10%	457
Total five year supply requirement		5,032

Figure 11 – Total Five Year Housing Requirement taken from MSDC Housing Land Supply Position Statement

- 4.7 MSDC is seeking to confirm the five year housing land supply under the terms of paragraph 74 of the NPPF through submission of the annual position statement to the secretary of state. Paragraph 74 of the framework states:

A five year supply of deliverable housing sites, with the appropriate buffer, can be demonstrated where it has been established in a recently adopted plan, or in a subsequent annual position statement which:

- a) has been produced through engagement with developers and others who have an impact on delivery, and been considered by the Secretary of State; and*
- b) incorporates the recommendation of the Secretary of State, where the position on specific sites could not be agreed during the engagement process.*

- 4.8 The report on the Annual Position Statement was issued by the Planning Inspectorate on 13 January 2020. It was confirmed that as the council did not have a recently adopted plan in conformity with the definition of the NPPF then the correct process had not been followed and the inspector was unable to confirm that the council had a five year housing land supply.
- 4.9 It is therefore clear that the council does not currently have a five year housing land supply and the demonstration of sufficiently deliverable sites within the SADPD is of critical importance for MSDC.

Deliverability of Sites

- 4.10 Any sites that have been included in the final Sites DPD will need to pass the tests of deliverability as set out in the NPPF. This is defined within the glossary of the framework as follows:

Deliverable: *To be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years. In particular:*

- a) sites which do not involve major development and have planning permission, and all sites with detailed planning permission, should be considered deliverable until permission expires, unless there is clear evidence that homes will not be delivered within five years (for example because they are no longer viable, there is no longer a demand for the type of units or sites have long term phasing plans).*
- b) where a site has outline planning permission for major development, has been allocated in a development plan, has a grant of permission in principle, or is identified on a brownfield register, it should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years.*

- 4.11 The Planning Practice Guidance provides a further explanation on how the deliverability of sites should be considered:

A site can be considered available for development, when, on the best information available (confirmed by the call for sites and information from land owners and legal searches where appropriate), there is confidence that there are no legal or ownership impediments to development. For example, land controlled by a developer or landowner who has expressed an intention to develop may be considered available.

The existence of planning permission can be a good indication of the availability of sites. Sites meeting the definition of deliverable should be considered available unless evidence indicates otherwise. Sites without permission can be considered available within the first five years, further guidance to this is contained in the 5 year housing land supply guidance. Consideration can also be given to the delivery record of the developers or landowners putting forward sites, and whether the planning background of a site shows a history of unimplemented permissions.

Paragraph: 019 Reference ID: 3-019-20190722

Revision date: 22 07 2019

- 4.12 It is with this in mind that the proposed sites within the Sites DPD are scrutinised within subsequent sections of this document. It is considered that many of the proposed sites do not fully accord with the definition of delivery and consideration of alternative sites is required.

Area of Outstanding Natural Beauty

- 4.13 A significant number of the proposed sites are located within, or close to, the High Weald AONB. Paragraph 172 sets out the significant protection which should be afforded to the AONB in planning terms and states that:

Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife

and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads. The scale and extent of development within these designated areas should be limited. Planning permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:

a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;

b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and

c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

4.14 It is part b of paragraph 172 that is of particular importance in this instance. It is not considered that MSDC has considered sites outside of the AONB should be used to meet the identified residual housing requirement. It would appear that sites have been selected because of their conformity to the spatial strategy and hierarchy without the proper application of the ‘great weight’ required to protect the AONB.

4.15 The approach of allocating sites within the AONB as opposed to ‘outside the designated area’ should have been tested through a robust analysis of reasonable alternatives within the Sustainability Appraisal. The failure to do this adequately is a matter of soundness and it is considered that the Sites DPD fails the tests within the NPPF on this basis alone.

Historic Environment

4.16 Several of the allocations within the DPD are in close proximity to heritage assets. Paragraph 193 of the framework sets out the approach to heritage assets as follows:

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

4.17 In many instances the council themselves suggest that the development of housing on the sites is likely to have ‘less than significant harm’ on the heritage assets in question. Paragraph 196 of the framework sets out the approach which should be taken in this instance:

Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable

4.18 It is not considered that the harm caused to heritage assets has been adequately assessed within the Sustainability Appraisal for many of the proposed sites and further consideration is required of the sites in this regard. This would include assessing sites which would not have an impact on heritage assets through a robust application of reasonable alternatives within the Sustainability Appraisal.

5. Sustainability Appraisal

- 5.1 The SADPD is accompanied by a Sustainability Appraisal (SA) report which is a legal requirement derived from the Planning and Compulsory Purchase Act 2004 (Section 19). Section 39 of the Act requires documents such as the SADPD to be prepared with a view to contributing to the achievement of sustainable development.
- 5.2 The requirement for Strategic Environmental Assessment, in addition to the SA, is set out in the European Directive 2001/42/EC adopted into UK law as the “Environmental Assessment of Plans or Programmes Regulations 2004”.
- 5.3 In line with best practice the SEA has been incorporated into the SA of the SADPD.
- 5.4 The planning practice guidance sets out detailed consideration as to how any sustainability should assess alternatives and identify likely significant effects:

The sustainability appraisal needs to consider and compare all reasonable alternatives as the plan evolves, including the preferred approach, and assess these against the baseline environmental, economic and social characteristics of the area and the likely situation if the plan were not to be adopted. In doing so it is important to:

- *outline the reasons the alternatives were selected, and identify, describe and evaluate their likely significant effects on environmental, economic and social factors using the evidence base (employing the same level of detail for each alternative option). Criteria for determining the likely significance of effects on the environment are set out in [schedule 1 to the Environmental Assessment of Plans and Programmes Regulations 2004](#);*
- *as part of this, identify any likely significant adverse effects and measures envisaged to prevent, reduce and, as fully as possible, offset them;*
- *provide conclusions on the reasons the rejected options are not being taken forward and the reasons for selecting the preferred approach in light of the alternatives.*

Any assumptions used in assessing the significance of the effects of the plan will need to be documented. Reasonable alternatives are the different realistic options considered by the plan-maker in developing the policies in the plan. They need to be sufficiently distinct to highlight the different sustainability implications of each so that meaningful comparisons can be made.

The development and appraisal of proposals in plans needs to be an iterative process, with the proposals being revised to take account of the appraisal findings.

Paragraph: 018 Reference ID: 11-018-20140306

Revision date: 06 03 2014

- 5.5 In response to this guidance and requirement, paragraph 6.16 of the Sustainability Appraisal states that:

The Site Selection Paper 2 (paras 6.2 - 6.3) also recognises that, in order to meet the District Plan strategy, conclusions will be compared on a settlement-by-settlement basis with the most suitable sites at each settlement chosen in order to meet the residual needs of that settlement. This may result in some sites being chosen for allocation which have higher negative impact across all the objectives because this will be on the basis that the aim is to distribute allocations according to the District Plan strategy in the first instance; as opposed to simply selecting only

the most sustainable sites in the district (as this may not accord with the spatial strategy and would lead to an unequal distribution of sites across settlements). 20 sites that perform well individually and on a settlement basis, the residual housing need of 1,507 would be met with a small over-supply of 112 units.

- 5.6 Paragraph 6.45 recognises that this small over-supply *may not be a sufficient buffer should sites fall out of the allocations process between now and adoption (for example, due to delivery issues, reduction in yield, or any other reasons identified during consultation or the evidence base).*

- 5.7 The SA therefore considers reasonable alternatives of option A, B and C as follows:

Option A – 20 ‘Constant Sites’ – 1,619 dwellings

Option B – 20 ‘Constant Sites’ + Folders Lane, Burgess Hill (x3 sites) – 1,962 dwellings.

Option C – 20 ‘Constant Sites’ + Haywards Heath Golf Court – 2,249 dwellings

- 5.8 Paragraph 6.52 of the SA concludes that:

Following the assessment of all reasonable alternative options for site selection, the preferred option is option B. Although option A would meet residual housing need, option B proposes a sufficient buffer to allow for non-delivery, therefore provides more certainty that the housing need could be met. Whilst option C also proposes a sufficient buffer, it is at the expense of negative impacts arising on environmental objectives. The level of development within option C is approximately 50% above the residual housing need, the positives of delivering an excess of this amount within the Site Allocations DPD is outweighed by the negative environmental impacts associated with it.

- 5.9 It is not considered that this assessment of Option A, B and C is a sufficient enough assessment of reasonable alternatives as required by guidance and legislation. All of the options contain the ‘20 Constant Sites’ with no derivation of alternative options such as those which seek to divert housing growth away from the AONB or designated heritage assets.

- 5.10 It is apparent that other sites other than the 20 Constant Sites will need to be assessed if the council is to adequately demonstrate that reasonable alternatives have been considered as required.

6. Assessment of Proposed Sites.

- 6.1 This section analyses each of the proposed allocations against the tests of deliverability as set out in the NPPF and the potential shortcomings of several of the sites which require significant consideration. The findings of *Appendix B: Housing Site Proformas* of the *Site Selection Paper 3* (Appendix B) and the conclusions of the Sustainability Appraisal (SA) are considered in detail.

SA 12 Land South of 96 Folders Lane, Burgess Hill

- 6.2 Appendix B of the reg 18 SADPD set out that this site has *moderate landscape sensitivity and moderate landscape value. This site could be visible from the South Downs National Park*. The SA states that an LVIA is required to determine any impact on the national park. Given the weight that the NPPF requires to be placed on the protection of the national park, any impact must be measured prior to allocation. If it is deemed that mitigation would not minimise the harm caused, then the proposed allocation must fall away.
- 6.3 Appendix B of the reg 18 SADPD also set out that a TPO area lines the norther border and potential access route. It should be noted that an application was submitted in 2019 for the *erection of 43 dwellings and associated works* (DM/19/0276) but was withdrawn in September 2019 due to concerns over highways. The deliverability of this site is therefore not considered to be in accordance with the guidance set out in the framework.
- 6.4 Finally, whilst the priority for sites higher in the settlement hierarchy is acknowledged, this is site is very remote from the services offered by Burgess Hill. This is highlighted within the sustainability appraisal for the site which states that it is more than a 20 minute walk from the site to schools, GP and shops.

SA 13 Land East of Keymer Road and South of Folders Lane, Burgess Hill.

- 6.5 As with SA12, this site is in close proximity to the national park and the conclusions as set out above apply equally to this site.
- 6.6 The SA sets out that this is the only site within Burgess Hill to have any impact on listed buildings where it is stated that development of this site would cause *less than substantial harm (medium) on High Chimneys (Grade II listed)*. This is not mentioned within appendix B and this therefore calls into question the consistency of assessment of the sites in this regard.
- 6.7 Given that site SA12 and SA13 are in close proximity to one another it is notable that the cumulative impact of the development of both of these sites has not been assessed for a number of ‘in-combination’ impacts such as highways and landscape impact.

SA 14 Land to the south of Selby Close, Hammonds Ridge, Burgess Hill

- 6.8 There is a TPO at the front of this site which is potentially why access is proposed through the CALA Homes site (DM/17/0205). No evidence is submitted to suggest that this form of access is agreed or available. The section relating to Highways and Access within the SADPD simply states that this access *will need to be investigated further*.
- 6.9 The SA and appendix B both point towards the Southern Water Infrastructure which crosses the site. The wording in the DPD recommends that the layout of the development is considered to *ensure future access for maintenance and/or improvement work, unless diversion of the sewer is possible*. Given that the site is only 0.16ha it is therefore questionable whether there would be adequate space to develop the site for housing and provide accommodation for the sewage infrastructure crossing the site. The deliverability of this site has therefore not been adequately demonstrated.

- 6.10 As with SA12 and SA13 there are questions of the sustainability of the site given that the SA notes that it is more than a 20 minute walk to the school and GP.

SA 15 Land South of Southway, Burgess Hill

- 6.11 The SADPD describes the site as *overgrown and inaccessible land designated as a Local Green Space in the Burgess Hill Neighbourhood Plan*. It is unclear whether this site was ever previously in use as playing pitches and whether re-provision of this space would be required under Sport England policies.
- 6.12 Appendix B of the reg 18 SADPD points towards issues with relocation of existing parking on the site and states that:

Private parking areas would need to be removed to provide a suitable access point with sufficient visibility. The parking spaces are visitor spaces over which the owners/developers of the subject land have rights to access it to serve new development onto Linnet Lane. Accordingly, a new access into the site can be provided any new development would include two visitor spaces as close as reasonably possible to the existing visitor spaces.

- 6.13 It is clear that there are substantial issues with deliverability and availability of this site given these constraints and the site should be deleted as a proposed allocation until this can be adequately demonstrated.

SA 16 St. Wilfrids Catholic Primary School, School Close, Burgess Hill

- 6.14 The SADPD sets out that the satisfactory relocation of St Wilfrid's Primary School to St Paul's Catholic College site is required before development can commence on the school part of the site. There is also a requirement to re-provide the emergency services accommodation in a new emergency service centre either on this site or elsewhere in the town.
- 6.15 Given that the allocation is for 300 dwellings and requires this relocation first, it is considered that there is insufficient evidence to justify delivery of development of this site in the 6-10 year time period as set out.

SA 17 Woodfield House, Isaacs Lane, Burgess Hill

- 6.16 The SADPD sets out some significant landscape features on site which require retention and it is stated that:

There is a group Tree Preservation Order in the southern and western areas of the site. High quality substantial new planting of native trees is required, should these be lost to provide access from Isaac's Lane. All other TPO trees on the site are to be retained.

Retain and enhance important landscape features, mature trees, hedgerows and the pond at the south of the site and incorporate these into the landscape structure and Green Infrastructure proposals for the development. Open space is to be provided as an integral part of this landscape structure and should be prominent and accessible within the scheme.

- 6.17 Given that the site is only 1.4 hectares in size it is questionable whether there is adequate space on the site for 30 dwellings after retention of these landscape features.
- 6.18 It is clear from the Sites DPD that access to site is envisaged to be from the Northern Arc where it is stated that:

Integrated access with the Northern Arc Development is strongly preferred, the details of which will need to be investigated further.

- 6.19 This is also set out in appendix B of the reg 18 SADPD where it is stated that:

Entrance drive to house. Access on bend with limited visibility. 50 mph road. Would involve removal of trees that are subject to TPO. Objection for tree officer. However, future access is anticipated to be provided via the Northern Arc. Whilst the specific details of this remain uncertain on the basis that the enabling development is still at an early stage, it is considered that the identified constraints will no longer apply.

- 6.20 Given the uncertainty of the deliverability of the land immediately adjoining the site as part of the Northern Arc it is considered that the deliverability of this site is not clear enough to justify allocation within the sites DPD. The uncertainty of this deliverability also has an implication of the sustainability of the site and proximity to adequate services. This is highlighted within the SA where it is stated that:

The impact of option (h) on these objectives (Health/Retail/Education) is uncertain; currently the site is a long distance from local services, however, this will change once the Northern Arc is built out.

- 6.21 Overall it is not considered that this site is suitable for allocation and should be removed from the Sites DPD

SA 18 East Grinstead Police Station, College Lane, East Grinstead

- 6.22 We have no comments to make in relation to this allocation.

SA 19 Land south of Crawley Down Road, Felbridge

- 6.23 As set out, this allocation is directly to the west of the land under the control of Vanderbilt Homes which is also adjoined to the east by land with the benefit of planning permission for 63 dwellings.

- 6.24 Given that the entire area will be included within the revised Built Up Area Boundary, then it is considered logical that the adjoining sites are also identified for allocation within the SADPD.

SA 20 Land south and west of Imberhorne Upper School, Imberhorne Lane, East Grinstead

- 6.25 There is a requirement in the SADPD for this site to provide a detailed phasing plan with agreement from key stakeholders to secure:

- Land for early years and primary school (2FE) provision – 2.2 ha
- A land exchange agreement between WSCC and the developer to secure 6 ha (gross) land to create new playing field facilities in association with Imberhorne Secondary School (c.4 ha net - excluding land for provision of a new vehicular access onto Imberhorne Lane).

