

SA11: Additional Housing Allocations - Index by ID Number

ID	Respondent	Organisation	BehalfOf	Respondent Category	Participate
584	Mr R Whalley			Resident	<input type="checkbox"/>
585	K Lawton			Resident	<input type="checkbox"/>
585	K Lawton			Resident	<input type="checkbox"/>
585	K Lawton			Resident	<input type="checkbox"/>
588	Mr M Sobic	Savills	NILGOSC	Organisation	<input type="checkbox"/>
615		South of Folders Lane Action Group (SOFLAG)		Organisation	<input checked="" type="checkbox"/>
625	Mrs J Nagy	Worth Parish Council		Town & Parish Council	<input checked="" type="checkbox"/>
652	Mr T Rodway	Rodway Planning consultancy	Benfell Limited	Developer	<input checked="" type="checkbox"/>
654	Mr S Molnar	Terence O'Rourke	St Modwen Developments	Promoter	<input type="checkbox"/>
657	Mr J Buckwell	DHAplanning	Option Two Development LTD	Promoter	<input type="checkbox"/>
657	Mr J Buckwell	DHAplanning	Option Two Development LTD	Promoter	<input type="checkbox"/>
657	Mr J Buckwell	DHAplanning	Option Two Development LTD	Promoter	<input type="checkbox"/>
664	Mr G Giles	Whaleback	Landowner	Organisation	<input type="checkbox"/>
672	Mr J Ordidge	Thakeham	Great Harwood Farm House	Developer	<input type="checkbox"/>
674	Mr J Ordidge	Thakeham	Land east of College Lane HP	Developer	<input type="checkbox"/>
675	Mr J Ordidge	Thakeham	Land West of Kemps HP	Developer	<input type="checkbox"/>
676	Mr J Ordidge	Thakeham	Land west of Old Brighton Road PP	Developer	<input type="checkbox"/>
684	Mr C Noel	Strutt and Parker	Paddockhurst Estate Turners Hill	Promoter	<input type="checkbox"/>
684	Mr C Noel	Strutt and Parker	Paddockhurst Estate Turners Hill	Promoter	<input type="checkbox"/>
685	Mr C Noel	Strutt and Parker	Welbeck at Crawley Down	Developer	<input checked="" type="checkbox"/>
690	Ms L Bourke	Slaigham Parish Council		Town & Parish Council	<input type="checkbox"/>
694	Ms S Mizen	JLL	Anstone Developments - Bolney	Developer	<input type="checkbox"/>
694	Ms S Mizen	JLL	Anstone Developments - Bolney	Developer	<input type="checkbox"/>
697	Mr D Barnes	Star Planning	Welbeck - Handcross	Developer	<input checked="" type="checkbox"/>
697	Mr D Barnes	Star Planning	Welbeck - Handcross	Developer	<input checked="" type="checkbox"/>
697	Mr D Barnes	Star Planning	Welbeck - Handcross	Developer	<input checked="" type="checkbox"/>

ID	Respondent	Organisation	BehalfOf	Respondent Category	Participate
700	Mr C Reynolds	Hallam Land Management	Hyde Estate Handcross	<input type="text" value="Promoter"/>	<input type="checkbox"/>
705	Mr O Bell	Nexus Planning	Miller Homes - Lewes Road HH	<input type="text" value="Developer"/>	<input checked="" type="checkbox"/>
705	Mr O Bell	Nexus Planning	Miller Homes - Lewes Road HH	<input type="text" value="Developer"/>	<input checked="" type="checkbox"/>
708	Mrs P Canning	Kember Loudon Williams	Mayfield Market Towns	<input type="text" value="Developer"/>	<input checked="" type="checkbox"/>
708	Mrs P Canning	Kember Loudon Williams	Mayfield Market Towns	<input type="text" value="Developer"/>	<input checked="" type="checkbox"/>
709	Mrs L Wilford	Barton Willmore	Retirement Villages Developments	<input type="text" value="Promoter"/>	<input checked="" type="checkbox"/>
710	Mr N Burns	Natural England		<input type="text" value="Statutory Consultee"/>	<input type="checkbox"/>
718	Mr S Lambert			<input type="text" value="Organisation"/>	<input type="checkbox"/>
730	Mr J Farrelly	Genesis	Wates - Park Road Handcross	<input type="text" value="Developer"/>	<input checked="" type="checkbox"/>
730	Mr J Farrelly	Genesis	Wates - Park Road Handcross	<input type="text" value="Developer"/>	<input checked="" type="checkbox"/>
735	Ms D Hindle			<input type="text" value="Resident"/>	<input type="checkbox"/>
737	Ms K Lamb	DMH Stallard	Reside - West Kings Reeds Lane SC	<input type="text" value="Developer"/>	<input checked="" type="checkbox"/>
737	Ms K Lamb	DMH Stallard	Reside - West Kings Reeds Lane SC	<input type="text" value="Developer"/>	<input checked="" type="checkbox"/>
737	Ms K Lamb	DMH Stallard	Reside - West Kings Reeds Lane SC	<input type="text" value="Developer"/>	<input checked="" type="checkbox"/>
743	Mr T Rodway	Rodway Planning	Fairfax - various	<input type="text" value="Developer"/>	<input checked="" type="checkbox"/>
743	Mr T Rodway	Rodway Planning	Fairfax - various	<input type="text" value="Developer"/>	<input checked="" type="checkbox"/>
743	Mr T Rodway	Rodway Planning	Fairfax - various	<input type="text" value="Developer"/>	<input checked="" type="checkbox"/>
743	Mr T Rodway	Rodway Planning	Fairfax - various	<input type="text" value="Developer"/>	<input checked="" type="checkbox"/>
743	Mr T Rodway	Rodway Planning	Fairfax - various	<input type="text" value="Developer"/>	<input checked="" type="checkbox"/>
743	Mr T Rodway	Rodway Planning	Fairfax - various	<input type="text" value="Developer"/>	<input checked="" type="checkbox"/>
743	Mr T Rodway	Rodway Planning	Fairfax - various	<input type="text" value="Developer"/>	<input checked="" type="checkbox"/>
743	Mr T Rodway	Rodway Planning	Fairfax - various	<input type="text" value="Developer"/>	<input checked="" type="checkbox"/>
746	Mr P Davis	Turley	Crest	<input type="text" value="Developer"/>	<input type="checkbox"/>
747	Mr P Davis	Turley	A2Dominion Horsham Road PP	<input type="text" value="Developer"/>	<input type="checkbox"/>
747	Mr P Davis	Turley	A2Dominion Horsham Road PP	<input type="text" value="Developer"/>	<input type="checkbox"/>
748	Ms L Brook	Sussex Wildlife Trust		<input type="text" value="Statutory Consultee"/>	<input type="checkbox"/>
753	Mr J Pearson	Lewis and Co Planning	Globe Homes	<input type="text" value="Promoter"/>	<input checked="" type="checkbox"/>
753	Mr J Pearson	Lewis and Co Planning	Globe Homes	<input type="text" value="Promoter"/>	<input checked="" type="checkbox"/>
757	Mr C Noel	Strutt and Parker	Croudace Henfield Road Albourne	<input type="text" value="Developer"/>	<input checked="" type="checkbox"/>
757	Mr C Noel	Strutt and Parker	Croudace Henfield Road Albourne	<input type="text" value="Developer"/>	<input checked="" type="checkbox"/>