- 6.26 It is unclear when these requirements are to be provided by within the development of any site and whether it is considered that the site would be suitable for allocation should these uses not come forward.

- 6.27 There are clear concerns over the suitability of this site in terms of ecology as set out in appendix B of the reg 18 SADPD which states:

Natural England have concerns over the high density of housing south of Felbridge. Hedgecourt SSSI is accessible from the proposed site allocations via a network of Public Rights of Way. In

line with paragraph 175 of the NPPF, Mid Sussex District Council should determine if allocations are likely to have an adverse effect (either individually or in combination) on SSSI's. The NPPF states that "if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused." We would be happy to provide further advice if requested, although this may need to be on a cost recovery basis. The LWS adjacent to the site is an important recreational route and therefore consideration needs to be given to additional recreational disturbance to its habitats. We are unable to advise you on specific impacts as we have no details of the scale or type of proposed development consider further impacts of disturbance of the LWS and Ancient woodland arising from people and domestic pets, connectivity, light and noise pollution, appropriate buffer and cumulative impact. This site is adjacent to the Worth Way. The SHELAA should be redrawn to remove the section of LWS. The site is an important recreational route and therefore consideration needs to be given to additional recreational disturbance to its habitats. Further consideration be given to impacts of disturbance on LWS and Ancient Woodland from people and pets, impacts on connectivity, impacts of light and noise pollution, need for Ancient Woodland buffer. Cumulative impact with SHELAA 686 and 561.

- 6.28 It is clear that the impacts upon ecology and the SSSI have not been adequately addressed.
- 6.29 As with other sites there is potential for impact upon local heritage assets of Gullege Farm, Imberhorne Farm and Imberhorne Cottages as set out below. The harm in terms of less than strategic harm is inappropriately weighted in the assessment as a means for justification of allocation.

APPENDIX B : Gullege Farm, Imberhorne Lane

This isolated farmstead has historically had a rural setting and continues to do so today. The introduction of a substantial housing development to the north, east and south of the listed manor house would have a fundamental impact on the character of that setting and would detract from the way in which the special interest of this Grade II listed rural manor house and the of the historic farmstead is appreciated.

NPPF: LSH, high

Imberhorne Farm and Imberhorne Cottages

In its original incarnation Imberhorne Cottages was probably constructed as a dwelling providing accommodation between London and Lewes, on Lewes Priory lands. It may have acted as the manor house to the substantial manor of Imberhorne, which was owned by the Priory. It seems likely that the building became farm cottages when the new farmhouse (Imberhorne) was constructed in the early 19th century. The currently rural setting of both buildings within the Imberhorne farmstead informs an understanding of their past function and therefore contributes positively to their special interest.

The proposed development site would engulf the farmstead to the west, north and east and would have a fundamental impact on the character of the greater part of its existing of rural setting and on views from both listed buildings. It would adversely affect the manner in which the special interest of the two listed buildings within their rural setting is appreciated, including by those passing along the PROW to the north of the farmstead.

NPPF: LSH, high

- 6.30 The potential harm to heritage is also referred to in the SA which states that:

option (e) which is not constrained by a conservation area, but would have a less than substantial harm (high) on Gullege Farm (Grade II listed) and Imberhorne Farm and Imberhorne Cottages (Grade II listed). As this is a large site, there is potential to still achieve the yield whilst providing necessary mitigation to lower the impact on these heritage assets.*

- 6.31 Notwithstanding the significant constraints to delivery from this site it is notable that the delivery of 550 in 6-10 years as set out in the SADPD is particularly optimistic and would need to be revised in order to be realistic on the constraints to delivery including the requirement for provision of education on the site.

SA 21 Rogers Farm, Fox Hill, Haywards Heath

- 6.32 This site is also significantly constrained by the presence of heritage assets. This is referenced in the SA which states that:

Site option (b) is constrained in terms of impact upon a listed building; it would have a less than substantial harm (medium) on Cleavewater (Grade II listed) and The Old Cottage (Grade II listed).

- 6.33 Appendix B also references these heritage assets together with an assessment of the likely impact as follows:

*Cleavewaters, Fox Hill there would be a fundamental impact not only on views from the building and associated farmstead but on the context and manner in which the farmhouse and farmstead are appreciated by those travelling along the road which runs between the farmstead and the site. **NPPF: LSH, MID***

*Olde Cottage, there would be some potential impact on views from the Cottage and its garden setting. The belt of woodland between the asset and the site is relatively narrow and development on the site is likely to be visible, particularly in winter. There would also be an impact on the setting in which the Cottage is appreciated by those approaching along the access drive from Ditchling Road. **NPPF: LSH, MID***

- 6.34 The impact on heritage assets and character of the area has been assessed in an appeal decision on the site (APP/D3830/W/17/3187318) issued in January 2019 following an application for up to 37 dwellings on the site (DM/16/3998).

15 The combination of the buffer and local topography would mean that any development would be clearly visible on the approach down Lunce's Hill and perceived as a separate and distinct residential development. I am not persuaded that it would be seen within the context of an urban fringe setting as the appellant suggests. On the contrary it would be a harmful encroachment into the countryside and the rural character of the approach into the settlement would be irrevocably changed and harmed through the loss of this open land.

16 Overall, the proposal would result in an unacceptable suburbanisation of the appeal site that would fundamentally change the character and appearance of the rural setting of the settlement. The effects would also be exacerbated somewhat by the loss of part of the existing mature hedgerow for the access. Proposed mitigation, in the form of additional landscaping would restrict the visibility of the proposal from a number of viewpoints. However, it would take a substantial amount of time to mature and be dependent on a number of factors to be successful. Moreover, I am not persuaded that it would fully mitigate the visual impacts.

17 For these reasons, the proposal would not be a suitable site for housing in terms of location and would cause significant harm to the character and appearance of the area. It would therefore conflict with Policy C1 of the LP and Policies E5 and E9 of the HHNP. In addition to the requirements set out above, these policies also require new development to be permitted where it would protect, reinforce and not unduly erode the landscape character of the area. There would also be some conflict with Policies DP10 and DP24 which, seek to protect the countryside in recognition of its intrinsic character and beauty and promote well located and designed development.

- 6.35 Overall it is not considered that the site represents a logical, justified or deliverable site and should not be considered for allocation within the Sites DPD.

SA 22 Land north of Burleigh Lane, Crawley Down

- 6.36 No comments.

SA 23 Land at Hanlye Lane to the east of Ardingly Road, Cuckfield

- 6.37 The site is within close proximity to the High Weald AONB. Previous comments made in relation to the requirements of the NPPF in relation to AONB for other allocations apply equally to this site.

SA 24 Land to the north of Shepherds Walk, Hassocks

- 6.38 The access for this site is through an adjacent parcel of land which has a ransom strip over this land. The deliverability of this site is therefore in doubt unless a right of access can be confirmed by the site owners.

SA 25 Land west of Selsfield Road, Ardingly

- 6.39 This site is located within the AONB and comments made in this regard to other proposed allocations apply to this site. The SA references this impact as follows:

There is a 'Very Negative' impact against objective (9) due to its location within the High Weald AONB, however the AONB unit have concluded that there is Moderate Impact as opposed to High Impact

- 6.40 The conclusions of the AONB unit have not been provided as part of the evidence base and requires further scrutiny in order to assess the impact of development of this site in this regard.

SA 26 Land south of Hammerwood Road, Ashurst Wood

- 6.41 The site is within the AONB and it is considered it is inappropriate to allocate this site for development without thorough appraisal of reasonable alternatives as previously set out.

SA 27 Land at St. Martin Close, Handcross

- 6.42 No comments.

SA28 Land South of The Old Police House, Birchgrove Road, Horsted Keynes

- 6.43 No comments.

SA 29 Land south of St. Stephens Church, Hamsland, Horsted Keynes

- 6.44 The site is within the AONB and it is considered it is inappropriate to allocate this site for development without thorough appraisal of reasonable alternatives as previously set out.

SA 30 Land to the north Lydon, Reeds Lane, Sayers Common

- 6.45 The sustainability of this site has been considered in the SA which sets out that the site is more than 20 minutes away from services such as GP and the School. It is therefore not considered that the development of this site would be justified in sustainability terms.
- 6.46 The site is located within the Brick Clay (Weald) Mineral Safeguarding Area. No further evidence has been provided which demonstrates that the site is required for further mineral extraction.

SA 31 Land to the rear Firlands, Church Road, Scaynes Hill

- 6.47 The site is located within the Building Stone (Cuckfield) Mineral safeguarding Area. No further evidence has been provided which demonstrates that the site is required for further mineral extraction.

SA 32 Withypitts Farm, Selsfield Road, Turners Hill

- 6.48 The site is within the AONB and it is considered it is inappropriate to allocate this site for development without thorough appraisal of reasonable alternatives as previously set out.
- 6.49 The site is located within the Brick Clay (Weald) Mineral Safeguarding Area. No further evidence has been provided which demonstrates that the site is required for further mineral extraction.

SA 33 Ansty Cross Garage, Cuckfield Road, Ansty


- 6.50 This site is not considered to be a sustainable location. A total of four separate sites were considered within Ansty with this being the only one accepted. The only difference between this and the other sites was that this scored slightly higher in the SA due to it being PDL. Whilst this is correct it is not considered that the PDL nature of this site makes it appropriate for allocation within the Sites DPD.

7. Conclusions

- 7.1 Overall, the principle of extending the Built Up Area Boundary to the south of Crawley Down Road to include the site within the control of Vanderbilt Homes is logical and supported.
- 7.2 The site has been identified within the SHELAA as being Suitable, Available and Achievable. However, given that the site is adjoined on one side by an allocated site and on another side by a site with the benefit of planning permission, it is considered that it would be entirely appropriate for the site to be allocated for development.
- 7.3 Detailed consideration of the sites identified for allocation within the SADPD show that there are some significant technical constraints and policy issues with many of the sites. These are matters which have been previously raised as part of regulation 18 representations and the council has done nothing to address these matters.
- 7.4 The analysis of the proposed allocations demonstrates there are some significant failings in the deliverability of the sites which requires reconsideration of the appropriateness of these allocations and selection of alternative sites.
- 7.5 The selection of sites with significant heritage constraints and also location within the AONB is not considered to be a sound approach. The assessment of reasonable alternatives is significantly lacking and requires further retesting which would logically include this site. As a result, it is not considered that the SADPD is positively prepared or justified and therefore fails the test as set out in the NPPF as a result.
- 7.6 It is clear that the adoption of the SADPD is of significance importance to Mid Sussex in demonstrating a robust and deliverable five year housing land supply. It is therefore suggested that consideration is given to the allocation of the site as set out within these representations which can deliver much needed housing in the early part of the plan period.

8. Appendix 1 – SHELAA Extract – February 2020

Stage 1 Site Pro-Forma – All Sites

SHELAA Ref	676		Parish	East Grinstead
Site Location	Land south of 61 Crawley Down Road, Felbridge			
				
Site uses	Dwellings			
Gross Site Area (ha)	1.6			
Potential Yield	6			
Site History	Planning Application - Refused			
Absolute Constraint	Flood Zone 2 or 3	✓		
	Site of Special Scientific Interest	✗		
Other Constraints	Ancient Woodland	✓		
	Area of Outstanding Natural Beauty	✗		
	Local Nature Reserve	✗		
	Conservation Area	Development would not have a negative impact on Conservation area and/or Area of Townscape Character		
	Scheduled Monument	✗		
	Listed Buildings	Development will not affect listed building/s		
	Access	Safe access to site already exists		
Suitable	Relatively unconstrained - assessed as Suitable at Stage 1, progress to Stage 2 assessment			
Availability	Recent relevant planning history shows the site is considered available			
Achievability	There is a reasonable prospect that site could be developed within the Plan period			
Timescale	Medium-Long Term			

2092

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA10

ID: 2092

Response Ref: Reg19/2092/2

Respondent: Mr T Burden

Organisation: Turley

On Behalf Of: Rainier Developments Copthorne

Category: Promoter

Appear at Examination? ✓

From: Tim Burden <tim.burden@turley.co.uk>
Sent: 28 September 2020 13:28
To: ldfconsultation
Cc: Susan Dubberley; Kate Green; 'Grant Stevenson'; Andrew Marsh; Alice Henstock
Subject: MID SUSSEX DISTRICT COUNCIL – SITE ALLOCATIONS DPD REGULATION 19 SUBMISSION DRAFT
Attachments: APPENDIX 1 - Appeal Decision - 3241644 Albourne.pdf; APPENDIX 2 - Agreed Statement on Mid Sussex Extra Care Housing Supply.pdf; Mid Sussex reps Appendix 3.pdf; Mid Sussex SADPD Consultation September 2020.pdf
Importance: High
Follow Up Flag: Follow up
Flag Status: Completed
Categories: TBC

Dear Sir / Madam,

We write in respect of the current Site Allocations DPD ('SADPD') consultation on behalf of our client, Rainier Developments (Copthorne) Ltd.

Please find attached our submission, including the three appendices referred to within.

We would be grateful if you could confirm safe receipt and that these representations have been duly made.

We would welcome the opportunity to discuss these submissions with the policy team, in advance of the formal submission of the Plan.

Regards
Tim

Tim Burden
Director

Turley

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All Turley teams are now [remote working](#) wherever possible in line with Government guidance.

Our co-owners are contactable in the usual ways and we suggest using mobile numbers in the first instance. We are doing all we can to maintain client service during this challenging time.

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28 September 2020

Delivered by email - LDFconsultation@midsussex.gov.uk

Planning Policy,
Mid Sussex District Council,
Oaklands,
Oaklands Road,
Haywards Heath,
West Sussex,
RH16 1SS

Ref: RAIS3004

Dear Sir/Madam

MID SUSSEX DISTRICT COUNCIL – SITE ALLOCATIONS DPD REGULATION 19 SUBMISSION DRAFT CONSULTATION

We write in respect of the current Site Allocations DPD ('SADPD') consultation on behalf of our client, Rainier Developments (Copthorne) Ltd.

Our clients have recently submitted a full planning application for the residential redevelopment (Use Class C2) of the Land south of Chapel Lane, Copthorne Common (reference DM/20/3081). At the time of writing, the application is currently pending determination by the Council.

The proposals seek to provide a 64 bed care facility, including access, 34 car parking spaces, open space and landscaping. The development will consist of four semi-independent groupings of 16 beds, spread across two separate buildings. Each grouping will have its own lounge, dining area, nursing station and other ancillary facilities. It will provide secure gardens and landscaped grounds.

OVERVIEW

The adopted Mid Sussex District Plan (March 2018) (the 'MSDP') sets out a strategy for meeting the housing and employment needs for the district for the period to 2031 and committed the Council to preparing a Site Allocations DPD in order to find sufficient housing and employment sites to meet the remaining need. It is noted that the Submission Draft SADPD recommends the allocation of:

- 22 housing sites
- 7 employment sites
- Science and Technology Park

It also includes 5 strategic policies required to deliver sustainable development.

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It is however noted that with the exception of an unidentified component part of the proposed allocation “SA 20 - Land south and west of Imberhorne Upper School, Imberhorne Lane, East Grinstead”, the Council is not proposing to allocate any further sites for older persons’ accommodation (within use class C2).

As such, our client is concerned that the Submission Draft SADPD does not allocate sufficient and specific sites to meet the identified need for older person’s accommodation in the District. Further, and of fundamental importance, there has been no specific work undertaken by the Council to ascertain whether there is a requirement to allocate such sites, despite a clear requirement in MSDP Policy DP30 to do so. The reliance on the out dated HEDNA Addendum 2016 is not appropriate.

As we set out in detail below, this approach is flawed and unsound, in the context of national planning; in terms of the requirements set out in the adopted District Local Plan; and as clearly exemplified through the recently allowed at appeal at “*Site of the former Hazeldens Nursery, London Road, Albourne, West Sussex BN6 9BL*” (Appeal Ref: APP/D3830/W/19/3241644).

Indeed, during that appeal, the Council agreed that there was an unmet need for older persons’ accommodation within the District, yet this draft SA DPD does nothing to address the issue.

The draft SADPD consequently fails to meet the tests of soundness, as identified in paragraph 35 of the revised National Planning Policy Framework (‘the NPPF 2019’). We request that the Council identify more sites for allocation to meet the identified need, and particularly their site at Land south of Chapel Lane, Copthorne Common, which the recent planning application submission demonstrates is available, delivery and viable.

Conformity with the National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG)

The revised National Planning Policy Framework (‘the NPPF 2019’) was published in February 2019. It sets out the Government’s economic, environmental and social planning policies for England and requires the planning system to “*play an active role in guiding development towards sustainable solutions*” (paragraph 9). The NPPF 2019 covers a range of land issues including housing, transport, infrastructure, sustainable communities, climate change and the natural and historic environments.

Paragraph 59 sets out the Government’s objective of “*significantly boosting the supply of housing*”, whilst identifying that “*a sufficient amount and variety of land can come forward where it is needed... and that land with permission is developed without unnecessary delay*”.

In line with paragraph 61, the NPPF 2019 seeks the delivery of a wide choice of high quality homes, increased opportunities home ownership and sustainable, inclusive and mixed communities. In achieving appropriate densities, Paragraph 122 asks that policies and decisions should support development that makes efficient use of land, taking into account:

(a) “the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;

(b) local market conditions and viability;

(c) the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;

(d) the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and

(e) the importance of securing well-designed, attractive and healthy places”.

The Planning Practice Guidance (PPG) is a web-based resource which brings together planning guidance on various topics into one place. It was launched in March 2014 and coincided with the cancelling of the majority of Government Circulars which had previously given guidance on many aspects of planning.

The PPG sets out how a number of the Government's planning policies in the NPPF are expected to be applied and forms an additional material consideration in the assessment of the proposed development which should be afforded significant weight due to the identified and demonstrable need to provide for the needs of older people in general, but particularly given the level of need identified (and which is currently unaddressed) within the District.

Conformity with the Mid Sussex District Plan 2014 – 2031 (adopted March 2018)

As a 'daughter document' to the Mid Sussex District Plan 2014 – 2031 (adopted March 2018) (the 'MSDP'), it is necessary for the Council to produce a plan that is in general conformity with that earlier document and the policies contained there within.

Policy DP4 (Housing) is a strategic policy and provides a housing requirement (2014 – 2031), including requiring preparation of a Site Allocation DPD (SADPD) in 2020; or rely on Neighbourhood Plans to ensure sufficient sites are allocated to meet its minimum housing requirement (Policy DP4 confirms a shortfall of some 2,439 dwellings at that time).

It is however noteworthy that paragraph 2.9 of the plan confirms the challenges faced by the District. This includes an ageing population with the number of people aged over 65 likely to increase by 3.1% from 18.1% to 21.2% by 2021. Further, it is expected that the proportion of the population aged over 85 will increase by 0.5%.

Of particular relevance is Policy DP30 (Housing Mix) of the MSDP which sets out to “*meet the current and future needs of different groups in the community including older people...*” but goes on to state that:

“If a shortfall is identified in the supply of specialist accommodation and care homes falling within Use Class C2 to meet demand in the District, the Council will consider allocating sites for such use through a Site Allocations Document, produced by the District Council.”

The supporting text to Policy DP30 (housing mix) advises that “*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*”.

It then then notes that “*specialist accommodation and care homes falling within Use Class C2 form a very specific part of the housing needs market. Supported accommodation such as this, falls within the definition of social infrastructure which also includes community facilities and local services including buildings.*”

The Inspector's Report¹ into the MSDP clearly noted at paragraph 39 that *"MM20 also allows for the allocation of specialist accommodation and care homes falling within Use Class C2 through a future site allocations document."*

Despite a clear requirement and expectation from the Inspector with in the MSDP that there would be further assessment of the future needs for older persons' accommodation in the subsequent SADPD, it is concerning to note that the draft SADPD is not supported by any evidence regarding the need for older persons' accommodation. Indeed, no specific sites for older person's accommodation are allocated in the adopted MSDP, presumably as the Council do not consider that there was an identified need, and a single mixed use allocation including an unknown quantum of C2 accommodation is proposed in the draft SADPD.

As we highlight below, a recent Section 78 appeal has highlighted the scale of such need in the District, has recognised that that need is not currently being met, and consequently that it will continue not be met through the approach advocated within the policies in the draft SA DPD.

Identified need for older persons' accommodation

The Council has previously stated that there is existing provision for any unmet C2 need through the allocation of 'general housing' sites, and that older persons' accommodation could be built there. We do not consider that that is correct or supported by any substantive evidence, and indeed does not reflect the very specific requirements of operators, which is different mainstream housebuilders. It is as a result of this stance that we assume no further sites have been identified in the draft SADPD.

This matter has been robustly considered in a recently allowed Section 78 Appeal lodged by RV Developments Ltd & Notcutts Ltd at *"Site of the former Hazeldens Nursery, London Road, Albourne, West Sussex BN6 9BL"* (Appeal Ref: APP/D3830/W/19/3241644) (included at **Appendix 1**).

Towards the end of the inquiry an *"Agreed Statement on Mid Sussex Extra Care Housing Supply"* was submitted to the Inspector (dated 30th July 2020). A copy of this document is reproduced at **Appendix 2**. This appears to present an agreed position between the Council and the Appellant on supply, but with differing positions on overall need and therefore shortfall of supply against need.

In the Council's scenario (Tables 1 and 3) there is an agreed shortfall of at least **251** C2 bed spaces in 2020, and **269** bed spaces in 2030. The Appellants evidence stated a shortfall **552** C2 bed spaces in 2020 and **665** bed spaces in 2030.

It is apparent that in either scenario there is a significant unmet need in C2 units at both 2020 and 2030. The draft SADPD therefore does not appear to reflect the position the Council stated / agreed at the recent inquiry. There are a number of parts of that appeal decision that are pertinent to this draft SA DPD, but we draw attention to the following paragraphs in particular.

In the absence of any alternative documentation within the evidence base, it appears that the Council is reliant on the previous HEDNA and its addendum. The Inspector made very clear observations on the appropriateness of those documents:

"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

¹ <https://www.midsussex.gov.uk/media/2216/mid-sussex-lp-report-mar-2018.pdf>

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."

Following a robust analysis, the Inspector considered that there was an identified unmet need for older persons' accommodation:

"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."

This conclusion is absolute and compelling. It is apparent that even with the Council's proposed single draft allocation (of unquantified scale and type) and with the recent appeal scheme being delivered, the unmet need for older persons' accommodation remains significant.

Within **Appendix 3** to this submissions, and in the absence of any documentation contained within the Council's evidence base supporting the draft SADPD, we set out our assessment of the need for older persons' accommodation in the District and summarise the planning requirement for the Council to meet its needs in full.

In summary, the approach taken within the draft SA DPD fails to meet the need for older person's accommodation in the District, and therefore the SA DPD cannot be considered to be sound, because in our assessment:

- **There is a pressing requirement to meet the diverse range of housing needs generated by a rapidly growing older population in England, who are generally living longer but spending more years in poor health.** The Government requires such needs to be assessed and reflected through planning policies, and confirms that local authorities must take 'a positive approach' when assessing applications that propose to address an identified need for specialist older persons' housing²;
- **The elderly population of Mid Sussex aged 65 and over is projected to increase by almost half over the current plan period to 2031**, with particularly strong growth amongst the oldest cohorts (75+) which exceeds that anticipated regionally or nationally. The Council's evidence base has attributed this growth both to people living longer and the continued attraction of retirees, particularly from London and its surrounding area;
- **The Council's evidence base applies national benchmarks to estimate the demand for specialist housing that could be generated by older residents**, which is compared to current supply and reveals – in broad terms – an existing shortfall that will increase by 2031 without further provision. Resolving this shortfall would require an average of 160 bedspaces in specialist accommodation each year;
- **Its breakdown by type of provision confirms a need for residential care homes but implies that there is an "oversupply" of nursing care homes both now and in the future, though such a**

² PPG Reference ID 63-016-20190626

simplistic interpretation belies its inherent uncertainties and limitations. It is ultimately based on national benchmarks of demand, which appear to understate the rate at which Mid Sussex residents currently require nursing care. Such national benchmarks have some merit but should not be viewed as definitive. An alternative approach introduced in this report, which assumes that a growing older population continues to occupy such accommodation at the existing rate proven in Mid Sussex, more than doubles the Council's estimate of need, and would require the development of at least one new care home each year;

- **The demographic profile in the locality of the application site indicates that there is a local need for specialist older persons' accommodation, to meet the needs of a sizeable and growing cohort of the population.** The population of adjacent wards is skewed towards older age groups which have rapidly grown in recent years, to a greater extent than seen in Mid Sussex, the wider region or nationally. The older population in the locality is now of a scale that could generate demand for around 330 units of specialist accommodation, including 131 bedspaces in care homes, albeit this should be viewed as a conservative estimation as it is based on national toolkits that appear to underestimate the rate of demand in Mid Sussex. This prospective demand could more than double in the coming years as residents age; and
- **The provision of specialist accommodation could potentially enable a process of downsizing by older households currently occupying larger family housing, in turn freeing up larger stock to meet the needs of other groups in the local housing market.** The majority of older residents in the locality currently occupy larger housing, despite evidence that some of those under-occupying homes have health or mobility issues. In contrast, there are 78 households in the locality where the head of the household is under 65 with fewer bedrooms than required, including 48 families. Enabling the downsizing of some older households could therefore more effectively meet their needs, while allowing younger households living in overcrowded circumstances to occupy larger housing that more closely aligns with their own requirements.

Our assessment confirms that the older population of the locality has recently grown at a faster rate than seen in Mid Sussex, the wider South East and nationally, with the population remaining skewed towards older age groups as of 2018. Enabling the downsizing of some older households could therefore more effectively meet their needs, while allowing overcrowded households to occupy larger housing that more closely aligns with their own requirements.

The Council's generalised claim that there is no need for care homes is considered to be unsubstantiated, and it should – based on the recent conclusions of an Inspector – take a more positive approach to meeting the needs of a growing elderly population. This would reflect the stated position agreed recently at inquiry.

SA 20 - Land south and west of Imberhorne Upper School, Imberhorne Lane, East Grinstead

The Council is proposing a single allocation for C2 use as part of the site at Land south and west of Imberhorne Upper School, Imberhorne Lane, East Grinstead. This allocation comprises provision for 550 residential dwellings and includes an unstated "component" of C2 Use. There appears to be no evidence to substantiate that a single allocation, of unknown quantum, will be sufficient to meet the entire needs for older person's accommodation of the District for the remainder of the Plan period.

As drafted, the policy is unclear and the form and delivery of the "*Provision of a (C2) Care Community for older people*" is without sufficient detail. The project website³³ suggests the provision of a "2.5 ha

³³ <https://www.landwestofimberhornelane.co.uk/>

Care Village, providing housing for older people", but it is unclear what needs would be met and whether it actually would fall within the Use Class C2 designation.

Proposed allocation of Omission site

Our clients have recently submitted a full planning application for the residential redevelopment (Use Class C2) of the Land south of Chapel Lane, Copthorne Common (reference DM/20/3081). We have not enclosed the full suite of application documentation but refer the Council to the application submission.

We would also repeat the conclusions made in the assessment in the 2018 SHELAA (site reference 269) which stated that there were no known constraints, the site is suitable, available and that there *'there is a reasonable prospect that site could be developed within the Plan period Timescale Medium-Long Term'*.

Based on the above consideration, our clients' proposed development of a 64 bed care home on land South of Chapel Lane, Crawley Down will contribute towards meeting a specific need that has been evidenced nationally, across Mid Sussex and in the vicinity of the application site. Such schemes provide a suitable response to a continued growth in the older population and can deliver positive outcomes for residents and the wider housing market.

Crawley Down is identified as a Category 2 Settlement, which comprises *"larger villages acting as Local Service Centre providing key services in the rural area of Mid Sussex. These settlements serve the wider hinterland and benefit from a good range of services and facilities, including employment opportunities and access to public transport."*

Given the immediate requirement to meet immediate needs, our client's site should be released for development as an allocation within the SA DPD process. We would welcome the opportunity to speak to the Council regarding the allocation of this site, and would refer the policy team to the full suite of planning application documentation.

SUMMARY

The Local Plan is also unable, and failing, to provide for the levels of housing and care accommodation required to meet the needs of older people. The emerging Site Allocations DPD will also not do so.

The submissions above demonstrate that the draft SADPD does not meet the tests of soundness identified at paragraph 35 of the NPPF (2019):

- **Positively prepared** – the SADPD cannot be regarded as being positively prepared as it fails to meet the identified areas objectively assessed needs for older person' accommodation;
- **Justified** – the SADPD does not include an appropriate strategy, taking into account the reasonable alternatives, to meet the needs for older person' accommodation. There is no evidence to support the Council's approach, and as identified in the Albourne appeal, the previous HEDNA and its Addendum is Out of Date;
- **Effective** – the Plan is not effective. As a daughter document to the MSDP, Policy DP30 (Housing Mix) is relevant. It required that *"if a shortfall is identified in the supply of specialist accommodation and care homes falling within Use Class C2 to meet demand in the District, the*

Council will consider allocating sites for such use through a Site Allocations Document, produced by the District Council.” As we have highlighted, a significant identified shortfall does exist, and it is apparent that the single, unclear allocation, will not meet those identified needs in full.

- **Consistent with national policy** – the SADPD does not accord with the policies in the Framework as it fails to meet in full the needs of the District.

For the reasons identified above, the draft SADPD is unsound. To remedy these concerns, the Council must allocate specific sites to meet the identified need for older persons’ accommodation. The recent appeal decision at Albourne provides clarification on this matter.

Our clients’ site is available and deliverable, as confirmed by the 2018 SHELAA (site reference 269), and can therefore meet in part those needs.

We would welcome

Yours sincerely

Tim Burden
Director

tim.burden@turley.co.uk

2118

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA10

ID: 2118

Response Ref: Reg19/2118/2

Respondent: Mr J Plant

Organisation: Gladman

On Behalf Of: Gladman Developments - Lindfield

Category: Developer

Appear at Examination? x

From: Josh Plant <J.Plant@gladman.co.uk>
Sent: 28 September 2020 11:33
To: ldfconsultation
Subject: Mid Sussex Site Allocations DPD Regulation 19 Consultation - Gladman Developments Representation
Attachments: Mid Sussex Reg 19 Site Allocations - Gladman Representations-compressed.pdf; Appendix 1 - Vision Document Land off Scamps Hill, Lindfield-compressed.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Categories: TBC

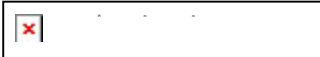
Good morning,

Please find attached representations in relation to the above consultation, submitted by Gladman Developments.

I would appreciate if you could confirm receipt of the submission by responding to this email.

Many thanks,
Josh

Josh Plant
Graduate Planner



T: 01260 288 981 | j.plant@gladman.co.uk
www.gladman.co.uk



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Mid Sussex District Council Site Allocations Development Plan
Document (SADPD)

Regulation 19 Submission Draft



September 2020

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APPENDICES

Appendix 1 Land off Scamps Hill, Lindfield Vision Document

1 INTRODUCTION

1.1 Context

- 1.1.1 Gladman welcome the opportunity to comment on the Mid Sussex District Council Site Allocations Development Plan Document Consultation and request to be updated on future consultations and progress of the Local Plan going forwards. These representations provide focussed comments regarding the emerging Local Plan and highlight Gladman's land interests at Land off Scamps Hill, Lindfield, a site submission is included in Section 5 of this representation and a vision document is located at Appendix 1.
- 1.1.2 Gladman Developments specialise in the promotion of strategic land for residential development and associated community infrastructure and has considerable experience in the development industry. From that experience, we understand the need for the planning system to provide the homes and jobs that are required to meet Central Government's objectives and the needs of local communities.
- 1.1.3 Through this submission, Gladman have highlighted areas where the Local Plan's policies require further clarity or justification in order to be found sound at Examination, namely the need to identify further housing allocations to support the delivery of the district's housing needs. As such, Gladman formally request that we are afforded the opportunity to discuss the issues raised at the Local Plan examination public hearing sessions and would welcome further discussions with officers about the promotion site.