ID	Respondent	Organisation	BehalfOf	Respondent Category	Participate
762	Mr P Rainier	DMH Stallard	Mr Simon Dougall	Developer	<input type="checkbox"/>
762	Mr P Rainier	DMH Stallard	Mr Simon Dougall	Developer	<input type="checkbox"/>
762	Mr P Rainier	DMH Stallard	Mr Simon Dougall	Developer	<input type="checkbox"/>
764	Mr P Rainier	DMH Stallard	Reside Hurst Farm CD	Developer	<input checked="" type="checkbox"/>
764	Mr P Rainier	DMH Stallard	Reside Hurst Farm CD	Developer	<input checked="" type="checkbox"/>
764	Mr P Rainier	DMH Stallard	Reside Hurst Farm CD	Developer	<input checked="" type="checkbox"/>
771	Ms V Colville			Resident	<input type="checkbox"/>
775	Ms K Castle	Batcheller Monkhouse	Griffiths Family	Developer	<input checked="" type="checkbox"/>
775	Ms K Castle	Batcheller Monkhouse	Griffiths Family	Developer	<input checked="" type="checkbox"/>
775	Ms K Castle	Batcheller Monkhouse	Griffiths Family	Developer	<input checked="" type="checkbox"/>
775	Ms K Castle	Batcheller Monkhouse	Griffiths Family	Developer	<input checked="" type="checkbox"/>
786	Mr S Crickett	Strutt and Parker	Somerston Developments Projects	Promoter	<input checked="" type="checkbox"/>
791	Ms J Ashton	Judith Ashton Associates	Wates - West Crawley Down	Developer	<input checked="" type="checkbox"/>
791	Ms J Ashton	Judith Ashton Associates	Wates - West Crawley Down	Developer	<input checked="" type="checkbox"/>
791	Ms J Ashton	Judith Ashton Associates	Wates - West Crawley Down	Developer	<input checked="" type="checkbox"/>
813	Dr J Thring		The Rowfant Society	Resident	<input checked="" type="checkbox"/>
1025	Mrs H Griffiths			Resident	<input checked="" type="checkbox"/>
1025	Mrs H Griffiths			Resident	<input checked="" type="checkbox"/>
1025	Mrs H Griffiths			Resident	<input checked="" type="checkbox"/>
1373	Mr J Munday	Stop Haywards Heath Golf Course Development Community Group		Organisation	<input type="checkbox"/>
1432	Mr J Moore			Resident	<input type="checkbox"/>
1443	Mr J Pearson	Lewis & Co Planning	Mr Chris Gargan	Promoter	<input checked="" type="checkbox"/>
1443	Mr J Pearson	Lewis & Co Planning	Mr Chris Gargan	Promoter	<input type="checkbox"/>
1454	Mr S Brown	Woolf Bond Planning	Fairfax Acquisition Ltd - Land east of Borde Hill Lane, HH	Developer	<input checked="" type="checkbox"/>
1454	Mr S Brown	Woolf Bond Planning	Fairfax Acquisition Ltd - Land east of Borde Hill Lane, HH	Developer	<input checked="" type="checkbox"/>
1487	Mr A Fennell			Resident	<input type="checkbox"/>
1533	Ms A Cole			Resident	<input type="checkbox"/>
1546	Mr D Jones			Resident	<input type="checkbox"/>
1547	Ms P Wadsworth			Resident	<input type="checkbox"/>
1616	Mrs Pauline Bailey			Resident	<input type="checkbox"/>

ID	Respondent	Organisation	BehalfOf	Respondent Category	Participate
1715	Ms T Thom	Parker Dann	Fairfax Ltd	Promoter	<input checked="" type="checkbox"/>
1779	Mrs W Lambert			Resident	<input type="checkbox"/>
1791	Ms H Vickers	Planning Potential	Welbeck Strategic Land II LLP	Promoter	<input checked="" type="checkbox"/>
1791	Ms H Vickers	Planning Potential	Welbeck Strategic Land II LLP	Promoter	<input checked="" type="checkbox"/>
1808	Mr M Mitchell			Resident	<input type="checkbox"/>
1809	Mrs V Mitchell			Resident	<input type="checkbox"/>
1811	Mr J Capp			Resident	<input type="checkbox"/>
1813	Ms C Capp			Resident	<input type="checkbox"/>
1821	Mr G Dixon	Savills	Charterhouse Land - SA25	Promoter	<input checked="" type="checkbox"/>
1837	Ms A Rigano			Resident	<input type="checkbox"/>
1842	Mr H Bennett	Lichfields	Whitehall Homes	Organisation	<input checked="" type="checkbox"/>
1842	Mr H Bennett	Lichfields	Whitehall Homes	Organisation	<input checked="" type="checkbox"/>
1847	Mr G Dixon	Savills	Fairfax Acquisitions Ltd	Developer	<input checked="" type="checkbox"/>
1847	Mr G Dixon	Savills	Fairfax Acquisitions Ltd	Developer	<input checked="" type="checkbox"/>
1847	Mr G Dixon	Savills	Fairfax Acquisitions Ltd	Developer	<input checked="" type="checkbox"/>
1853	Ms M Jefferies			Resident	<input type="checkbox"/>
1987	Ms S Mizen	JLL	Wates - Foxhole Farm	Promoter	<input type="checkbox"/>
1987	Ms S Mizen	JLL	Wates - Foxhole Farm	Promoter	<input type="checkbox"/>
1987	Ms S Mizen	JLL	Wates - Foxhole Farm	Promoter	<input type="checkbox"/>
2001	Mr H Lindley-Clapp	Nexus Planning	Frontier Estates _Hassocks	Promoter	<input type="checkbox"/>
2005	Mr M Flemington	Savills	The Brian Williams Discretionary	Organisation	<input checked="" type="checkbox"/>
2005	Mr M Flemington	Savills	The Brian Williams Discretionary	Organisation	<input checked="" type="checkbox"/>
2031	Ms S Mizen	JLL	Wates - Snowdrop Lane	Promoter	<input type="checkbox"/>
2031	Ms S Mizen	JLL	Wates - Snowdrop Lane	Promoter	<input type="checkbox"/>
2031	Ms S Mizen	JLL	Wates - Snowdrop Lane	Promoter	<input type="checkbox"/>
2059	Mr M Jackson	Miller Homes		Developer	<input checked="" type="checkbox"/>
2059	Mr M Jackson	Miller Homes		Developer	<input checked="" type="checkbox"/>
2065	Mr A Black	Andrew Black consulting	Denton - Horsham Road	Promoter	<input type="checkbox"/>

ID	Respondent	Organisation	BehalfOf	Respondent Category	Participate
2065	Mr A Black	Andrew Black consulting	Denton - Horsham Road	Promoter	<input type="checkbox"/>
2067	Mr A Black	Andrew Black consulting	Denton Homes - Butlers green	Promoter	<input type="checkbox"/>
2079	Mr A Black	Andrew Black consulting	Vanderbilt Homes - Hurstwood HH	Promoter	<input type="checkbox"/>
2079	Mr A Black	Andrew Black consulting	Vanderbilt Homes - Hurstwood HH	Promoter	<input type="checkbox"/>
2080	Mr A Black	Andrew Black consulting	Vanderbilt homes - CDR	Promoter	<input type="checkbox"/>
2080	Mr A Black	Andrew Black consulting	Vanderbilt homes - CDR	Promoter	<input type="checkbox"/>
2092	Mr T Burden	Turley	Rainier Developments Copthorne	Promoter	<input checked="" type="checkbox"/>
2118	Mr J Plant	Gladman	Gladman Developments - Lindfield	Developer	<input type="checkbox"/>
2118	Mr J Plant	Gladman	Gladman Developments - Lindfield	Developer	<input type="checkbox"/>
2140	Mr C Hough	Sigma Planning Services	Rydon Homes Ltd	Promoter	<input checked="" type="checkbox"/>
2140	Mr C Hough	Sigma Planning Services	Rydon Homes Ltd	Promoter	<input checked="" type="checkbox"/>
2140	Mr C Hough	Sigma Planning Services	Rydon Homes Ltd	Promoter	<input checked="" type="checkbox"/>
2140	Mr C Hough	Sigma Planning Services	Rydon Homes Ltd	Promoter	<input checked="" type="checkbox"/>
2164	Lord J Lytton	Lawerence Foote	Crabbet Landowners	Promoter	<input checked="" type="checkbox"/>
2164	Lord J Lytton	Lawerence Foote	Crabbet Landowners	Promoter	<input checked="" type="checkbox"/>
2164	Lord J Lytton	Lawerence Foote	Crabbet Landowners	Promoter	<input checked="" type="checkbox"/>
2378	Mr P Egan		Wellhouse Lane Residents Association	Organisation	<input type="checkbox"/>
2378	Mr P Egan		Wellhouse Lane Residents Association	Organisation	<input type="checkbox"/>
2400	Ms L Lane			Resident	<input type="checkbox"/>
2404	Mr C Lane			Resident	<input type="checkbox"/>
2445	Mr H Colville			Resident	<input type="checkbox"/>

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA11

ID: 584

Response Ref: Reg19/584/4

Respondent: Mr R Whalley

Organisation:

On Behalf Of:

Category: Resident

Appear at Examination? x

Name	Robin Whalley
Address	[REDACTED]
Phone	[REDACTED]
Email	[REDACTED]
Name or Organisation	Robin Whalley
Which document are you commenting on?	Site Allocations DPD
Sites DPD Policy Number (e.g. SA1 - SA38)	SA18 - Former East Grinstead Police Station
Do you consider the Site Allocations DPD is in accordance with legal and procedural requirements; including the duty to cooperate	No
(1) Positively prepared	Unsound
(2) Justified	Unsound
(3) Effective	Unsound
(4) Consistent with national policy	Unsound

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

- a) There has been no recent assessment of the true demand side of the equation, first of all by District (ie Mid Sussex) then specifically by smaller communities ie East Grinstead.
- b) The Mid Sussex District Plan is 2 years old (at least if you count the number of times it was issued and reissued), so should not the real current housing demand be reassessed?
- c) The economic climate following the COVID-19 pandemic has drastically altered, particularly in the Crawley-Gatwick area following the withdrawal of British Airways and Virgin Atlantic. This had led to substantial job losses both directly (over 5,000) and indirectly, which must affect the local housing needs.
- d) The lack of uptake of apartments and flats in East Grinstead (there are many which have been unsold for over two years) must indicate that the demand side analysis is grossly wrong and should be re-evaluated with development space allocated based on local demand not simply on a rule of thumb based on land availability!!
- e) Demand for housing still exists in the Crawley area and satisfying this demand in East Grinstead would lead to increased commuting on already congested roads adding to an increase in local emission of greenhouse gasses.
- f) The infrastructure in East Grinstead is already stretched, particularly the road system around the A264/A22 where traffic queuing is frequent throughout the day. Doctors' surgeries are similarly working at capacity.
- g) Many employment opportunity spaces have been lost in East Grinstead already by their conversion to apartments many of which remain unoccupied. Additional housing will lead to more external commuting and more emissions of greenhouse gasses.
- h) The number of dwellings envisaged in the Draft Sites Allocation is disproportionately large for East Grinstead's population when compared with elsewhere in the Mid Sussex area.
- i) The use of East Grinstead to satisfy the demand for Crawley's housing needs will lead to East Grinstead becoming a suburb of Crawley and losing its market town heritage.
- j) It is not clear why alternative sites in and around Crawley for Crawley's future housing needs have not been fully explored.