1.2 Plan Making

- 1.2.1 The National Planning Policy Framework sets out four tests that must be met for Local Plans to be considered sound. In this regard, we submit that in order to prepare a sound plan it is fundamental that it is:
- **Positively Prepared** – The Plan should be prepared on a strategy which seeks to meet objectively assessed development and infrastructure requirements including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.
 - **Justified** – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on a proportionate evidence base.

-
- **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 the policies in the Framework.

2 LEGAL COMPLIANCE

2.1 Duty to Cooperate

- 2.1.1 The Duty to Cooperate is a legal requirement established through Section 33(A) of the Planning and Compulsory Purchase Act 2004, as amended by Section 110 of the Localism Act. It requires local authorities to engage constructively, actively and on an ongoing basis with neighbouring authorities on cross-boundary strategic issues throughout the process of Plan preparation. As demonstrated through the outcome of the 2012 Coventry Core Strategy Examination and the 2013 Mid Sussex Core Strategy Examination, if a Council fails to satisfactorily discharge its Duty to Cooperate, this cannot be rectified through modifications and an Inspector must recommend non-adoption of the Plan.

2.2 Sustainability Appraisal

- 2.2.1 In accordance with Section 19 of the 2004 Planning and Compulsory Purchase Act, policies set out in Local Plans must be subject to Sustainability Appraisal (SA). Incorporating the requirements of the Environmental Assessment of Plans and Programmes Regulations 2004, SA is a systematic process that should be undertaken at each stage of the Plan's preparation, assessing the effects of the Local Plan's proposals on sustainable development when judged against reasonable alternatives.
- 2.2.2 The Mid Sussex Site Allocations Development Plan Document (DPD) should ensure that the results of the SA process clearly justify its policy choices. In meeting the development needs of the area, it should be clear from the results of the assessment why some policy options have been progressed, and others have been rejected. Undertaking a comparative and equal assessment of each reasonable alternative, the Site Allocations Plan's decision-making and scoring should be robust, justified and transparent.

3 NATIONAL PLANNING POLICY

3.1 National Planning Policy Framework

3.1.1 On 24th July 2018, the Ministry of Housing, Communities and Local Government (MHCLG) published the Revised National Planning Policy Framework which was subsequently updated in February 2019. These publications form the first revisions of the Framework since 2012 and implement changes that have been informed through the Housing White Paper, The Planning for the Right Homes in the Right Places consultation and the draft Revised Framework consultation.

3.1.2 The revised Framework (2019) introduces a number of major changes to national policy and provides further clarification to national planning policy as well as new measures on a range of matters. Crucially, the changes to national policy reaffirms the Government's commitment to ensuring up-to-date plans are in place which provide a positive vision for the areas which they are responsible for to address the housing, economic, social and environmental priorities to help shape future local communities for future generations. In particular, paragraph 16 of the Revised Framework (2019) states that Plans should:

"a) Be prepared with the objective of contributing to the achievement of sustainable development;

b) Be prepared positively, in a way that is aspirational but deliverable;

c) Be shaped by early, proportionate and effective engagement between plan-makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees;

d) Contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals;

e) Be accessible through the use of digital tools to assist public involvement and policy presentation; and

f) Serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework, where relevant)."

3.1.3 To support the Government's continued objective of significantly boosting the supply of homes, it is important that the Local Plan provides a sufficient amount and variety of land that 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 delay¹.

- 3.1.4 Once the minimum number of homes that are required is identified, the planning authority should also have a clear understanding of the land available in their area. In this regard, paragraph 67 sets out specific guidance that local planning authorities should take into account when identifying and meeting their housing needs. It states:

"... policy-making authorities should have a clear understanding of the land available in their area through the preparation of a strategic housing land availability assessment. From this, planning policies should identify a sufficient supply and mix of sites, taking into account their availability, suitability and likely economic viability. Planning policies should identify a supply of:

a) specific, deliverable sites for years one to five of the plan period; and

b) specific, developable sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15 of the plan."

- 3.1.5 Once a local planning authority has identified its housing needs, these needs should be met in full, unless any adverse impacts would significantly and demonstrably outweigh the benefits of doing so.

- 3.1.6 To be considered sound at Examination the emerging SAP will need to meet all four of the soundness tests set out in paragraph 35 of the revised Framework (2019).

3.2 Planning Practice Guidance

- 3.2.1 The Government published updates to its Planning Practice Guidance (PPG) on 13th September 2018. The updated PPG provides further clarity on how specific elements of the revised Framework should be interpreted when preparing Local Plans.

3.3 Planning for the Future – White Paper

- 3.3.1 On the 6th August 2020, Government published the Planning for the Future White Paper setting out proposals for how it is seeking to 'radically reform' the planning system. The proposals are seeking to streamline and modernise the planning process.

¹ Revised NPPF – Paragraph 60

- 3.3.2 Consultation is currently underway on these proposals and it will be important that the Council keeps abreast with the implementation of these changes although the implications are unlikely to have an impact on the preparation of the Mid Sussex Sites Allocations DPD.
- 3.3.3 Timescales remain uncertain however subject to the outcomes of this process the Government has signalled its intent to make rapid progress toward this new planning system through the swift introduction of new legislation to implement the changes.
- 3.3.4 A further consultation is also underway on immediate changes to the current planning system². Of significant note is a proposed revised standard method for calculating local housing need, which proposes to incorporate a percentage of existing stock as the baseline of the calculation. Once implemented, this will be used as the basis for plans created prior to any changes outlined in the White Paper.

² Ministry of Housing, Communities & Local Government: Changes to the Current Planning System Consultation
<https://www.gov.uk/government/consultations/changes-to-the-current-planning-system>

4 MID SUSSEX SITE ALLOCATIONS DEVELOPMENT PLAN DOCUMENT (SADPD)

4.1 Context

- 4.1.1 This section is in response to the Mid Sussex SADPD consultation document and its supporting evidence base. Herein, Gladman highlight where modifications will need to be made for the Plan to be found sound at examination.

4.2 Policy SA10: Housing

- 4.2.1 Policy SA10 supports with Policy DP4: Housing of the Mid Sussex District Plan and sets out how the Council will address residual housing need of 1,280 dwellings over the plan period.
- 4.2.2 The housing requirement for Mid Sussex is set through the Mid Sussex District Plan totalling 16,390 dwellings over the whole plan period, equating to 964 dwellings per year (dpa). However, it should be noted that this is set as a stepped trajectory whereby an average of 876 dwellings per annum will be delivered until 2023/24, before an average of 1,090 dpa will be delivered between 2024/25 and 2030/31. It is noted that windfall sites will be delivered through Neighbourhood Plan sites or through the Development Management Process.
- 4.2.3 Furthermore, the Policy states that the Site Allocations DPD will allocate 1,764 dwellings providing an oversupply of 484 dwellings or a 2.9% oversupply of housing against the adopted total plan housing requirement of 16,390 dwellings.
- 4.2.4 Gladman are concerned that the contingency between the proposed deliverable supply of housing and assessed housing need is insufficient to ensure that the District's needs are met, or a five-year housing land supply can be maintained over the whole plan period.
- 4.2.5 While it is acknowledged that the Council's claimed supply and proposed residential allocations are drawn from varying sources including brownfield and greenfield sites, alongside neighbourhood plan allocations, Gladman contend further flexibility is necessary to ensure the Plan is responsive to market signals and delivery issues which may occur.
- 4.2.6 Indeed, the Home Builders Federation (HBF) presented research at the 2015 Home Builders Federation Planning Conference which highlighted that 10-20% of planning permissions do not materialise into a start on site with the permissions 'dropping out'. While an additional 15-20% of the proposed supply do not drop out but are delayed through 're-permissions'

being sought. Figure 1 sets out the information presented by HBF and provides further reasoning as to why these issues may occur.

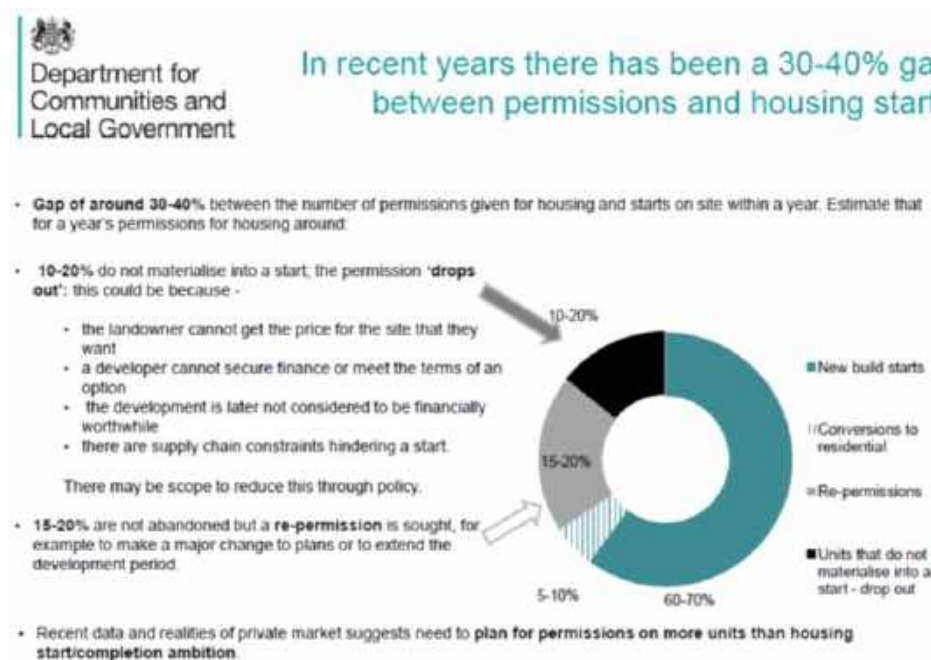


Figure 1 – Home Builders Federation Planning Conference 2015 Slide.

- 4.2.7 Although the HBF's research is now 5 years old, it highlights the needs for Council's to provide sufficient housing allocation contingency above the housing requirement to ensure that a housing land supply can be maintained through the plan period through a responsive, flexible Plan.
- 4.2.8 Therefore, it is evident that an 'over-supply' or 'contingency' of just 484 dwellings (2.9%) does not provide sufficient flexibility which can safeguard against under-delivery or delivery issues. Gladman contend that the Council must identify further housing allocations to a level that will provide between 10-20% contingency of residential development land.
- 4.2.9 Secondly, the Council's average annual housing delivery rate since 2014/15 is 820 dpa, while the highest annual delivery figure is 1003 dwellings³. In this regard, the Council has never achieved the quantity of housing necessary to meet the initial stepped housing requirement (876dpa), nor the second step (1090 dpa) which is to begin in 2024/25. This further highlights the need to allocate additional sites to support the delivery of the plan and ensure the needs of the district can be met.

³ Site Allocations DPD Housing Land Supply Statement (August 2020)

4.2.10 Additionally, windfall sites are proposed to deliver through Neighbourhood Plan allocations and the development management process. Although a number of sites have already been allocated and are delivering through 'made' Plans, further Neighbourhood Plans are currently in the plan-making process. It is unclear, through the Plan or the supporting evidence base, what proportion of these sites have already delivered or when they may deliver. Yet, the Council continue to place reliance on the delivery of housing through Neighbourhood Plan allocations, whilst there is no certainty that this delivery will occur in a timely manner, or even come forward at all. The Council should adopt a more proactive approach to the delivery of housing and allocate further sites to ensure sustainable development will come forward and meet the needs of the district during the plan period.

4.2.11 Furthermore, Gladman contend that while a wide range of sites are identified within the supply, it is clear that a number of the brownfield sites are likely to experience delay in delivery. This will be explored in response to Policy SA11 below.

4.3 Policy SA11: Additional Housing Allocations & Policy SA16 St. Wilfrid's Catholic Primary School, School Close, Burgess Hill

4.3.1 Policy SA11 sets out additional site allocations to support the strategic sites allocated through the Mid Sussex District Plan Policy DP4. Table 2.5 states that the SADPD will allocated a further 1,764 dwellings across 22 sites.

4.3.2 It should be noted that 6 of the sites, accounting for 312 of the proposed additional dwellings, are brownfield sites.

4.3.3 Paragraphs 117 and 118 of the Framework highlight that planning policies and decisions should support the use of previously developed or brownfield land. Indeed, Gladman support the allocation of various types of sites, including brownfield land, however, it is important to note that the development of brownfield land is complex and often subject to delay and deliverability issues.

4.3.4 For instance, brownfield sites are often subject to unexpected physical constraints and often contamination which requires significant remediation. The Council acknowledge the potential contamination of such sites within the Plan but the supporting evidence within the Site Allocations Library depicts that little investigative work has to date been completed. Several of the proposed allocations also require clearance of buildings and relocation of existing tenants which will inevitably take a period of time. Therefore, while the sites may be

deliverable, unexpected physical constraints and remediation work may lead to a delay in the delivery of such sites.

- 4.3.5 Furthermore, unexpected constraints and the remediation of such sites may lead to unanticipated financial costs. This places significant risk upon the developer and may impact the viability of the site leading to delays in the delivery or even no commencement of the development. Additionally, the significant costs associated with the development of previously developed land which may impact the viability of the schemes and thus the scale of developer contributions required to be provided. Indeed, national policy guidance highlights that an applicant can demonstrate such circumstances at the application stage through a viability assessment detailing the inability to meet certain cost implications of policy requirements, planning obligations and where relevant Community Infrastructure Levy charges⁴. The costs identified in the viability assessment may include numerous circumstances, such as;

"...abnormal costs, including those associated with treatment for contaminated sites or listed buildings, or costs associated with brownfield, phased or complex sites. These costs should be taken into account when defining benchmark land value" ⁵

- 4.3.6 The decision maker will then give weight to this assessment with regard to all the circumstances in the case. In this instance there is a very real prospect that the Council will receive lesser community benefits from the proposed allocations than may be anticipated. Therefore, allocating further residential sites would provide sufficient headroom in case the brownfield housing allocations experience a delay in delivery and ensure that community benefits can be delivered across the District.
- 4.3.7 Furthermore, Gladman highlight uncertainty in the delivery of proposed allocation 'SA16 St. Wilfrid's Catholic Primary School, School Close, Burgess Hill'. The site is currently an operational school proposed to deliver 200 dwellings with an indicative phasing of 6 to 10 years.
- 4.3.8 The previous iteration of the Plan stated the proposal was dependant on,

"The satisfactory relocation of St Wilfrid's Primary School to St Paul's Catholic College site is required before development can commence on the school part of the site"

⁴ Planning Practice Guidance: Paragraph: 014 Reference ID: 10-014-20190509

⁵ Planning Practice Guidance: Paragraph: 012 Reference ID: 10-012-20180724

4.3.9 However, Policy SA16 of the Regulation 19 Plan provides no commentary on the school relocation only stating,

- ***“Across the broader development area, which includes BHNP – TC3 The Brow Quarter, the existing uses include the following community uses; a General Practice (GP) Surgery/Clinic, Fire and Rescue Service Fire Station, Ambulance Station and Police Headquarters and St Wilfrid’s Roman Catholic Primary School and playing fields.***
- ***Redevelopment proposals shall provide evidence that demonstrates how replacement community facilities will be provided to the satisfaction of the Council and relevant key stakeholders...”***

4.3.10 It is unclear from the Plan or the supporting evidence base whether the requirement to relocate the school still exists and whether this must have been completed prior to commencement of SA16. Indeed, the Site Selection Paper 3 Appendix B highlights that discussions had taken place regarding the potential relocation, yet the latest Infrastructure Delivery Plan does not seem to account for this⁶.

4.3.11 In addition, no planning applications have been submitted on the site in relation to the housing development and while the school remains in operation no clearance can occur.

4.3.12 Although the site may represent a logical development site and be deliverable at some point in the future, Gladman propose that significant uncertainty exists around the allocation, particularly in relation to the relocation of the School.

4.3.13 This provides further justification for the Council to identify additional housing allocation to support the delivery of Mid Sussex housing needs and ensure a five year housing land supply can be met.

⁶ Site Allocations DPD Infrastructure Delivery Plan Regulation 19 Version (March 2020)

5 SITE SUBMISSION

5.1 Land off Scamps Hill, Lindfield

5.1.1 The Site is located north east from Haywards Heath, and east of Lindfield on the north side of Scamps Hill (B211). The Site is formed of three fields which are currently in agricultural use and the total land area that is available for development measures circa 10 ha.

5.1.2 The Site is capable of accommodating circa 180 homes of a mix of sizes including 30% affordable with considerable scope to design and masterplan a scheme that responds positively to the surrounding influences.

5.1.3 The Site is sustainably located, within safe walking distance of a large number of the community services and facilities available within Lindfield including primary schools and shops.

5.1.4 The development will be a positive addition to Lindfield complementing the character of the surrounding area in terms of scale, density, character and quality, with the opportunity to deliver a number of benefits, in addition to new market and affordable housing, for both new and existing residents, including:

- Informal and formal public open space
- A new children's play area
- New landscaping features including additional tree and hedgerow planting
- Drainage basin for surface water attenuation
- Support for existing local services and facilities through increased spend

5.1.5 Further details of the Site are included in a detailed Vision Document at Appendix 1 of this representation.

6 CONCLUSION

- 6.1.1 Gladman welcome the opportunity to comment on the Mid Sussex Site Allocations Development Plan Document Regulation 19 Consultation and wish to be informed of future consultations in the plan-making process. For the Mid Sussex SADPD to be found sound at examination it must be able to meet the four tests of soundness as required by paragraph 35 of the Framework. These tests are outlined as follows:

Positively prepared – provide 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 account the reasonable alternatives 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 the Framework.

- 6.1.2 Gladman have highlighted the need for the Council to identify additional housing allocations to ensure sufficient headroom between the adopted housing requirement and housing land supply to ensure that the Plan is flexible and responsive to change over the entire plan period.
- 6.1.3 Gladman are promoting the land at Lindfield which is located in a sustainable location and is available and deliverable. Further details of the Site are at Appendix 1.
- 6.1.4 I hope you have found this correspondence to be informative and useful towards the preparation of the Mid Sussex SADPD and Gladman look forward to being provided the opportunity to engage further with the Council regarding our land interest as the SADPD further progresses.

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2140

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA10

ID: 2140

Response Ref: Reg19/2140/12

Respondent: Mr C Hough

Organisation: Sigma Planning Services

On Behalf Of: Rydon Homes Ltd

Category: Promoter

Appear at Examination? ✓



Site Allocations Development Plan Document Regulation 19 Submission Draft Consultation Form

The District Council is seeking representations on the Submission Draft Site Allocations Development Plan Document, which supports the strategic framework for development in Mid Sussex until 2031.

The Site Allocations DPD, has four main aims, which are:

- i) to allocate sufficient housing sites to address the residual necessary to meet the identified housing requirement for the district up to 2031 in accordance with the Spatial Strategy set out in the District Plan;
- ii) to allocate sufficient employment land to meet the residual need and in line with policy requirements set out in District Plan Policy DP1: Sustainable Economic Development;
- iii) to allocate a site for a Science and Technology Park west of Burgess Hill in line with policy requirements set out in District Plan Policy DP1: Sustainable Economic Development, and
- iv) to set out additional Strategic Policies necessary to deliver sustainable development.

All comments submitted will be considered by a Planning Inspector, appointed by the Secretary of State, at a public examination to determine whether the plan is sound.

The Site Allocations DPD is available to view at:

www.midsussex.gov.uk/planning-building/development-plan-documents/

A number of documents have been prepared to provide evidence for the Site Allocations DPD and these can be viewed on the Council's website at the above address.

Paper copies will also be at the Council offices (see address below) and your local library and available to view if the buildings are able to open during the consultation period.

Please return to Mid Sussex District Council by midnight on 28th September 2020

How can I respond to this consultation?

Online: A secure e-form is available online at:

www.midsussex.gov.uk/planning-building/development-plan-documents/

The online form has been prepared following the guidelines and standard model form provided by the Planning Inspectorate. To enable the consultation responses to be processed efficiently, it would be helpful to submit a response using the online form, however, it is not necessary to do so. Consultation responses can also be submitted by:

Post: Mid Sussex District Council
Planning Policy
Oaklands Road
Haywards Heath
West Sussex
RH16 1SS

E-mail: LDFconsultation@midsussex.gov.uk

A guidance note accompanies this form and can be used to help fill this form in.

Part A – Your Details (You only need to complete this once)

1. Personal Details

Title	<input type="text"/>
First Name	<input type="text"/>
Last Name	<input type="text"/>
Job Title (where relevant)	<input type="text"/>
Organisation (where relevant)	<input type="text" value="SIGMA PLANNING SERVICES"/>
Respondent Ref. No. (if known)	<input type="text"/>
On behalf of (where relevant)	<input type="text" value="RYDON HOMES LTD"/>
Address Line 1	<input type="text" value="SIGMA HOUSE"/>
Line 2	<input type="text" value="6, GARDEN STREET"/>
Line 3	<input type="text" value="TUNBRIDGE WELLS"/>
Line 4	<input type="text" value="KENT"/>
Post Code	<input type="text" value="TN1 2XB"/>
Telephone Number	<input type="text" value="01892 517107"/>
E-mail Address	<input type="text" value="sigmaplan@aol.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:

SIGMA PLANNING ON BEHALF OF RYDON HOMES 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

2.17 – 2.33

Policy SA

SA 10 &
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 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.

The Plan states that the remaining residual requirement from 2019 is 1280 units following updated completions, commitments and windfall figures. However, the total allocations in the plan amount to 1764 dwellings-an additional 484 units. This confirms that the Plan is positively prepared and compliant with the Framework because:-

- the remaining residual requirement will include some housing that is already delivered.

Continued on separate sheet

7. Please set out what change(s) you consider necessary to make the Site Allocations DPD legally compliant or sound, having regard to the reason you have identified at question 5 above where this relates to soundness.

You will need to say why this change will make the Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested change, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.

MID SUSSEX REG 19 SUBMISSION DRAFT SITE ALLOCATIONS DPD

Representations on behalf of Rydon Homes Ltd

Form (1 of 12) Paragraphs 2.17 -2.33

Policies SA10 + SA11

6b Continued

- the District Plan housing target is a minimum figure and Government policy seeks to boost rather than cap housing provision.
- the allocation need to compensate for slow delivery from strategic allocations which may be delayed towards the latter end of the plan period to 2031, or even beyond.
- the windfall figure has been increased but there is no compelling evidence that the level will continue to prevail. Also the increased figure is simply a statistical adjustment to include sites of 1-9 units rather than 1-5 units.
- adjoining local authorities at Brighton, Crawley and Tandridge are under-delivering on their housing requirements and will increasingly need assistance in meeting their housing requirements. Mid-Sussex is comparatively less constrained and should be anticipating being able to assist in addressing unmet need from adjoining authorities.

The overall supply from Table 2.3 is 16,874 which aims to exceed the District Housing requirement by 484 dwellings by the end of the plan period but there is bound to be slippage and the flexibility of a 2.9% over-provision is supported in principle. However, the figures are not precise and it is considered that this is still a fragile margin to compensate for non-delivery – particularly in the strategic housing allocations. The margin should be greater and a 10% non-delivery margin is standard practice. An over provision of 1639 dwellings is therefore justified and can be achieved by further allocations of sites that do not raise serious adverse impacts and are able to be confidently expected to deliver housing in the plan period to compensate for non-delivery elsewhere.

The identification of further allocations to increase the Plan's robustness and flexibility would still be within reasonable parameters of consistency with the District Plan housing targets, which were in any event not fully meeting objectively assessed needs, particularly for affordable housing.

In terms of distribution the substantial majority of new housing is focussed on the three main towns of Burgess Hill, East Grinstead and Haywards Heath (80% of the minimum District Plan requirement) with the 2nd tier settlements of Copthorne, Crawley Down, Cuckfield, Hassocks and Keymer, Hurstpierpoint and Lindfield contributing a further 18%). This emphasis should be maintained in order to conform with the District Plan and deliver new housing in the most sustainable

locations. The proposed DPD allocations however only propose 6% of the housing is directed to 2nd tier settlements and 13.5% is directed to 3rd tier settlements, many of which are located in the AONB where great weight should be given to conserving landscape and scenic beauty. There are a number of 2nd tier settlements, including Cuckfield and Hurstpierpoint, where there are limited or no DPD allocations. Such settlements do have the capacity to deliver more housing in the current Local Plan and would be suitable candidates to accommodate any additional provision or provide sites to compensate for less suitable and more constrained sites that are currently proposed allocations but should be deleted from the Plan.

The SADPD allocates a total of 238 new dwellings to Category 3 villages. 183 of these are in the AONB which should be afforded the highest level of protection. Sites should only be released in the AONB in settlements that have a residual requirement to meet, i.e. Horsted Keynes, to recognise the need to sustain and maintain the vitality of these settlements and meet the demand and need for housing, especially affordable housing in these locations. However, in villages that have already met their target, the Council should not be releasing further AONB sites before exhausting non AONB sites, even if it is 'passed up' to Cat 2 settlements (Para. 2.4.5 Site selection paper) such as Hurstpierpoint and Cuckfield.

8. If your representation is seeking a change, do you consider it necessary to attend and give evidence at the hearing part of the examination? (tick below as appropriate)

☐

No, I do not wish to participate at the oral examination

☒

Yes, I wish to participate at the oral examination

9. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

To fully explain concerns about the soundness of the Submission Plan to the Inspector and discuss appropriate modifications to make it sound.

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:

Sigma Planning Service

Date:

28/9/20

Thank you for taking time to respond to this consultation



MID SUSSEX DISTRICT COUNCIL
SITE ALLOCATIONS DEVELOPMENT PLAN DOCUMENT

REGULATION 19
SUBMISSION DRAFT
SEPTEMBER 2020

REPRESENTATIONS
ON BEHALF OF
RYDON HOMES LTD

September 2020



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I.0 Housing Numbers and Distribution

1.1 The Plan states that the remaining residual requirement from 2019 is 1280 units following updated completions, commitments and windfall figures. However, the total allocations in the plan amount to 1764 dwellings – an additional 484 units. This confirms that the Plan is positively prepared and compliant with the Framework because :-

- the remaining residual requirement will include some housing that is already delivered.
- the District Plan housing target is a minimum figure and Government policy seeks to boost rather than cap housing provision.
- the allocation need to compensate for slow delivery from strategic allocations which may be delayed towards the latter end of the plan period to 2031, or even beyond
- the windfall figure has been increased but there is no compelling evidence that the level will continue to prevail. Also the increased figure is simply a statistical adjustment to include sites of 1-9 units rather than 1-5 units.
- adjoining local authorities at Brighton, Crawley and Tandridge are under-delivering on their housing requirements and will increasingly need assistance in meeting their housing requirements. Mid-Sussex is comparatively less constrained and should be anticipating being able to assist in addressing unmet need from adjoining authorities.

1.2 The overall supply from Table 2.3 is 16,874 which aims to exceed the District Housing requirement by 484 dwellings by the end of the plan period, but there is bound to be slippage and the flexibility of a 2.7% over-provision is supported in principle. However, the figures are not precise and it is considered that this is still a fragile margin to compensate for non-delivery – particularly in the strategic housing allocations. The margin should be greater and a 10% non-delivery margin is standard practice. An over provision of 1639 dwellings is therefore justified and can be achieved by further allocations of sites that do not raise serious adverse impacts and are able to be confidently expected to deliver housing in the plan period to compensate for non-delivery elsewhere.

1.3 The identification of further allocations to increase the Plan's robustness and flexibility would still be within reasonable parameters of consistency with the District Plan housing targets, which were in any event not fully meeting objectively assessed needs, particularly for affordable housing.

1.4 In terms of distribution the substantial majority of new housing is focussed on the three main towns of Burgess Hill, East Grinstead and Haywards Heath (80% of the minimum District Plan requirement) with the 2nd tier settlements of Copthorne, Crawley Down, Cuckfield, Hassocks and Keymer, Hurstpierpoint and Lindfield contributing a further 18%). This emphasis should be maintained in order to conform with the District Plan and deliver new housing in the most sustainable locations. The

proposed DPD allocations however only propose 6% of the housing is directed to 2nd tier settlements and 13.5% is directed to 3rd tier settlements, many of which are located in the AONB where great weight should be given to conserving landscape and scenic beauty. There are a number of 2nd tier settlements, including Cuckfield and Hurstpierpoint where there are “limited” or no DPD allocations. Such settlements do have the capacity to deliver more housing in the current Local Plan and would be suitable candidates to accommodate any additional provision or provide sites to compensate for less suitable and more constrained sites that are currently proposed allocations but should be deleted from the Plan.

- 1.5 The SADPD allocates a total of 238 new dwellings to Category 3 villages, 183 of these are in the AONB which should be afforded the highest level of protection. Sites should only be released in the AONB in settlements that have a residual requirement to meet, i.e. Horsted Keynes, to recognise the need to sustain and maintain the vitality of these settlements and meet the demand and need for housing, especially affordable housing in these locations. However, in villages that have already met their target, the Council should not be releasing further AONB sites before exhausting non AONB sites, even if it is ‘passed up’ to Cat 2 settlements (Para. 2.4.5 Site selection paper) such as Hurstpierpoint.

2.0 Proposed Allocations that are supported

2.1 Policy SA24 Land north of Shepherds Walk, Hassocks (support with conditions)

This proposed housing allocation is supported. It enjoys outline planning permission for 130 dwellings and it has been demonstrated that the criteria set out in the policy can be fully met.

However, the following comments are made concerning the criteria set out in the Policy:-

1. The wording of the criteria in relation to Biodiversity and Green Infrastructure requires clarification/amendment. It is not clear what is meant by the term “net gain” to biodiversity and it is not possible to avoid any loss of biodiversity. The following alternative wording is therefore proposed.

“ Ensure that there is an overall gain to biodiversity and that any loss is mitigated or, as a last resort, compensated”.

A separate SPD is necessary to format and identify any bio-metric approach to the calculation of net gains to biodiversity.

The criteria in this policy go beyond what is required of Strategic Sites allocated in the District Plan and such an inconsistency is not justified.

The proposed development will be delivered within the five year period to 2025/2026. Rydon would welcome the opportunity of meeting with Officers to discuss how the criteria might be improved.

2. The Brick Clay Resource Mineral Safeguarding Area covers a very extensive area from Petersfield in the west to Burgess Hill in the east and includes most of the northern part of the County of West Sussex. Policy M9 of the West Sussex Joint Minerals Local Plan (2018) seeks to prevent non-mineral development throughout the whole of this very wide area unless minerals are extracted pre-development or there is an overriding need for the development that outweighs the safeguarding of the mineral. Compliance with Policy M9 is a common requirement for most, if not all, housing allocations in the SADPD. It must be assumed that the allocation of a site for housing in the Plan demonstrates an overriding need that achieves compliance with the Policy. It should not be left to be considered as a criteria post-allocation. There is no special suitability for mineral extraction demonstrated by the land north of Shepherds Walk. Therefore the Minerals Criterion should be omitted from Policy SA24, and all other allocations covered by the widespread generic safeguarding area, unless there is a local/known special requirement for safeguarding.