This site is close to the Grade 2 listed East Court Mansion and can only be accessed by very narrow roads. The area close by is a pleasant open space with parking for the functions and amenities at East Court. A through road would ruin the current ambiance and present a potential danger to the adjacent children's play area. Access to East Court from Escotts Drive is difficult and the Escotts Drive to B2110 (College Lane) junction is close to the narrowest and one of the most dangerous stretches of road in East Grinstead where College Lane passes through the local sandstone outcrops at Blackwell Hollow. Access to the site from the A264 is at the moment limited to the local football club and additional traffic on this route would require a remodelling of the two roundabouts on the A264.

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.

- a) Recalculate the true demand for housing in East Grinstead having first reassessed the economic climate in the Crawley/Gatwick area following the withdrawal of British Airways and Virgin Atlantic. Make due allowance for those empty flats, apartments and shops currently available.
- b) Properly consider sites closer to Crawley where the demand is greater and which if taken up, would reduce commuting time and thus atmospheric pollution.

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

If your representation is seeking a change, do you consider it necessary to attend and give evidence at the hearing part of the examination	Yes, I wish to participate at the oral examination
If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary	Because my experience with Mid Sussex previously is that comments from the general public are ignored.
Please notify me when-The Plan has been submitted for Examination	yes
Please notify me when-The publication of the recommendations from the Examination	yes
Please notify me when-The Site Allocations DPD is adopted	yes
Date	23/09/2020

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA11

ID: 585

Response Ref: Reg19/585/5

Respondent: K Lawton

Organisation:

On Behalf Of:

Category: Resident

Appear at Examination? x

[REDACTED]

From: Kenton Lawton [REDACTED]
Sent: 11 September 2020 08:05
To: ldfconsultation
Subject: Site Allocations Development Plan consultation

Sirs,

I would like to make the following comments on the MSDC SADP.

I support SA28.

Whilst this site is not ideally located being on the North Eastern side of the village, with most traffic needing to head through the village to get to most of the amenities (Lindfield with medical centre / shops etc and Haywards Heath for larger town and rail links), it is on the edge of the village with good site access.

I object to site SA29.

This site should not be developed.

The access to the site is very poor. The only access to the site is via a very congested cul de sac serving c. 125 existing dwellings.

The access road, Hamsland, is virtually continuously parked on one side from its junction with Lewes Road right up to Challoners.

Visibility for cars entering Hamsland, the access road to the new site, is poor given the significant on street parking. This often results in cars having to reverse as two cars cannot pass.

Adding a further 30 dwellings with probably c 60 additional vehicles, to this already heavily congested access Road is not good.

The actual access to the site from Hamsland looks like it will require the felling of some significant number of mature large trees, which in an AONB should be avoided.

I understand from the High Weald AONB that this site is part of a medieval field system and therefore development of the site should be avoided if at all possible.

I would also like to add that I am surprised that these are the only two sites included in your development plan for Horsted Keynes. There are more suitable and sustainable sites to the west of the village, on the village edge with good access which have appear to have been not considered e.g Jeffries Farm sites which with previously on the MSDC SHELAA. Sites 68, 69 and 971.

Yours faithfully,

Kenton Lawton
[REDACTED]

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA11

ID: 588

Response Ref: Reg19/588/1

Respondent: Mr M Sobic

Organisation: Savills

On Behalf Of: NILGOSC

Category: Organisation

Appear at Examination? x

From: Matthew Sobic <MSobic@savills.com>
Sent: 03 August 2020 19:02
To: ldfconsultation
Cc: Terry, William
Subject: Site Allocations DPD - Regulation 19 Consultation
Attachments: L200803 - Policy Representation - with Enclosure.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Categories: SiteDPD

Dear Sir or Madam,

Please see attached our consultation representation submitted on behalf of Northern Ireland Local Government Officers' Superannuation Committee ('**NILGOSC**') c/o LaSalle Investment Management, as owner of the Market Place Shopping Centre in Burgess Hill town centre.

We would be grateful if you could confirm receipt of the representation.

Many thanks

Matt

Matthew Sobic
Savills (UK) Limited
Director
Planning

0797 200 0129

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3 August 2020
L200803 – Policy Representation

Planning Policy
Mid Sussex District Council

The Savills logo consists of the word "savills" in a lowercase, sans-serif font, colored red, set against a solid yellow rectangular background.

Sent via e-mail to:

LDFconsultation@midsussex.gov.uk

Matthew Sobic
E: msobic@savills.com
DL: +44 (0) 797 200 0129

savills.com

Dear Sir or Madam,

**Mid Sussex District Council, Site Allocations Development Plan Document
Submission on Behalf of Northern Ireland Local Government Officers' Superannuation Committee c/o
LaSalle Investment Management**

Introduction

This representation is submitted in relation to the Mid Sussex District Council, Site Allocations Development Plan Document ('DPD'). It is submitted on behalf of Northern Ireland Local Government Officers' Superannuation Committee ('NILGOSC') c/o LaSalle Investment Management, as owner of the Market Place Shopping Centre in Burgess Hill town centre.

It follows the earlier representation, dated 13 November 2019, that was submitted in connection with the DPD's Regulation 18 consultation. A copy of that representation is enclosed for ease of reference.

The purpose of the representation is to build on the earlier one that suggested the town centre has capacity to deliver residential development. In this instance, we formally request that Market Place be specifically allocated in the emerging DPD as having capacity to deliver residential-led mixed use development through the development plan period up to 2031. An allocation accords with the requirements of national planning policy and the objectives to deliver sustainable development and enhance town centre vitality and viability as described below.

Background to the Representation

Town centres and the role that they play in communities is evolving. This is a response to both changing consumer habits and digital technology that both creates opportunities to attract consumers to town centres, but can also reduce the attraction of centres (for example as a result of online shopping).

The Local Planning Authority will be aware that the number of retail requirements for new floorspace has significantly reduced and there are numerous examples of occupiers reducing their store portfolios, including as part of national store disposal programmes and through the Company Voluntary Arrangement ('CVA') process. In addition, the CBI reported on 25 June 2019 that UK Retail Sales in June 2019 fell at its fastest pace for ten years and retail sales overall fell by 0.1% in 2019, down from a 1.2% growth in 2018. The reduction in sales means that the U.K. retail sector experienced its worst annual performance on record since comparable data was first gathered in 1995³.

The event of Covid-19 has significantly sped up that evolution and structural change within retail markets. It follows that there is an urgent requirement to assess the role of town centres to ensure that they are balanced and mixed communities and not heavily reliant on one particular sector (e.g. retail). A particular emphasis has been directed towards increasing the delivery of residential-living within town centres. This can have significant positive effects on town centre vitality and viability by increasing dwell-time and enhancing spending within

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centres. It is well-established that improving a residential population within town centres attracts new services as well as supporting existing and established facilities to the overall benefit of the town centre.

Focusing on town centre vitality and viability has long been a land use planning priority. Historically, the focus had been on supporting retail and leisure markets within town centres. The focus of late has been directed at expanding those occupational markets to support other sectors (including professional services and community / cultural facilities), along with improving residential populations within town centres to support and promote the service sectors that exist within them.

The focus to improve residential populations and improve town centre vitality and viability has been well-documented in a number of Government initiatives including the Future High Street Fund and the High Street Task Force set up to help high streets evolve and adapt while remaining vibrant places for their communities.

Further, the Building Better, Building Beautiful Commission prepared an independent report for the Government on how to promote and increase the use of high-quality design for new build homes and neighbourhoods and is of direct relevance to the promotion of residential living within town centres. The report was published in January 2020 and titled 'Living with Beauty Promoting health well-being and sustainable growth' and it has been confirmed by Robert Jenrick MP, the Secretary of State for Housing, Communities and Local Government that the Government will work to implement as much of the report as possible.