3. Archaeological evaluation has already been carried out on this site and the criterion for evaluation should be changed to “pre-commencement” to allow for the grant of outline consent subject to conditions without a policy requirement to repeat the exercise with associated wasted costs.
4. The Landscape Considerations criteria are too onerous in requiring that all mature trees, as well as protected trees, shall be retained. The TPOs will protect important trees and the landscaping scheme will reflect Policy DP37 Trees, Woodland and Hedgerows of the adopted District Plan in order to be approved. A further policy provision is therefore superfluous and unnecessary, proscriptive and onerous in requiring the retention of all existing hedgerows and mature trees.
5. The criteria are generally unnecessarily detailed for a policy of the adopted development plan and stifle the scope for high quality design and creativity. The criteria need to be re-visited in order to be less proscriptive in detail and concentrate only on the main, more important, planning considerations. This point includes criteria related to drainage strategy.

2.2 Policy SA29 Land South of St Stephens Church, Hamsland, Horsted Keynes (support with conditions)

- 2.2.1 This proposed housing allocation is supported conditionally. The site could be optimised to provide 30 two storey dwellings, internal open space, playspace, surface water attenuation, ecological considerations together with landscaping to soften the external edge of the built area. The site could sit comfortably into the existing pattern of development and align with adjoining residential curtilages.
- 2.2.2 Subject to appropriate conditions, the landscape impact from the development of this site would be low, as recognised by the High Weald AONB Unit in their October 2018 report which assessed the landscape impact from thirteen respective SHEELA sites considered by Mid Sussex District Council. The High Weald AONB Unit concludes that this Site is one of only two sites (out of the thirteen considered) that has the potential to be developed with only low impact on the AONB (as opposed to moderate or high impact).
- 2.2.3 West Sussex Highways Authority have confirmed at the pre application scoping stage, that the site can achieve a safe and suitable means of access for all modes of transport and the development would not materially impact on the operation of the local highway network. Support is also given to the proposed allocation requirement for the improving of local traffic conditions by setting back the existing on-street parking spaces in Hamsland Road into the verge, opposite the site.
- 2.2.4 Support is given to the proposed allocation requirement to enhance important landscape features, including the existing mature hedgerows and trees bordering the adjacent fields. The site is deliverable comfortably within a five year period.

However, there are some concerns with regard to the proposed criteria within the policy.

1. The wording of the criteria in relation to Biodiversity and Green Infrastructure requires clarification/amendment. It is not clear what is meant by the term "net gain" to biodiversity and it is not possible to avoid any loss of biodiversity. The following alternative wording is therefore proposed:-

"... ensure that there is an overall gain to biodiversity and that any loss is mitigated or, as a last resort, compensated".

A separate SPD is necessary to format and identify any bio-metric approach to the calculation of net gains to biodiversity.

The criteria in this policy go beyond what is required of Strategic Sites allocated in the District Plan and such an inconsistency is not justified.

This is a small site with less potential for conflict with NPPF but greater potential for viability to be compromised.

2. The requirement under the heading of Flood Risk and Drainage to provide SUDS in the southern part of the site is too prescriptive and unnecessary. It is also an unnecessary duplication of the Biodiversity criteria elsewhere in the draft policy. Flexibility is required to enable a surface water drainage solution to be tailored to site conditions to provide the optimum drainage solution. This is not a development brief and it is too prescriptive at this stage. The detail can be addressed at the application stage.

Rydon would welcome the opportunity of meeting with Officers to discuss how the criteria might be improved.

3.0 Proposed allocations the subject of objection.

3.1 Policy SA15 Land south of Southway, Burgess Hill

This site is allocated as a Local Green Space in the adopted Burgess Hill NP. Para. 101 of the NPPF states that Policies for managing development within a Local Green Space should be consistent with those for Green Belts. SA does not assess the loss of LGS when determining the sustainability of the site.

3.2 Policy SA16 Land at St Wilfred's School

The SA has not assessed the impact of the loss of the school in a town centre location, sustainable location, close proximity, walking distance to catchment area. Policy DP25 of the LP states that "Where proposals involve the loss of a community facility (including those facilities where the loss would reduce the community's ability to meet its day-to-day needs locally) evidence will need to be provided that demonstrates:-

- that the use is no longer viable; or
- that there is an existing duplicate facility in the locality which can accommodate the impact of the loss of the facility; or
- that a replacement facility will be provided in the locality

The delivery of this site is uncertain. The relocation of a number of public and community facilities has not been settled and the number of residential units may have to be adjusted. At best the site is likely to be delayed and potentially may not come forward at all.

3.3 Policy SA18 East Grinstead Police Station

There are deliverability issues, restrictions on title/covenants that could prevent development of this site. There are heritage assets in the vicinity that will be adversely affected and apartments are not in character with the local area. Numbers of dwellings that can be delivered may reduce as a result. No clear timescale for delivery.

3.4 Policy SA20 Land south and west of Imberhorne Upper School

3.4.1 This site has a long history of non-delivery. The West Sussex Structure Plan 2001-2016 (now revoked) allocated a wider area of land to the west and south-west of East Grinstead for circa 2,500 homes.

3.4.2 The South East Plan 2006-2026 (now revoked) noted that land west and south-west of East Grinstead should be brought forward for circa 2,500 homes.

3.4.3 The East Grinstead Strategic Development Area Action Plan 2006 (which would have formed part of the Local Development Framework if it had been adopted – it was later abolished) set out the detail for the allocation of land west and south-west of East Grinstead.

- 3.4.4 East Grinstead has suffered from large volumes of traffic for many years, with persistent calls for a bypass to be provided from as far south as Forest Row all the way to the north and west of the town since 1988. However, these proposals have not come to fruition and the town remains as a significant location along the A22 between the coast and London.
- 3.4.5 Previous traffic study reports have advised that the existing highway network at the junctions of the A22/A264 and the Imberhorne junction is over capacity during the morning and evening peak periods on a typical weekday and that scope for physical improvements at key junctions is constrained.
- 3.4.6 The site is located immediately adjacent to these two junctions and, given its distance from the town centre, it is considered likely that most day to day retail, community, leisure and commuter trip generation (e.g. Doctors, leisure facilities and access to the main line railway station) will involve vehicular trips movements adding increased volumes of traffic into East Grinstead.
- 3.4.7 The Sustainability Appraisal that accompanied the District Plan concluded that *“there are severe transport constraints within East Grinstead which is likely to limit the amount of strategic development that would be appropriate within the town unless significant mitigation is proposed.”*
- 3.4.8 Any capacity improvements have been exhausted at the two key junctions and further improvements require third party land. The policy is not clear on how the impact on the local highway network will be mitigated and merely states the following :-
- “Provide any necessary capacity and safety improvements to junctions impacted upon by the development in the vicinity of the site after all relevant sustainable travel interventions have been fully explored and their mitigation accounted for.”*
- 3.4.9 At this stage of the process, the deliverability of the sites allocated need to have been fully investigated. The SAD document fails to do this, appendix one refers to Safeguarding of Land for Strategic Highway Improvements, but only includes a picture of the junctions with a red box but no clear strategy for improvements.
- 3.4.10 Mid-Sussex has updated its Transport Study to test the impact of proposed development on the strategic and local transport network and upon significant routes in Ashdown Forest (adjacent to but outside of Mid-Sussex District).

The report concludes the following:-

“Felbridge junctions The A264/A22 junction is not identified as having severe impacts in the Scenarios. However, it should be noted that this junction is flagged as severe in the Reference Case and operates over capacity; the Scenarios generate slightly more traffic passing through the junction, which increases these impacts further, but not enough to result in severe impacts for the Scenarios”.

3.4.11 This suggests that improvements to these junctions will not be required as the impacts from additional traffic will not result in severe impacts but this is a contrived and unreliable conclusion that runs contrary to Paragraph 109 of the NPPF.

3.5 Policy SA21 Land at Rogers Farm, Fox Hill, Haywards Heath

3.5.1 The Policy states that this site is open space. It is a peripheral location with significant landscape and heritage constraints, together with Flood Risk considerations. The site should only be allocated if the constraints have been fully investigated and can be appropriately mitigated.

3.6 Policy SA25 land West of Selsfield Road, Ardingly

3.6.1 Ardingly is environmentally constrained due to its location wholly within the AONB. The remaining residual requirement for the settlement is 22 dwellings. In reaching the overall requirement in the Local Plan DPD the Council, in its Sustainability Appraisal that accompanied the DPD, has had regard to the advice in the NPPF. The Council has examined the evidence to identify the point at which the adverse impacts would significantly and demonstrably outweigh the benefits, particularly when considering numbers to settlements constrained due to the AONB which indicated that development in these locations should be restricted. In the accompanying Settlement Sustainability Review May 2015 the Council concluded that future development in Ardingly should therefore be primarily to meet local needs. However, the SADPD proposes a site for 70 units, which is a major allocation in the AONB. A balance needs to be struck to ensure the positive benefits (social/economic) of allocating a major site within the AONB are not markedly outweighed by the negative impacts (particularly environmental), great weight should be afforded to protect the AONB and the scale and extent of development within these designated areas should be limited, Para. 172 NPPF).

3.6.2 Furthermore the site forms part of the South of England Show Ground and offers cultural and recreational facilities, the loss of which has not been assessed in the SA. This allocation should be fully assessed against the District Plan Policy.

3.6.3 Policy DP24 which refers to proposals that involve the loss of cultural facilities, open space, sports and recreational buildings and land, including playing fields, will not be supported unless :-

- an assessment has been undertaken which has clearly shown the cultural facility, open space, sports land or recreational building to be surplus to requirements; or
- the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss

3.7 Policy SA26 Land South of Hammerwood Road, Ashurst Wood.

- 3.7.1 The settlement of Ashurst Wood is environmentally constrained due to the settlement being washed over with the AONB. There is no remaining residual requirement from the District Plan for additional dwellings for the settlement. In reaching the overall requirement in the Local Plan DPD the Council (in its Sustainability Appraisal that accompanied the DPD), has had regard to the advice in the NPPF. The Council has examined the evidence to identify the point at which the adverse impacts would significantly and demonstrably outweigh the benefits, particularly when considering dwelling numbers to settlements constrained due to the AONB, which indicates that development in these locations should be restricted. In the accompanying Settlement Sustainability Review (May 2015), the Council concluded that future development in Ashurst Wood should be primarily to meet local needs. However, the SADPD proposes a site for 12 units. A balance needs to be struck to ensure the positive benefits (social/economic) of allocating a site within the AONB is not markedly outweighed by the negative impacts (particularly environmental). Great weight should be afforded to protecting the AONB and the scale and extent of development within these designated areas should be limited. (Para. 172 NPPF).

4.0 Sites omitted from the Draft Plan that justify being allocated for housing.

4.1 Land south of Edinburgh Way, East Grinstead

- 4.1.1 Rydon have an option over the land as identified in Appendix (A). The site SHELAA reference 598 was considered as suitable in the SHELAA stage 1 as suitable for 60 units, in the medium to long term. Following further detailed site assessment, through the Site Selection Paper 3, the site has subsequently been found to be unsuitable for allocation in the SA DPD. The assessment concluded that the site will have high impact on the AONB.
- 4.1.2 This site is located on the south eastern edge of East Grinstead, adjoining existing residential development that was built in the 1970s and 1980s. The site forms a small triangular parcel of open countryside comprising a single horse paddock which is contained by a tall hedgerow, tree and a post and rail/wire fence. The site is approximately 1.8 hectares in total.
- 4.1.3 The site is located to the east of Harwoods Lane which extends alongside the western site boundary and is defined by a hedgerow. The north and western boundary of the site also contains a line of mature trees. Harwoods Lane currently connects the site to residential development to the north. Beyond the boundary to the west and north of the site is residential development on Chesterton Close, Collingwood Close and Edinburgh Drive.
- 4.1.4 The site is located in the AONB, the land slopes generally southwards and the undulating topography together with the existing strong hedgerows, belts of trees and blocks of woodland in the immediate area surrounding the site provides enclosure and containment to views within the landscape.
- 4.1.5 The site has the potential to be delivered as a standalone site, subject to access or as part of the Great Harwoods Farm development that has been promoted by Thakeham Homes during previous District Plan consultations.
- 4.1.6 The Site Selection Paper 3 : Housing Sites October 2019, concludes that the site is not suitable for further consideration due to its location within the AONB. As such the site has not been assessed in the Sustainability Appraisal accompanying the Site Allocation DPD. With regard to the site's AONB location, it should be acknowledged that, as set out in the LUC document entitled " Capacity of Mid Sussex District to accommodate development", Mid Sussex District is heavily constrained by environmental designations such as Area of Outstanding Natural Beauty (AONB) and the South Downs National Park as well as other constraints. As a result, a balance needs to be struck between locating development in the most sustainable locations and those which have the least environmental constraints. Whilst constraints may apply, there is no reason why such constraints could not be overcome and addressed, as they have elsewhere, particularly if there is no other reasonable alternative.
- 4.1.7 Subject to appropriate mitigation, there are no constraints to development at the wider site, including Great Harwoods. The site is well contained within its surroundings and will therefore not result in an adverse landscape impact. The proposal by Thakeham

Homes includes up to circa 300 dwellings and the provision of a significant area of public open space in the form of a SANG therefore respecting the site's location within the AONB. The proposal will therefore result in significant environmental and social benefits without resulting in unacceptable impacts on the wider landscape.

- 4.1.8 East Grinstead is one of the three main towns in Mid Sussex and offers a range of services and facilities and a mainline railway station, all within a reasonable walking distance from the site, approximately 1 kilometre. As such, the development will be less car dependant than that at Imberhorne Lane to reach day today facilities and consequently less likely to impact on the problematic junctions along the A22. The SHELAA assesses the site as relatively unconstrained, development will not have a negative impact on the Conservation Area or Area of Townscape Character and it is not subject to the risk of flooding. It lies in the AONB but impact to the wider landscape can be mitigated. It has been identified as suitable in the SHELAA and therefore the site should be assessed in the SA and considered to be a reasonable alternative to meet housing need in the town.

4.2 Land south of Chalkers Lane, Hurstpierpoint

- 4.2.1 Rydon have an option over the land as identified on the enclosed plan. The site, SHELAA Ref. 575, was identified in the Council's SHELAA stage 1 as suitable for 200 units, in the medium to long term. Following further detailed site assessment through the Site Selection Paper 3, the site has subsequently been found to be unsuitable for allocations in the SA DPD. The assessment concluded that the site is 'large' and the proposals will result in harm to the Listed building of the college and harm to the special character of the Conservation Area.
- 4.2.2. The site has an area of 27 ha (67 acres) but a large proportion of this will be left undeveloped providing the strategic buffer of open land separating the development from Hurstpierpoint College and Hurst Wickham to the east. This land offers the opportunity to extend the area of Country Open Space which formed part of the package accompanying the delivery of the residential development that is now being carried out by Bovis and indeed Rydon's small development to the south. The capacity of the site taking account of these buffer areas would be 220/260 units based on 30/35 dpa. There is the potential for land ownership to be transferred to the Parish Council so that this mitigation will endure in the long term. There is potential to extend the Country Park.
- 4.2.3 The attached plan prepared by Richards Urban Design drawing 1263.02 shows the full extent of the land by red edging. Also attached is an Opportunities and Constraints plan drawing 1263.03 which shows how the above concept could be put into practice. The attached photographs on drawing 1263.01 will give some idea of the physical characteristics of the land concerned.
- 4.2.4 The opportunity to extend the Country Open Space Area needs to be taken into account in relation to this Assessment. The current Assessment of impact upon both Hurstpierpoint College and Hurst Wickham Conservation Area is classified as being less than substantial harm. With mitigation as described above there would be no material impact. The open space will preserve the countryside setting to

Hurstpierpoint College to the east and this is already despoiled by buildings and sports pitches within the grounds. Hurst Wickham Conservation Area is a considerable distance away and there will be no material impact. A High Level Heritage Setting Statement prepared by Orion Heritage Ltd is attached which assesses the impacts and confirms that they would be nugatory.