Policy Proposition 25 of the report relates directly to encouraging resilient high streets and the wider text within the report recognises the importance of residential living and increased densities within town centres to support their vitality and viability.

The report's comments on town centres isn't in itself completely new information, but reinforces the direction of travel of the property and planning industries in trying to create communities within town centres. The National Planning Policy Framework ('NPPF') itself has evolved to move away from solely looking to protect town centres as retail locations and recognises their evolution. The latest version of the NPPF published in February 2019 now provides a more comprehensive 'Town Centre First Approach' to many main town centre uses, and in particular the delivery of residential development in centres.

Paragraph 85 of the NPPF sets out the plan-making framework for ensuring the vitality of centres and states:

'Planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. Planning policies should:

...

f) recognise that residential development often plays an important role in ensuring the vitality of centres and encourage residential development on appropriate sites.'

Further, Paragraph 123 states that plans should contain policies to optimise the use of land in their area and meet as much of the identified need for housing as possible. The plan should include the use of minimum density standards for town centres. The standards should seek a significant uplift in the average density of residential development within town centres, unless it can be shown that there are strong reasons why this would be inappropriate.

Paragraph 121 confirms that Local Planning Authorities should take a positive approach to applications for alternative uses and support proposals that use retail land for homes in areas of high housing demand.

The delivery of residential development in town centres is therefore seen in planning policy as a core principle for:

1. Delivering both vital and viable town centres and mixed communities

2. Supporting the acute requirement for housing delivery in England
3. Providing sustainable development that is accessible, well-connected and able to contribute to the agenda to reduce carbon output

Policy DP2 of the Mid Sussex District Plan 2014 – 2031 (adopted March 2018) itself encourages mixed-use developments to meet the needs of the community. Further, the Burgess Hill Neighbourhood Plan (adopted October 2015), confirms at Paragraph 5.5 that the policies for the town centre support residential development to: *‘...help create a more liveable environment in the town centre...’*.

Against the background set out above, the allocation of Market Place to provide residential dwellings is sound for the purposes of incorporation into the emerging DPD.

The Representation

Whilst the District Plan provides policy support for ensuring the vitality and viability of town centres and encourages mixed use development within the centre, it does not do this with specific reference to how residential development could be delivered in the town centre, and where. Further, there is a disjoint between the NPPF and the District Plan in that the District Plan does not specify overt support for residential development in the town centre, and nor does it set minimum densities for such development as both required by the NPPF.

The NPPF provides a positive framework that development plans should recognise the role that residential development can play in ensuring the vitality and viability of town centres. The absence of this recognition in the District Plan can be addressed through allocations for residential development within the town centre to ensure that the emerging DPD accords with the NPPF.

The emerging DPD does not allocate any opportunities for residential development within the town centre, but does incorporate the two opportunities included within the Neighbourhood Plan into the draft policy map. However, it is important to note that five years have passed since the allocation of those sites in the Neighbourhood Plan. It follows that the Neighbourhood Plan pre-dates the latest version of the NPPF, which places a greater emphasis on residential development delivery within town centres.

Market Place Shopping Centre has the potential to deliver residential development within Burgess Hill town centre. The emerging DPD therefore provides an opportunity to review the existing potential within the town centre to deliver residential development to ensure that the capacity that the town centre has in terms of being able to deliver brownfield residential development is acknowledged in accordance with the requirements of the NPPF. More specifically the inclusion of the allocation will assist in ensuring that the development plan makes the best use of its potential to ensure town centre vitality and viability and secure sustainable economic growth, particularly given the 11 year period that the development plan will cover.

Further, the delivery of residential uses within town centres provides the opportunity to meet sustainability and environmental objectives through delivering higher density residential uses that utilise less land, is delivered on previously developed land and in close proximity to existing sustainable transport infrastructure.

Local Plans must be consistent with the NPPF¹. It follows that allocating the Shopping Centre as being capable of delivering residential development correctly accords with the NPPF and the stated aims and objectives of Government and its advisors.

In terms of a specific allocation, and to ensure maximum flexibility during the 11 year plan-period, we put forwards that the Shopping Centre has the potential to deliver approximately 100 – 200 new homes as part of a wider mixed use development in accordance with the aims of the District Plan to deliver mixed use development within the town centre.

¹ Paragraph 35 (d) of the NPPF.

Accordingly, the specific 'allocation and objectives' text should state:

Residential-led mixed use redevelopment including town centre uses within Classes A1 – A5, B1, C1, D1² and D2 are appropriate for this site, and proposals for these uses will be supported.

The site provides the opportunity to deliver a high density, sustainable, mixed use development which is comprehensively integrated with, and connected to, the surrounding development and well located within the town centre so residents can support and access existing facilities.

The site is well-connected to benefit from existing sustainable and public modes of travel.

Conclusion

The approach to the emerging DPD to allocate Market Place Shopping Centre as providing the opportunity to deliver high density mixed use residential-led redevelopment within Burgess Hill town centre accords with a significant number of key land-use planning principles, namely:

1. Ensuring town centre vitality and viability
2. Delivering high density development in town centres
3. Supporting sustainable economic growth
4. Delivering mixed and balanced communities
5. Delivering mixed use development
6. Supporting residential development delivery
7. Providing new homes and facilities in close proximity to facilities and services
8. Providing development including new homes in close proximity to existing well-established infrastructure
9. Delivering development, in particular new homes, on 'brownfield' previously developed land
10. Reducing carbon out through providing well-connected new homes and facilities that utilise existing services and infrastructure

The allocation of the site therefore fully accords with the requirement of the NPPF and will deliver sustainable development and we kindly request that an allocation is taken forward to Examination. It would be a sound and robust decision to include the allocation within the DPD.

If you have any questions, please do contact me.

Yours sincerely



Matthew Sobic
Savills (UK) Limited
Planning
Director

cc. W Terry – LaSalle Investment Management

² NB to be updated to Use Class E when it comes into force on 1st September 2020.

13 November 2019
L191113 – Policy Representation

Planning Policy Team
Mid Sussex District Council

The Savills logo consists of the word "savills" in a lowercase, sans-serif font, colored red, set against a solid yellow square background.

Sent via e-mail to:

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Dear Sir or Madam

**Mid Sussex District Council, Site Allocations Development Plan Document
Regulation 18 Consultation Draft
Submission on Behalf of Northern Ireland Local Government Officers' Superannuation Committee c/o
LaSalle Investment Management**

Introduction

This representation is submitted as part of the Mid Sussex District Council, Site Allocations Development Plan Document ('DPD') consultation. It is submitted on behalf of Northern Ireland Local Government Officers' Superannuation Committee ('NILGOSC') c/o LaSalle Investment Management, as owner of the Market Place Shopping Centre in Burgess Hill town centre.

The purpose of the representation is to provide observations that the DPD should give consideration to the delivery of residential development within the town centre in accordance with the requirements of national planning policy.

Background to the Representation

As the Council is aware, town centres and the role that they play in communities is evolving. This is a response to both changing consumer habits and digital technology that both creates opportunities to attract consumers to town centres, but can also reduce the attraction of centres (for example as a result of online shopping).

In response to a shift in consumer habits, landlords and operators of commercial property assets have sought to provide a much wider offer to increase attraction and dwell times within town centres. This has resulted in new and reimagined forms of attractions in centres. A particular emphasis has been directed towards increasing the delivery of residential-living within town centres. This can have significant positive effects on town centres by increasing dwell-time and enhancing spending within centres.

The National Planning Policy Framework ('NPPF') recognises the evolution of town centres and the latest version published in February 2019 provides a more comprehensive 'Town Centre First Approach' to main town centre uses, and in particular the delivery of residential development in centres.

Paragraph 85 of the NPPF sets out the plan-making framework for ensuring the vitality of centres and states:

'Planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. Planning policies should:

...

Offices and associates throughout the Americas, Europe, Asia Pacific, Africa and the Middle East..

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f) recognise that residential development often plays an important role in ensuring the vitality of centres and encourage residential development on appropriate sites.'

Further, Paragraph 123 states that plans should contain policies to optimise the use of land in their area and meet as much of the identified need for housing as possible. The plan should include the use of minimum density standards for town centres. The standards should seek a significant uplift in the average density of residential development within town centres, unless it can be shown that there are strong reasons why this would be inappropriate.

Paragraph 121 confirms that Local Planning Authorities should take a positive approach to applications for alternative uses and support proposals that use retail land for homes in areas of high housing demand.

It is against the above background that the representation set out below is submitted.

The Representation

There is currently a disjoint between the Council's development plan and the NPPF, as the development plan pre-dates the NPPF. The Mid Sussex District Plan 2014 – 2031 ('**District Plan**') was adopted in March 2018 and the publication of the updated versions of the NPPF in July 2018 and February 2019.