- 4.2.5. There are no landscape quality designations on the site or in the immediate vicinity. The National Park boundary lies some 3km away to the south and distant views towards the site encompass the whole of the existing settlement of Hurstpierpoint, with which this development would appear in context. There is also potential for provision of strategic landscape buffers to the east and south of the site as part of the sensitive design of the Country Park and this will provide mitigation. Whilst the countryside is not unattractive, it is certainly not special and the site is relatively flat, featureless and not prominent in the wider landscape.
- 4.2.6. Trees/TPOs – the existing trees are located within boundary hedgerows and will be retained and enhanced. A suitable buffer to small areas of adjoining ancient woodland will be incorporated within any layout. There will be extensive new tree planting as part of the strategic landscaping proposals described above. This is a positive scenario for trees and the assessment should reflect that.
- 4.2.7 This is a sustainable, deliverable and developable development opportunity which should be included as a site allocation to meet strategic housing needs across the District. The original SHELAA assessment was not fair or accurate in a number of ways. The latest, February 2020, Assessment which is included in the Site Selection paper 3: Housing Sites Update does not take account of the representations made by Rydon at the Regulation 18 Consultation stage. The representations explained how the Country Park could be extended to the east to protect the wider gap between Hurstpierpoint and Hurst Wickham and the setting of the Hurst Wickham Conservation Area and that land at the northern end of the site could be left open to protect the setting of Hurstpierpoint College. The land is believed to be Grade 3b and therefore is not best and most versatile. The SHELAA correctly concludes that the site accords with the overall development strategy but the Detailed Site Assessment has not fully taken into account the evidence base, which shows how matters of separation of settlements and setting of heritage assets can be suitably addressed whilst still providing a net developable area to provide up to 200 sustainably located dwellings in accordance with the development strategy. The site assessed is for 540 dwellings and this does not take account of the Rydon masterplan which shows a smaller net developable area (around 200 dwellings) together with extensive open space areas to ensure the separation of settlements and protect the setting of heritage assets. This site should be considered in the SA in this context and would prove to be a suitable candidate as one of the additional allocations required to be provided in the Plan.

**REGULATION 19 SUBMISSION DRAFT
SEPTEMBER 2020**

**LIST OF APPENDICES ACCOMPANYING REPRESENTATIONS
OF BEHALF OF RYDON HOMES LTD**

- APPENDIX A** - Land under control of Rydon Homes Ltd
 South of Edinburgh Way, East Grinstead
- APPENDIX B** - Little Park Farm, Hurstpierpoint
- 1263.01 – Site photos
- 1263.02 – Site Location and land under control of
 Rydon Homes Ltd
- 1263.03 – Opportunities and Constraints Plan
- High Level Heritage Setting Statement - Orion

APPENDIX A



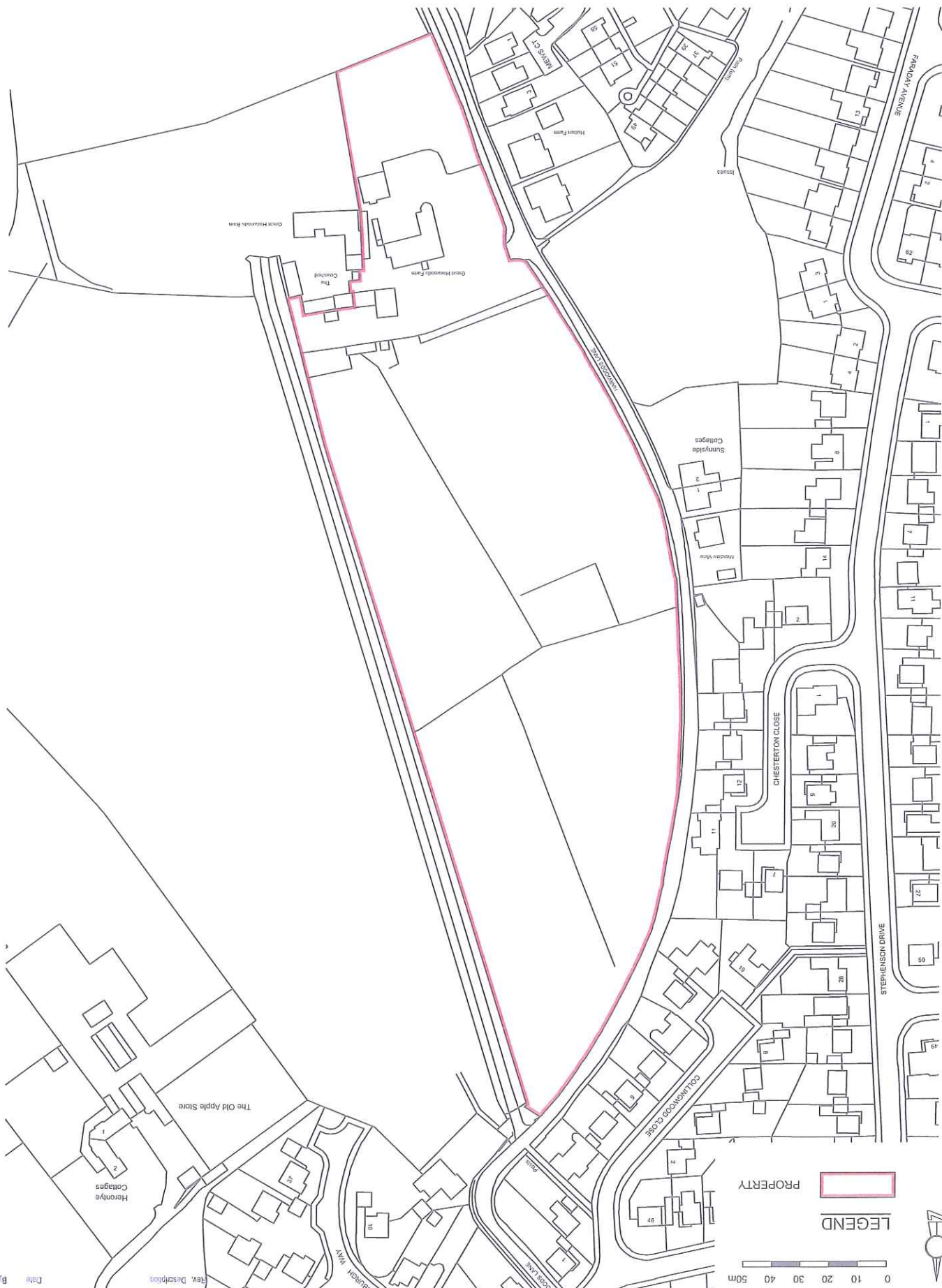
Rydon Homes Ltd
Rydon Homes
Station Road
Forest Row
East Sussex
RH18 5DW
T 01342 825151
E-mail: design@rydon.co.uk

Drawing No: 10597-L-01

Option Plan

Great Harwoods
East Grinstead

Date: October 2018
Drawn by: MMH
Scale: 1:1250 @ A3
Rev:



APPENDIX B

Total	
NIS	
Date	03.05.19
	standing at 1263.01



1. View looking north from the centre of the site with new housing south of Chalkers Lane on the left and Hurstpierp College on the right



2. View looking south east from the centre of the site with the new housing development at Bramble Park (left) and Tilley's Copse (right) in the background



3. View looking south with Bramble Park in the distance on the right.



LITTLE PARK FARM, HURSTPIERPONT

Drawing
Opportunities and constraints plan

Scale
NTS

Date
03.05.19

Drawing no
1263.03

KEY

Site boundary

Hurst Country Open Space

Existing Public Right of Way

Potential access to site

Contour

Existing mature tree/hedge boundaries enclosing land parcels to be retained, reinforced where appropriate & periodically traditionally lobl.

No development zone associated with Tiley's Copse to protect Ancient Woodland

Listed Building

Hurst Wickham Conservation Area

Potential extension to Hurst Country Space

Potential area for residential development

Potential new public open space / play area

Potential new looppath routes

Potential link to college

Potential childrens play area

Low density landscaped edge

Potential location for SuDS drainage feature



Little Park Farm, Hurstpierpoint
High Level Heritage Setting Statement
May 2019

Little Park Farm, Hurstpierpoint
High Level Heritage Setting Statement
May 2019

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Report

Little Park Farm, Hurstpierpoint

Site

High Level Heritage Setting Statement

Client

Rydon Homes

Date

May 2019

Planning Authority

Mid-Sussex District Council

Prepared By

Rob Bourn BA MA MCIfA

Approved By

Dr Rob Smith MCIfA

Report Status

Final

Orion Ref

PN2213/1

1.0 Introduction

- 1.1** The purpose of this report is to present a high level assessment of the potential effect on the setting and significance designated heritage assets of residential development on land to the south west/south of Hurstpierpoint College. This is to support the promotion of residential housing in the western area of study site. It is not a full statement of significance report or a heritage statement.
- 1.2** The site is located to the south east of Chalkers Lane, to the east/north east of Bramble Park housing scheme that is currently under construction and to the south west/south of Hurstpierpoint College at grid ref at grid reference TQ 28529 17530 (Fig. 1).
- 1.3** The development of the study site has the potential to affect the settings and significance of two grade II listed buildings (Hurstpierpoint College and Star House at Hurstpierpoint College) and to the north west of the Hurst Wickham part of Hurstpierpoint Conservation Area (Fig. 2).

2.0 Planning Policy Framework

- 2.1** The Mid Sussex District Plan 2014 – 2031 contains two relevant policies relating to listed buildings and Conservation Areas.

DP34: Listed Buildings and Other Heritage Assets

Listed Buildings Development will be required to protect listed buildings and their settings. This will be achieved by ensuring that:

- *A thorough understanding of the significance of the listed building and its setting has been demonstrated. This will be proportionate to the importance of the building and potential impact of the proposal;*
- *Alterations or extensions to a listed building respect its historic form, scale, setting, significance and fabric. Proposals for the conversion or change of use of a listed building retain its significance and character whilst ensuring that the building remains in a viable use;*
- *Traditional building materials and construction techniques are normally used. The installation of uPVC windows and doors will not be acceptable;*
- *Satellite antennae, solar panels or other renewable energy installations are not sited in a prominent location, and where possible within the curtilage rather than on the building itself;*
- *Special regard is given to protecting the setting of a listed building;*
- *Where the historic fabric of a building may be affected by alterations or other proposals, the applicant is expected to fund the recording or exploratory opening up of historic fabric.*

Other Heritage Assets

Development that retains buildings which are not listed but are of architectural or historic merit, or which make a significant and positive contribution to the street scene will be permitted in preference to their demolition and redevelopment.

The Council will seek to conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the character and quality of life of the District. Significance can be defined as the special interest of a heritage asset, which may be archaeological, architectural, artistic or historic.

Proposals affecting such heritage assets will be considered in accordance with the policies in the National Planning Policy Framework (NPPF) and current Government guidance.

DP35: Conservation Areas

Development in a conservation area will be required to conserve or enhance its special character, appearance and the range of activities which contribute to it. This will be achieved by ensuring that:

- New buildings and extensions are sensitively designed to reflect the special characteristics of the area in terms of their scale, density, design and through the use of complementary materials;
- Open spaces, gardens, landscaping and boundary features that contribute to the special character of the area are protected. Any new landscaping or boundary features are designed to reflect that character;
- Traditional shop fronts that are a key feature of the conservation area are protected. Any alterations to shopfronts in a conservation area will only be permitted where they do not result in the loss of a traditional shopfront and the new design is sympathetic to the character of the existing building and street scene in which it is located;
- Existing buildings that contribute to the character of the conservation area are protected. Where demolition is permitted, the replacement buildings are of a design that reflects the special characteristics of the area;
- Activities such as markets, crafts or other activities which contribute to the special character and appearance of the conservation area are supported;
- New pavements, roads and other surfaces reflect the materials and scale of the existing streets and surfaces in the conservation area.

Development will also protect the setting of the conservation area and in particular views into and out of the area.

New buildings of outstanding or innovative design may be acceptable in conservation areas provided that their impact would not cause material harm to the area.

3.0 Designated Heritage Assets

Hurstpierpoint College (grade II List number 1194726)

- 3.1** The Hurstpierpoint College complex is located immediately to the north east of the study site (Fig. 2). The main college building is grade II listed. The listing describes it as follows:

St John's College, Hurstpierpoint, was the second school established by Nathaniel Woodard, founded in 1849. In 1850 it was established in The Mansion House Hurstpierpoint and in 1853 moved into its permanent buildings. These were designed by R.C. Carpenter but largely built after his death by his partner, William Slater, and his son, R.H. Carpenter. They are in Gothic style and built of flints with tiled roofs. They form 2 quadrangles, the southern one open on the south side, with narrow pointer or trefoil-headed ws. The chapel and Hall form the north side of the north quadrangle. The Chapel at the east end has 7 bays, 4 of them projecting beyond the east side of the quadrangle. Pointed w. of Decorated type flanked by buttresses. At the west end of the Chapel are short transepts which form an ante-chapel, lit by a larger similar w. and above a tower added in 1929. The interior has very beautiful intern stalls. To the west again is a small covered passage, also added in 1929 to join the Chapel to the Ball. the latter is on the first floor with the dining room beneath it. These have 5 bays flanked by buttresses. The ws. on the first floor have flatter pointed heads, those on the ground floor consist of pairs of trefoil-headed lancets.

- 3.2** The significance of the college resides in its architectural, historical and artistic (i.e. aesthetic) interest. It forms the both the main building and core of the college complex and has group value with the immediately adjacent Star House. The setting of

the listed college building will be considered in brief below along with Star House as they form part of the setting of each other and share the same setting.

Star House (grade II List Number 1025664)

- 3.3 Star House is located on the east side of the main college building fronting College Lane. The listing describes the building as follows:

Built in 1873 in matching style to the College and probably designed by R.H. Carpenter. Three storeys. Three windows. Faced with flints with stone dressings and quoins. Tiled roof. Two gables and gabled dormer between casement windows. Two bays on ground and first floors, each with 5 trefoil-headed lights. Wide porch between with 7 similar lights.

- 3.4 As with the college building, the significance of the house resides in its architectural, historical and artistic (i.e. aesthetic) interest. It has group value with the immediately adjacent listed college building. The setting of the Star House will be considered in brief below along with the main college building as they form part of the setting of each other and share the same setting.

Setting of Hurstpierpoint College & Star House

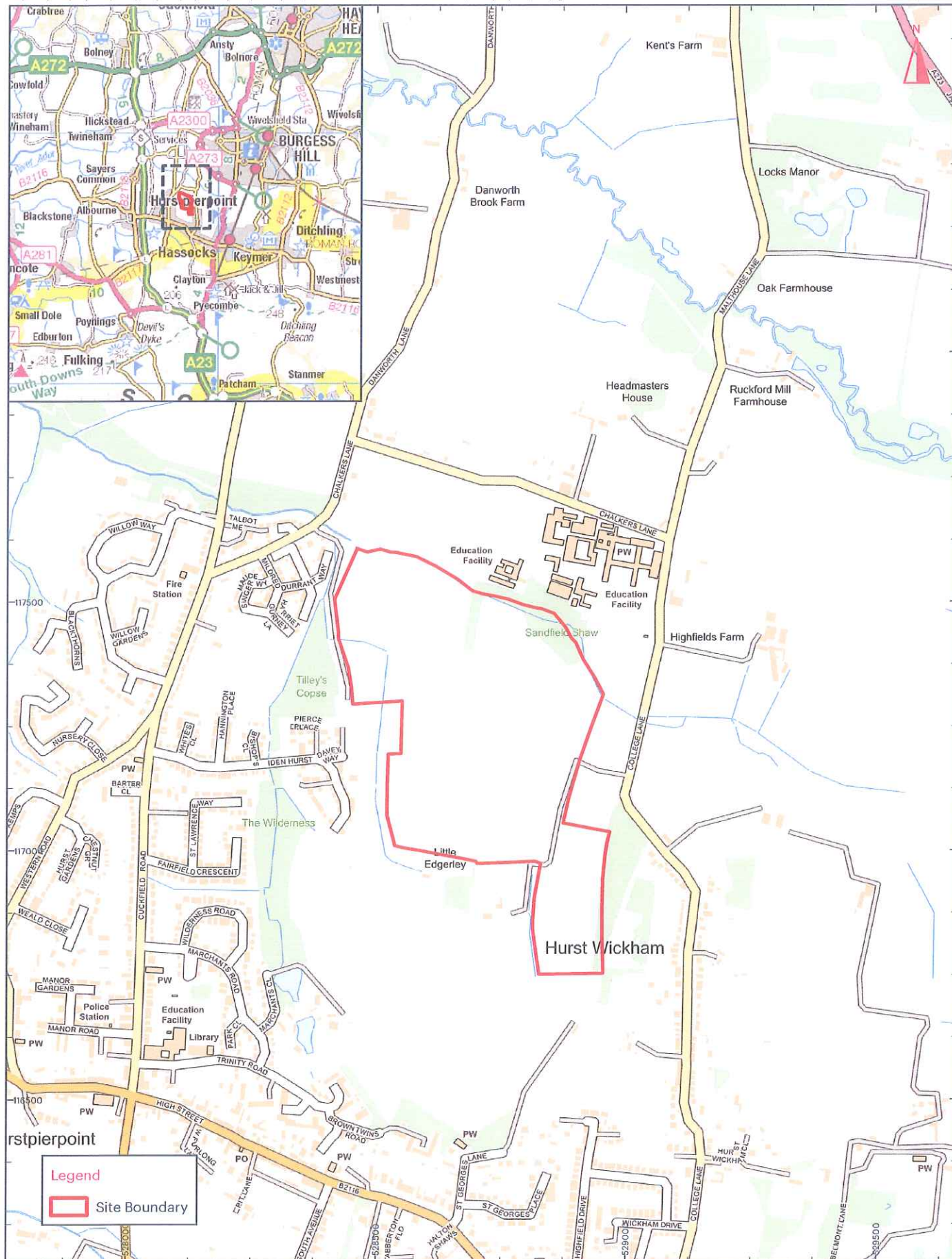
- 3.5 The two listed buildings occupy the main central and eastern area of the college complex. They dominate the grass sports pitches and facilities immediately to the north the buildings and the artificial grass sports pitches immediately to the south of the buildings. There are a series of pre-WWII, 1970s and later school buildings immediately to the west and south west of the main listed college building, with car parking and further artificial surface sports facilities to the west of the school buildings. It is within this area that the setting has a very strong positive contribution to the significance of the two listed buildings in functional, visual and historic terms. The later buildings, while not of the same architectural quality as the listed buildings, are sympathetic and subservient to the main building and the mix of style and date adds a very perceivable time depth to the experience of the school setting. The car parks and artificial sports pitches on the western side of the school complex contain a number of visually prominent lighting stands and fencing with a line of overhead electricity cables and wooden pylons cutting north south immediately to the west of the school grounds. The car parks, lighting stands, fencing and electricity cables detract from the experience of the listed buildings and have a slight negative contribution to their significance.
- 3.6 The College and Star House also have a wider landscape setting beyond the college complex. It is located on a relatively high spot on the landscape and so can be seen from and has at least partial views out over the lower land to the east and the south/south east. This aspect has a mildly positive contribution to the significance of the college as it places it within its wider rural context and enables it to be appreciated in various glimpsed and full views from within the wider area.
- 3.7 The setting to the west/south west of the school is more limited in extent and in its contribution to the significance of the main listed college building. The later school buildings block clear views in to and out from the listed buildings. The tower on the chapel can still be seen in many views due to its height but the main body of the listed buildings cannot be experienced, even at close quarters to the school boundaries, from the west and south west. Consequently, the land to the west/south west does not contribute visually to the significance of the college buildings. The land has historically been fields and so it does have a slight positive contribution to the historic interest significance of the listed buildings. The two new and under construction housing schemes (Land South of Chalkers Lane & Bramble Park) are recent visible changes within this aspect of the setting on the west side of the college which have introduced modern residential form.

Impact Assessment

- 3.8** The study site is being promoted for up to c. 260 residential units located in western and south western area of the site and a substantial area of open space. The layout on the constraints and opportunities plan (Fig. 3). The development parameters have been designed to preserve and enhance the setting of the college to the south west and west of the listed buildings. The layout has been designed to respond to the setting of the college and its contribution to the significance of the listed buildings. The main bulk of the proposed housing area will be screened from view from the college behind existing mature tall hedges and trees and so will have no effect on the setting of the college as they will not be experienced from the college and vice versa.
- 3.1** The north western field of the study site is currently a field which forms a small part of the wider rural context within which the college is experienced. This field is currently an arable field split into two by a north-south orientated footpath. The eastern 2/3 of the field will be retained as public open space with high quality housing in the area of the field to the west of the footpath. By bringing the edge of the built form c. 140m closer to the college complex than it currently is, there will be a slight visual change within this part of the setting. The recently constructed Chalkers Lane residential scheme has already introduced modern houses into this aspect of the setting. Consequently, the proposed high quality housing within this area of the study site will not change the character of the setting. The eastern half of the north western field of the site will be retained as public open space. This will ensure that the views of the tower of the college chapel that are currently possible from the site will be retained. There are no views of the site currently from the listed buildings anyway, as described above. Consequently, views from the listed buildings will be unaffected. The later school buildings to the west of the listed college buildings block all views of the site from within the core of the setting of the college. Therefore, the experience of the listed buildings as they are now, will be unaffected.
- 3.2** The area of the site to the south of college will be retained as an extension to the Hurst Country Space. This will ensure that the setting to the south of the college will be protected and conserved.
- 3.3** In conclusion, the development of the site as proposed in the illustrative concept masterplan, will result in the loss of about 1/3 of a field that has a slight contribution to the significance of the listed college buildings. This will primarily be a slight visual change. The college will still be separated from the edge of the built area of Hurstpierpoint by open space. The aspects of the setting of the college that have a clear and strong positive contribution to the significance of the listed buildings will be unaffected. Consequently, the development of the study along the parameters as outlined in the constraints and opportunities plan (Fig. 3) will not result in harm to the significance of Hurstpierpoint College or Star House.

Hurst Wickham Conservation Area

- 3.4** The area of the proposed housing is considered to lie beyond the setting of all three blocks of the Hurstpierpoint Conservation Area. There is one vista point identified on the significant views map of the Hurstpierpoint Conservation Area from just north of St Georges Lane that is toward the study site. However, the proposed developable area of the site is 0.5km to the north and is screened from the view by intervening hedges, trees and other vegetation. Consequently, there will be no effects on this view. The southern part of the proposed potential extension Country Space would be within this view but there will be no effect on this view. Consequently, the development of the study along the parameters as outlined in the illustrative masterplan will not result in harm to the significance of any of the three blocks of Hurstpierpoint Conservation Area.



Title:
Figure 1: Site Location
Address:
Little Park Farm, Hurstpierpoint

Scale at A4: 1:10,000

0 300m

orion.

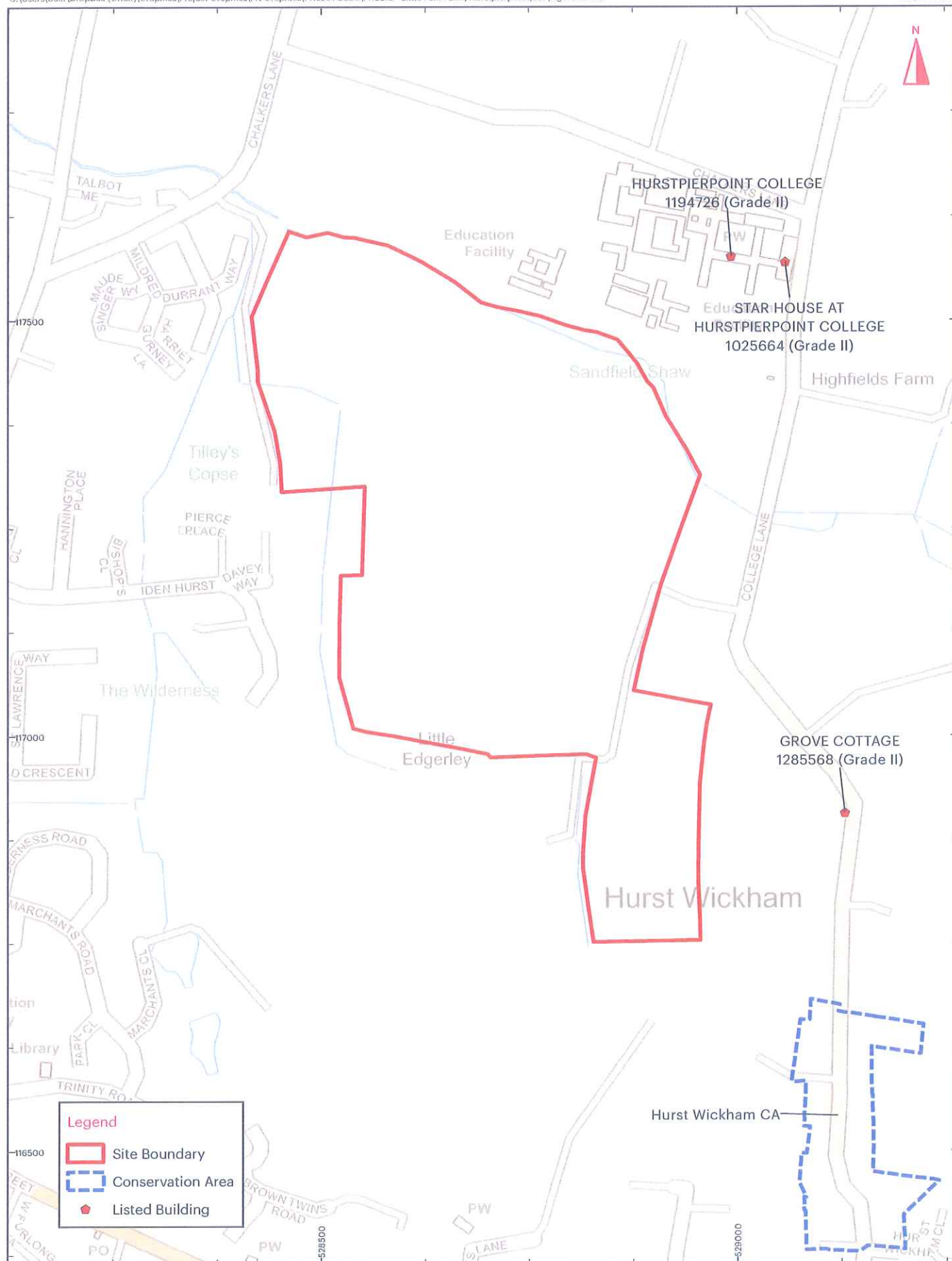
**Title:**

Figure 2: Location of Designated Assets

Address:

Little Park Farm, Hurstpierpoint

Scale at A4: 1:6,000

0 180m

orion.



Title:
Figure 3: Opportunities and constraints plan
Address:
Little Park Farm, Hurstpierpoint

Scale at A4: 1:5,000



orion.

2468

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA10

ID: 2468

Response Ref: Reg19/2468/1

Respondent: Mr P Allin

Organisation: Boyer Planning

On Behalf Of: Fairfax - Cuckfield

Category: Promoter

Appear at Examination? x

Name	Philip Allin
Job title	Associate Director
Organisation	Boyer
On behalf of	Fairfax Acquisitions Ltd
Address	24 Southwark Bridge Road London SE1 9HF United Kingdom
Phone	07920-712277
Email	philipallin@boyerplanning.co.uk
Name or Organisation	Boyer on behalf of Fairfax Acquisitions Ltd
Which document are you commenting on?	Site Allocations DPD
OR Paragraph	2.22
Do you consider the Site Allocations DPD is in accordance with legal and procedural requirements; including the duty to cooperate	Yes
(1) Positively prepared	Sound
(2) Justified	Sound
(3) Effective	Sound
(4) Consistent with national policy	Sound
Please outline why you either support or object (on legal or soundness grounds) to the Site Allocations DPD	See attached letter
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.	See attached letter
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=55022e5157f72de68261f93cd09ced78
If your representation is seeking a change, do you consider it necessary to attend and give evidence at the hearing part of the examination	No, I do not wish to participate at the oral examination
Please notify me when-The Plan has been submitted for Examination	yes
Please notify me when-The publication of the recommendations from the Examination	yes
Please notify me when-The Site Allocations DPD is adopted	yes
Date	25/09/2020

25 September 2020
Our Ref: 20.5098

Planning Policy
Mid Sussex District Council
Oaklands
Oaklands Road
Haywards Heath
RH16 1SS

24 Southwark Bridge Road
London
SE1 9HF

T 0203 268 2018

Dear Sir/Madam,

Draft Site Allocations DPD (Regulation 19) Consultation Response

I am writing on behalf of my clients, Fairfax Acquisitions Ltd, in respect to the Council's emerging Site Allocations DPD, particularly on matters relating to housing delivery.

My clients have a land interest at Cuckfield which is considered to have development potential for new housing. Whilst we acknowledge that the main purpose of the Site Allocations DPD is to facilitate the delivery of the spatial strategy outlined within the adopted District Plan (2018), we consider that there is scope for the Council to be more positive when it comes to planning for new housing.

Mid-Sussex, in common with the majority of other authorities in the South East, has an increasing affordability issue. Home ownership in the District continues to be beyond the reach of many people with the price of new homes currently between 13-14 times average earnings (a rate double the average for England), as illustrated by data from the ONS contained within the following table:

House price to workplace earnings ratios ¹	2016	2017	2018	2019
Ratio of median house price to median gross annual workplace-based earnings (MSDC / England)	12.61 / 7.72	12.60 / 7.92	12.68 / 8.04	13.01 / 7.83
Ratio of lower quartile house price to lower quartile gross annual workplace-based earnings (MSDC / England)	13.95 / 7.16	13.19 / 7.26	12.98 / 7.34	13.80 / 7.27

¹<https://www.ons.gov.uk/peoplepopulationandcommunity/housing/datasets/ratioofhousepricetoworkplacebasedearningslowerquartileandmedian>



The continuing high cost of new homes is reflected in the latest SHMA (2014) which identifies an annual need of up to 474 new affordable homes. Even on the assumption that 30% of all new housing based on the annual requirement of 1,090 new homes (which applies from 2024/25) is affordable (327 homes per annum) then there will remain a considerable unmet need. This in large part explains why the proposed housing requirement for the District based on proposed changes to the standard methodology is expected to increase to 1,305 new homes per annum.

In light of this pressing need for new homes and acknowledgement by the Council that work has or will very shortly commence on the review of its Local Plan (para 2.22 of the DPD) means that we consider that every effort be undertaken to identify potential housing sites that could deliver new housing in and around existing settlements, especially in the tier 1 and 2 settlements. Whilst the site selection work undertaken for the DPD needs to following the spatial strategy set out in the District Plan, that undertaken in the context of a new Local Plan should be undertaken in a more holistic manner and should consider the opportunities and constraints of promoted sites in greater detail in order to achieve the step change in housing delivery that is currently anticipated by the proposed changes to the standard methodology.

I trust that these comments are helpful and will be taken into account by the Council.

Yours faithfully,



Philip Allin
Associate Director

Tel: 0203 872 9872

Email: philipallin@boyerplanning.co.uk