Therefore, whilst the District Plan provides policy support for ensuring the vitality and viability of town centres, it does not do this with specific reference to supporting the delivery of residential development in town centres. As stated above, the NPPF provides a positive framework that development plans should recognise the role that residential development can play in ensuring the vitality and viability of town centres. It is well-understood that providing a strong residential platform within town centres increases the critical mass of people and attraction to a town centre to the benefit of all existing commercial uses, services and community facilities.

It follows that increasing residential development within town centre can strongly support policy objectives to secure sustainable economic growth. Further, the delivery of residential uses within town centres provides the opportunity to meet sustainability and environmental objectives through delivering higher density residential uses that utilise less land, are frequently delivered on previously developed land and are in close proximity to existing sustainable transport infrastructure.

Local Plans must be consistent with the NPPF¹. It follows that policies in the emerging Local Plan that adopt the above approach will accord – as required – with the NPPF.

We therefore request as part of this consultation process and in order to achieve a robust 'plan-led' approach that:

1. Substantial efforts are made to maximise the number of allocations for residential development on sites within town centres – presently there are no allocations for residential development within Burgess Hill town centre in the DPD and we would request the Council undertakes a thorough review of sites within the town centre and their potential to deliver residential development; and
2. Minimum densities should then be set for those sites.

We consider that the above approach is acutely important given the near 15-year period in which the DPD will cover.

There are no current plans for the delivery of residential development on Market Place Shopping Centre site. However, given the long-term period that the DPD will cover and the requirement to enhance residential living within town centre locations a robust policy approach that accords with national policy will ensure that there are policies that adopt significant flexibility and future-proofing for the role that sites can play in supporting town

¹ Paragraph 35 (d) of the NPPF.



centre vitality and viability. Accordingly, a policy in the DPD should be included confirming a presumption in favour of supporting residential land uses on town centre sites such as the Shopping Centre in order to support brownfield residential delivery.

Conclusion

The approach to the emerging DPD that is requested by this representation accords with the NPPF. We request that the necessary consideration is given to the identification of sites within the town centre to support residential development, and that a policy should be included within the DPD confirming support for the delivery of residential development within town centres.

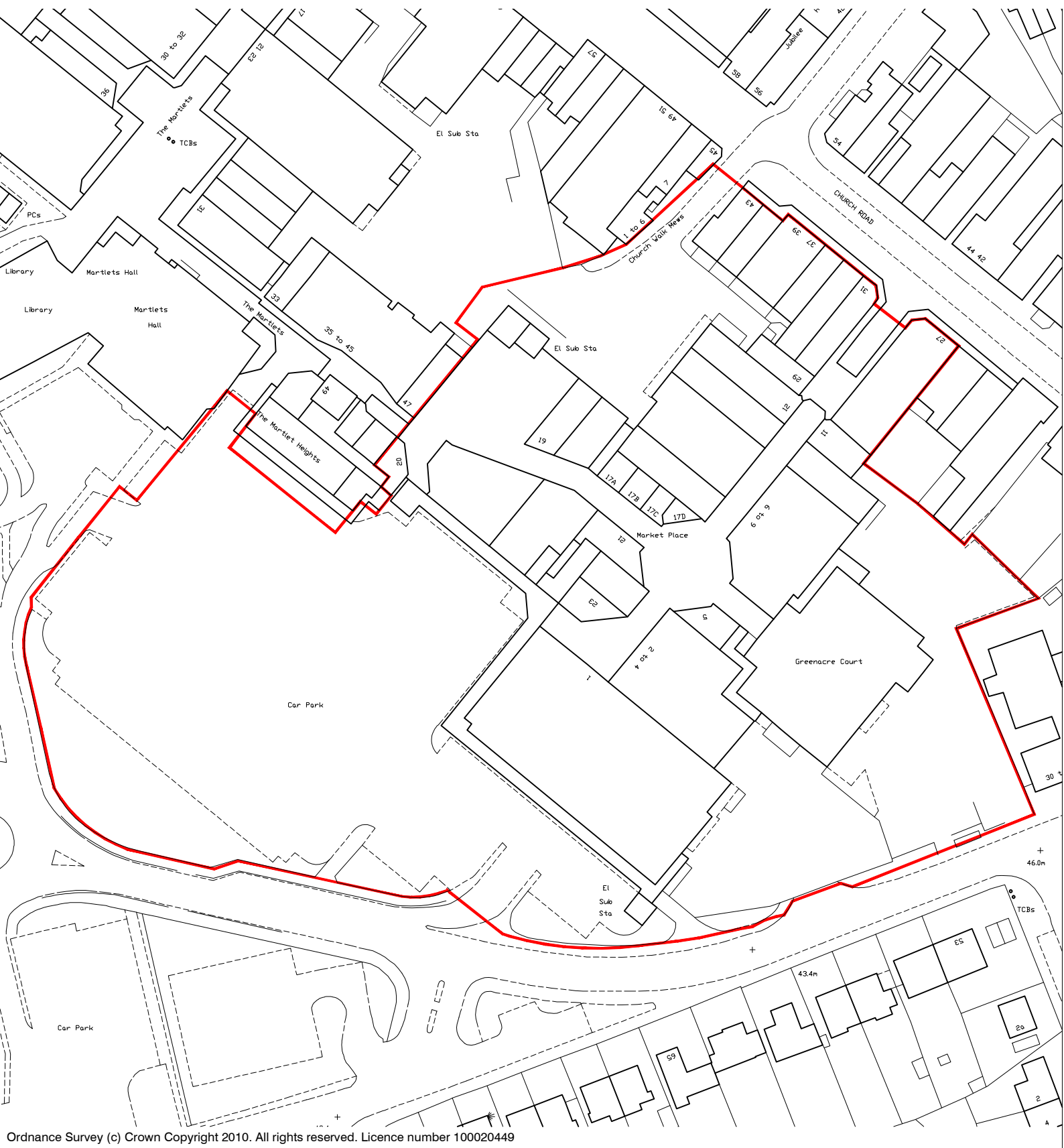
We request that msobic@savills.com is added to the mailing list for future Local Plan consultations and if you have any questions on the above representation, please contact Matthew Sobic or Tim Price.

Yours sincerely



Savills (UK) Limited
Planning

cc. P Wardle – LaSalle Investment Management



Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA11

ID: 615

Response Ref: Reg19/615/4

Respondent:

Organisation: South of Folders Lane Action Group (SOFLAG)

On Behalf Of:

Category: Organisation

Appear at Examination? ✓

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

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

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

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

In summary:

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

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

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

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

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

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

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

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

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

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

SOFLAG wish to be represented and speak at the hearing.

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

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

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

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

https://forms.midsussex.gov.uk/upload_dld.php?fileid=5a7b600e95d3179ab2df03bc40cd1ecb

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

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

Categories: 

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

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

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

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

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

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

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

Kind regards,

Keith Sullens
Acting Chair

SOFLAG

SOFLAG

SOUTH OF FOLDERS LANE ACTION GROUP

Submission

Draft Site Allocations DPD (Regulation 19) Consultation



OBJECTION

to the inclusion of Sites SA12 & SA13



September 2020

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

Terms of Reference

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

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

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

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

Summary

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

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

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

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

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

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

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

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

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SECTION 1

SITES SA12 / SA13 ARE UNSUITABLE, UNSUSTAINABLE AND UNDELIVERABLE

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

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

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

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

2004 Local Plan

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

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

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

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

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

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

2013 Assessment

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

¹ Mid Sussex Local Plan Inspector's Report, Omission Site 1 Land South of Folders Lane, http://www.midsussex.gov.uk/media/ch5_-_housing.pdf Page 69 - 70

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

³ Ibid para 1.214

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

2016 Assessment

- 1.6 In the Burgess Hill Assessed Sites document, site 557 (part of SA13) was assessed again as unsuitable. Reasons given included:
- Most of the site has low landscape suitability for development
 - The fields also have a time depth value as characteristic assarts⁵ with mature oaks.
 - There are potential significant transport impacts on the road network as a result of developing this site (in particular the east-west link issues in Burgess Hill).
 - Overall the site is considered unsuitable for development due to the unknown impact on the highway network.⁶

Conflict with Mid Sussex District Plan

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

(see also section 1.3)

Conflict with NPPF

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

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

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

⁷ Mid Sussex District Plan, page 34

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

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

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

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

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

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

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

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

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

2005 Atkins Study

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

¹⁰ Mid Sussex Local Plan, May 2004, para 11.14, page 176

¹¹ Feasibility study for development options at Burgess Hill, Atkins, Sept 2005 p49

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

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

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

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

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

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

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

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

Traffic Today



- 1.25 The position today, before the completion and full occupation of the Kingsway, Keymer Tiles and Folders Grove developments, is that the Folders Lane / Keymer Road junction is gridlocked every morning and evening peak. This causes dangerous pollution levels on pavements used by children walking to Birchwood Grove Primary School and Burgess Hill Girls. The traffic results in delays to local residents and costs businesses money. It was surprising that the SYSTRA study as published in November 2019 did not consider this junction worth modelling – though SYSTRA did acknowledge severe congestion at Hoadleys Corner, which is fed by traffic from Folders Lane / Keymer Road.
- 1.26 The Site Allocations DPD Sustainability Appraisal cites issues caused by the high level of car ownership in Mid Sussex
"High vehicle ownership and the potential for highway congestion arising from development present a significant issue".¹²
 86.4% of households having one or more cars or vans, compared to 74.2% nationally. 44.2% of all households have two or more cars compared to 32.1% nationally¹³ which inevitably leads to traffic congestion issues, as currently experienced in the Folders Lane / Keymer Road area.
- 1.27 Appendix 1B contains photographs and Google Traffic evidence from October 2019, proving that these roads cannot cope now. No amount of mitigation from traffic lights will prevent the situation from worsening when the houses currently under construction are occupied, let alone if another 343 are permitted on Sites SA12 and SA13.

MSDC Transport Studies

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

2012/2013 – Mid Sussex Transport Study (Amey)

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

¹² Site Allocations DPD Sustainability Appraisal (Regulation) 19 July 2020 para 3.46 page 19

¹³ Ibid. para 3.39 page 17

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

2017 MSDC Constraints & Capacity Summary Paper

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

¹⁴ Mid Sussex Transport Study, MSTS Stage 1 Final Report, p65

¹⁵ Mid Sussex Transport Study, MSTS Stage 1 Final Report, p56-57

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

2019 SYSTRA Study

- 1.37 There were many apparent flaws and inconsistencies in the SYSTRA study, obvious to the local residents who actually use the road network, though apparently not clear to the computer modelling which SYSTRA used.
- 1.38 Because of this, SOFLAG engaged an expert transport consultant, GTA Civils to examine the study. GTA Civils produced a comprehensive report which accompanies this submission, with the summary attached at Appendix 1 C
MSDC's reliance on SYSTRA's flawed study, is discussed further in Section 4.
- 1.39 The mitigation proposed by SYSTRA will not only fail to help the severe congestion, it may also cause significant harm to the local area and its residents.
- 1.40 The proposed mitigation for the severely congested Hoadleys Corner is to change a roundabout to traffic signals. This contradicts the evidence of many academic studies across the world, demonstrating that roundabouts consistently outperform traffic signals at multi-arm junctions in terms of both pollution control and travel times.
- 1.41 Examples include:
- "at a roundabout replacing a signalised junction, CO emissions decreased by 29%, NO_x emissions by 21% and fuel consumption by 28%."¹⁷
- "... replacing the traffic signal with the roundabout has produced a significant improvement in terms of traffic operational performance (20% reduction of total travel time)... The main finding of the study is that the roundabout generally outperformed the fixed-time traffic signal in terms of vehicle emissions"¹⁸
- 1.42 As these examples show, much of the research has been done on the benefits of replacing signal-controlled junctions with roundabouts, so it is concerning to see MSDC apparently moving in the opposite direction, thereby risking significant increases in delays and harmful pollution.

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

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

1-3 COALESCENCE

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

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

¹⁹ Mid Sussex District Plan, DP13, page 58

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

1.49 The NPPF states that the purposes of Green Belts include:

- *to prevent neighbouring towns merging into one another;*
- *to assist in safeguarding the countryside from encroachment;*²¹

Allocation of Sites SA12 and SA13 would be in conflict with this part of the NPPF.

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

1.50 The significant and irreversible ecological harm that would be caused by the allocation of these sites is dealt with in full in Section 3 of this submission.

1.51 Sites SA12 & SA13 form the last remaining part of a historic field system, bounded by ancient hedgerows and are adjacent to the South Downs National Park. Untouched by modern farming methods, they have become an incredibly bio-diverse area containing many important species that must be protected from future development.

1.52 The sites are clearly visible from the ridge and public footpath between the Jack & Jill Windmills and Ditchling Beacon. If permitted, two large housing estates would be clearly in view and have a detrimental effect compared to the current field system.
The detrimental effect the development of these two sites would have on the SDNP is best described by the SDNP itself.

1.53 A planning application 19/0276 (now withdrawn), was made in 2019 for 43 houses to be built on Site SA12. The SDNP submitted a strong representation (copied in full at Appendix 1 E) for refusal of that application. It is exactly the same proposal - 43 houses in the same field - that has now been put forward by MSDC as site SA12.

1.54 Reasons for objection included:

... is likely to be harmful to the special qualities and landscape character of the setting of the South Downs National Park

... the cumulative increase in traffic movements and the subsequent detrimental impact this could have on the peace and tranquillity on both the setting of and within the South Downs National Park

... the potential to have significant effects on the dark skies of the National Park²²

²⁰ National Planning Policy Framework, para 133

²¹ Ibid. para 134

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

- 1.55 This representation could not be clearer. The SDNPA state unequivocally that development at Site SA12 would be harmful to the setting of the National Park and should be refused.
- 1.56 The SDNPA raised serious objections to Site SA12 & SA13 at the Regulation 18 Consultation. These included:
- this is a highly sensitive site likely to have high ecological value and whose character is shared with land in the SDNP
 - the proposed allocation would erode the rural buffer between Burgess Hill and the SDNP, which is likely to be harmful to the special qualities and landscape character of the setting of the SDNP
 - the potential for increased traffic in and through the village of Ditchling, and other parts of the SDNP, and its impact on tranquillity
 - in May 2016 the SDNP became an International Dark Sky Reserve (IDSR). Lighting as part of development of these sites has the potential for significant effects on the dark skies of the Reserve, particularly as a result of increases in light spill/ambient lighting²³
- 1.57 The SDNPA continue to have serious concerns, raised in their Statement of Common Ground dated 7 August 2020. They reminded MSDC that at Regulation 18 Stage:
- "concern was raised that the proposed allocations would erode the rural buffer between Burgess Hill and the South Downs National Park, potentially harming the special qualities and landscape character of the setting of the South Downs National Park."*
- 1.58 They express particular concern about site SA13:
- "With regard to SA13 in particular, this site is part of a larger landscape whose character experienced today survives from the medieval period. This historic character is shared with parts of the South Downs National Park and this coherence in historic character suggests the site contributes positively to the setting of the South Downs National Park."*²⁴
- 1.59 The Statement of Common Ground makes it clear that Site SA13 is unsuitable for the proposed development:
- "based on the evidence currently available, the South Downs National Park Authority, with regard to SA13, has some remaining concern about whether the figure proposed (300 dwellings) can be accommodated in a way which is sensitive to the role of this area as part of the rural transition from Burgess Hill to the South Downs National Park which includes many characteristic elements of the Wealden landscape."*²⁵
- 1.60 The setting of the South Downs National Park is protected by the District Plan which states:
- "Development within land that contributes to the setting of the South Downs National Park will only be permitted where it does not detract from, or cause detriment to, the visual and special qualities (including dark skies), tranquillity and essential characteristics of the National Park, **and in particular should not adversely affect transitional open green spaces between the site and the boundary of the South Downs National Park, and the views, outlook and aspect, into and out of the National Park by***

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

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

²⁵ Ibid.

virtue of its location, scale, form or design."²⁶

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

1.5 A LACK OF INFRASTRUCTURE MAKES THE SITES UNSUITABLE

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

Schools

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

²⁶ Mid Sussex Adopted District Plan 2014 – 2031, page 65

1.65 **Doctors' Surgeries**

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

Traffic

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

APPENDIX 1 A

Summary of Site Unsuitability from MSDC Housing / Traffic Data

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

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

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

2007

Small Scale Housing Allocations Development Plan Document

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

Site then known as ALT45 Land South of Folders Lane:

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

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

2013

Housing Land Supply Burgess Hill Assessed Sites 2013

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

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

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

2016

Housing Land Supply Burgess Hill Assessed Sites 2016

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

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

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

Vehicle trip data taken from MSDC transport survey September 2019

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

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

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

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

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

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

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

MSDC uses Total trip rate per dwelling per day = 1.22

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

Appendix 1 B

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

Photographs of traffic



6/11/2019
Keymer Road
looking south



01/10/2019
Folders Lane
looking east

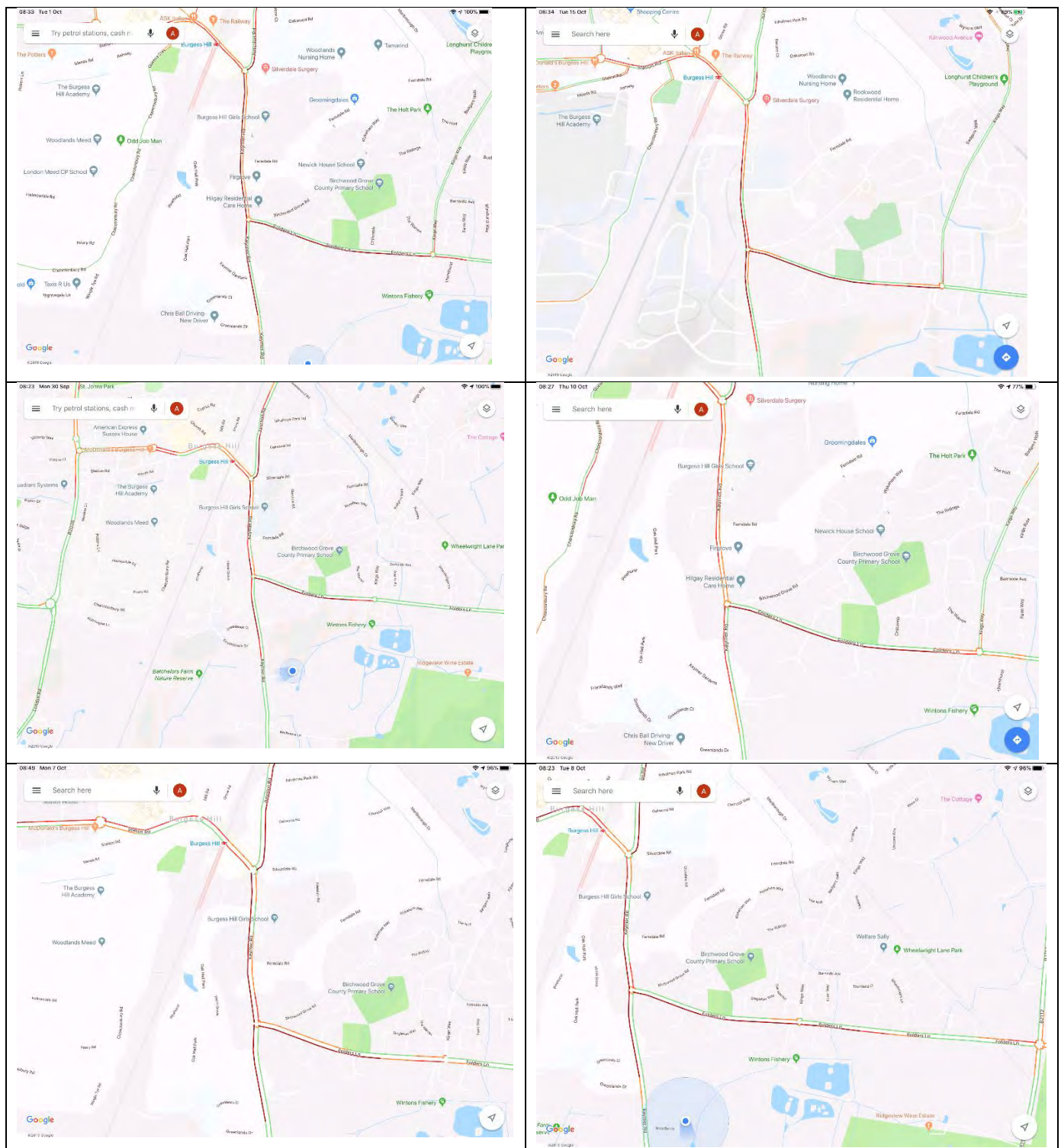


01/10/2019
Keymer Road
looking north



01/10/2019
Keymer Road
looking south

Daily morning congestion reported by Google, October 2019



Appendix 1 C

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

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

Appendix 1 D

COALESCENCE

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

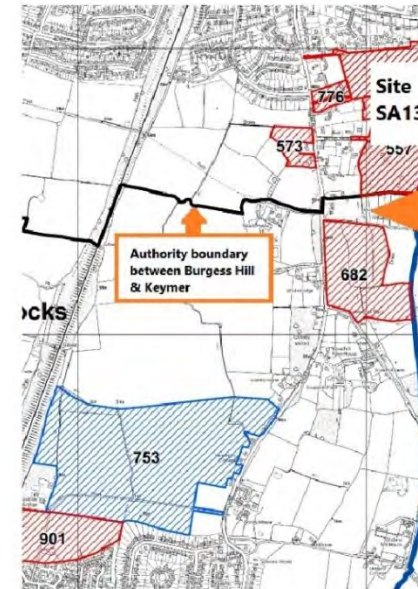
2020



2022...



2023...



Gap between Burgess Hill
and Keymer is gone.

Allocation of SA12 / SA13
causes coalescence

Map from MSDC 2020 SHELAA

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

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

APPENDIX 1 E

Neighbouring Authority Consultation

SDNP/19/03508/ADJAUT Roy Little
07872 410433

5th August 2019

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Yours faithfully

TIM SLANEY

*Director of Planning
South Downs National Park Authority*

SECTION 2

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

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

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

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

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

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

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

- 2.3 The Spatial Strategy of the District Plan when it was drawn up was to *"focus the majority of housing and employment development at Burgess Hill"*²⁸ This has been achieved with the Northern Arc Strategic Allocation which will bring 3,500 new homes to Burgess Hill. District Plan policy DP4 (Housing) goes on to state *"The remainder of development will be delivered as sustainable developments, including possible new strategic developments and development in other towns and villages"*²⁹
To allocate 300+ additional houses at Sites SA12 & SA13 in Burgess Hill conflicts with the Spatial Strategy.
- 2.4 Adopted District Plan Policy DP6 deals with settlement hierarchy, and it could not be clearer: *"Some settlements (Burgess Hill, Hassocks, Hurstpierpoint, Ashurst Wood, Handcross, Pease Pottage, Scaynes Hill, Ansty, Staplefield, Slaugham and Warninglid) have already identified sufficient commitments / completions to meet their minimum housing requirement for the full plan period and will not be expected to identify further sites within their Neighbourhood Plans."*³⁰
- 2.5 While Sites SA12 & SA13 are not within the Burgess Hill Neighbourhood Plan boundary (which on the south side of town coincides with the existing edge of housing development), they are being considered a part of the Burgess Hill settlement hierarchy in the same way as the Northern Arc sites which are also outside the Neighbourhood Plan area.
- 2.6 It would be logical to assume that DP6 would be a consideration when MSDC assessed potential housing sites. However, this did not happen. While the MSDC Sustainability Appraisal does mention in passing that *"Burgess Hill has met its residual need"*³¹ whether or not a site is in a settlement that has already met its housing requirement did not appear to be a consideration.
- 2.7 SOFLAG asked for clarification of this under FOI and the correspondence is attached at Appendix 2 A.
MSDC were asked specifically if any weighting was given to whether settlements had already met their housing requirements when assessing site allocations. MSDC did not provide any evidence that any such weighting was given, referring the questioner to the Site Selection Proformas and Methodology posted on their website. Whether or not the site is in a location that has already met its housing requirement is not mentioned at all in these papers, suggesting this was not considered one of the criteria.

²⁷ Submission Draft Site Allocations DPD page 8

²⁸ Mid Sussex Adopted District Plan page 30

²⁹ Ibid.

³⁰ Ibid. page 38

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

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

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

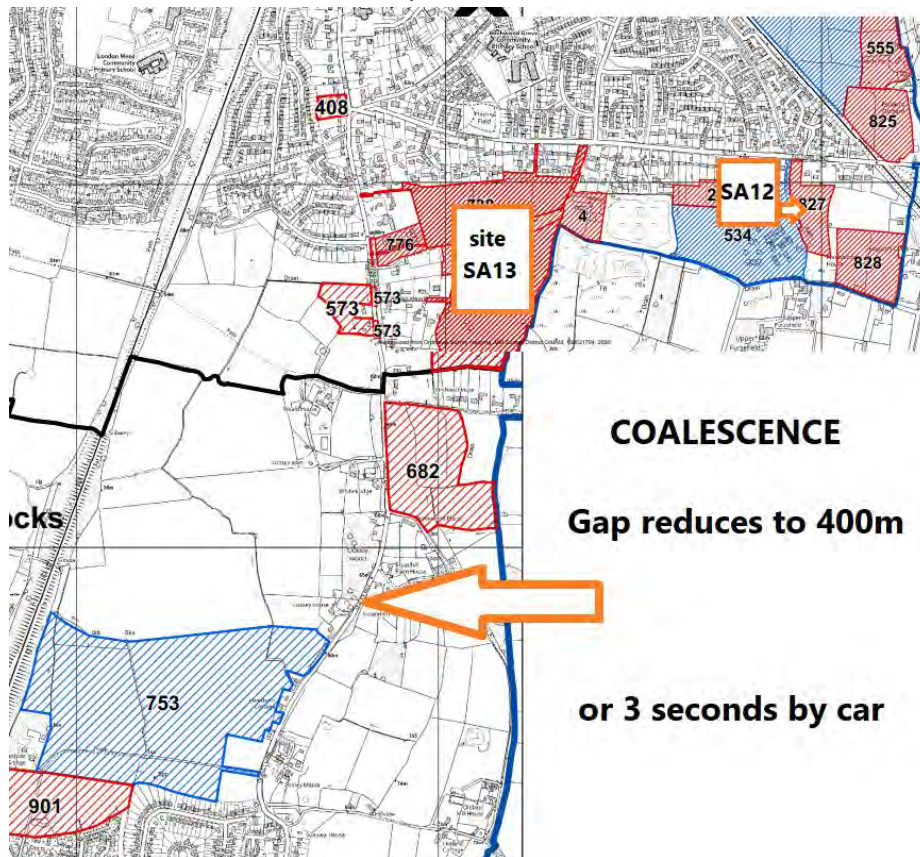
This contravenes District Plan and national planning policies. Allocation of Sites SA12 & SA13 will lead to coalescence and their inclusion makes the Sites Allocations DPD unsound.

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

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

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

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



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

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

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

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

³³ National Planning Policy Framework, 2019, para 2

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

Policy DP13 preventing coalescence (see Section 2.2)

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

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

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

Policy DP38 increasing and preserving biodiversity

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

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

Appendix 2 A

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

To: Amanda Green

Fri, Aug 28 at 3:55 PM

Dear Ms Green,

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

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

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

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

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

yours sincerely,

FOI/DPA Team

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

Working together for a better Mid Sussex

OFFICIAL

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

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

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

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

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

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

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

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


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

Thank you.

Kind regards,

Amanda Green

Appendix 2 B

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

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

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

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

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

Question 4 from Councillor Henwood:

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

MSDC

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

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

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

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

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

hedgerows ...will not normally be permitted"

Policy DP 38 "protects existing biodiversity .."

What justification can MSDC give to disregard the above policies?

Response of Councillor Neville Walker

Chairman of Scrutiny for Housing, Planning and Economic Growth

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

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

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

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

SECTION 3

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

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

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

3-1 INTRODUCTION

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

*Protects existing biodiversity, so that there is no net loss of biodiversity...*³⁵

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

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

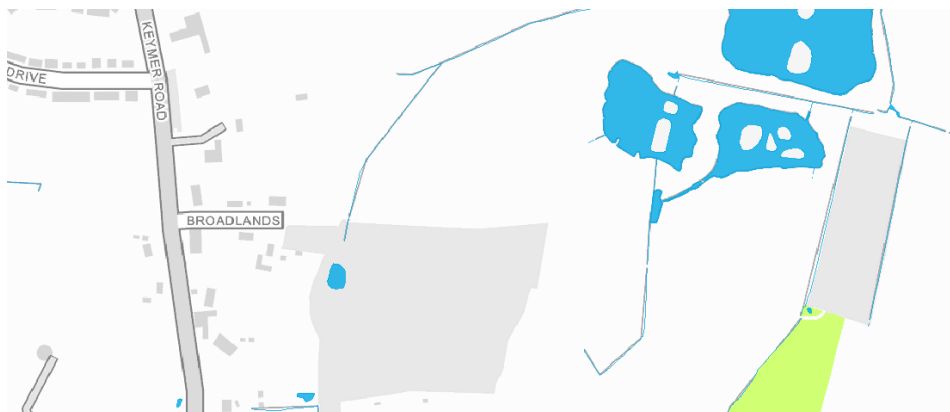
3-2 **OVERVIEW OF SITE**

- 3.7 Site SA13 contains an ancient established field pattern with hedgerows that contain many large mature trees. The site is directly adjacent to and clearly visible from the nearby South Downs National Park. A stream, which is one of the sources of the River Adur, runs through the site, firstly from south to north near the western boundary and then across the centre of the site from west to east through a low-lying meadow which floods frequently.
- 3.8 The fields that make up Site SA13 form a small area of rare Sussex pasture that has not been ploughed or subjected to selective herbicides for a very long time. It harbours rare plant species including wild orchids and it forms the habitat for a large variety of wild animals, reptiles and birds.
- 3.9 The site is protected by law as is it within Mid Sussex's own Countryside Area of Development Restraint. It contains vegetation with legal protection, as evidenced by the Enforcement action taken by MSDC against Thakeham Homes for illegal damage to hedgerows in 2015, and Thakeham Homes subsequent loss of their Appeal case³⁶.
- 3.10 In addition, the rich and varied wildlife it contains is also protected, both by UK and International Law. While it is accepted that when protected species of animals and plants are found within a site that is wanted for development, it may sometimes be possible to deal with this either by an approved method of relocation or by adapting the plans to ensure the protected species can live in harmony with the new development. In other cases, however, this is not possible and this is especially the case where the site is effectively surrounded by existing development and there is no natural escape route for wildlife. This applies to Site SA13 – the only way to comply with the law and protect the wildlife is designate this site unsuitable for development.

³⁵ Mid Sussex District Plan, DP38, page 93

³⁶ MSDC case reference AP/15/0012 & EF/15/0019

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



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

3-3 STATUTORY REQUIREMENT ON BIODIVERSITY

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

³⁷ National Planning Policy Framework, Feb 2019, para 2, page 4

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

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

To protect valued landscapes for their visual, historical and biodiversity qualities and To create and maintain easily accessible green infrastructure, green corridors³⁸

Most importantly, it is stated that:

Biodiversity will be protected and enhanced by ensuring development:

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

3-4 PROTECTED WILDLIFE IN SITE SA13

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

³⁸ Mid Sussex District Plan, DP38, page 93

³⁹ Ibid.

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

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

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

- **Hazel Dormice** **Hab Dir A4**, Hab Reg Sch2, WCA Sch5, s9.4b/s9.4c/s9.5a/, NERC s41

Reptiles

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

Birds

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

3.22

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

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

3.23

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

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

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

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

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

3-5 IRREPLACEABLE HISTORIC FIELD SYSTEM

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

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



Aerial photograph taken in 1952



Recent Google Earth image



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

3-6 TREES AND VEGETATION

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

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

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

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



Ecological Data Search SxBRC/19/633 - Summary Report

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

The following datasets were consulted for this report:

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

Summary of results

Sites and habitats

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

Protected and designated species

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

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

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

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

The Sussex Biodiversity Record Centre is managed by the Sussex Wildlife Trust as a partnership project. Sussex Wildlife Trust is a company limited by guarantee under the Companies Act. Registered in England. Company No. 698851. Registered Charity No. 207005. VAT Registration No. 191 3059 69. Registered Office: Woods Mill, Henfield, West Sussex BN5 9SD. Tel: 01273 497521

Survey of field about 200m south of Folders Lane

Date of Current Survey 3 August 2009

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

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

Background

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

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

Description of field

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

Flora

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

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

w - a species associated with damp or wet conditions.

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

Fauna

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

Overall impression

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

Recommendation

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

Author John Newton, BSc Zoology (Hons), FRES

Location of Field



View looking east
(towards damp area)

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

SECTION 4

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

4-1 Opposition from local authorities

4-2 Opposition from statutory bodies

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

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

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

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

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

- “There are a significant number of problems with this site which make it unsustainable⁴⁰
- “The sites contravene District Plan policies DP7, DP12, DP13, DP18, DP20, DP21, DP26, DP37, DP38, and Neighbourhood Plan core objective 5, and policy H3”⁴¹
- “Of great concern to both the Council and residents is the amount of traffic congestion which will result from developing this area to the degree anticipated. The mini roundabout at the junction of Keymer Road and Junction road is already congested and previous developments of the area south of Folders Lane have identified roundabouts at Folders lane and Keymer road as at or near capacity. The traffic consultants have not considered this junction as part of their assessment on the impact of the proposals. The only mention of

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

⁴¹ Ibid.

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

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

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

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

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

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

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

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

The Hassocks Parish Council objection is attached at Appendix 4 C

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

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

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

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

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

⁴² Ibid. page 401

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

⁴⁴ Printed Minutes of Meeting, Section 7, page 3

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

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

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

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

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

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

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

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

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

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

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

⁴⁶ Ibid.

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

- Natural England
- CPRE

- 4.13 **South Downs National Park Authority** demonstrated their opposition to Site SA12 when objecting to the now withdrawn planning application for the site – discussed in Section 1 para 1.62. Their objections to the allocation of Sites SA12 & SA13 were raised at Regulation 18 Consultation:
- this is a highly sensitive site likely to have high ecological value and whose character is shared with land in the SDNP
 - the proposed allocation would erode the rural buffer between Burgess Hill and the SDNP, which is likely to be harmful to the special qualities and landscape character of the setting of the SDNP
 - the potential for increased traffic in and through the village of Ditchling, and other parts of the SDNP, and its impact on tranquillity
 - the proposed allocations would erode the rural buffer between Burgess Hill and the SDNP. This is likely to be harmful to the special qualities and landscape character of the setting of the SDNP
 - in May 2016 the SDNP became an International Dark Sky Reserve (IDSR). Lighting as part of development of these sites has the potential for significant effects on the dark skies of the Reserve, particularly as a result of increases in light spill/ambient lighting⁴⁷

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

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

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

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

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

The full objection is at Appendix 4 E.

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

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

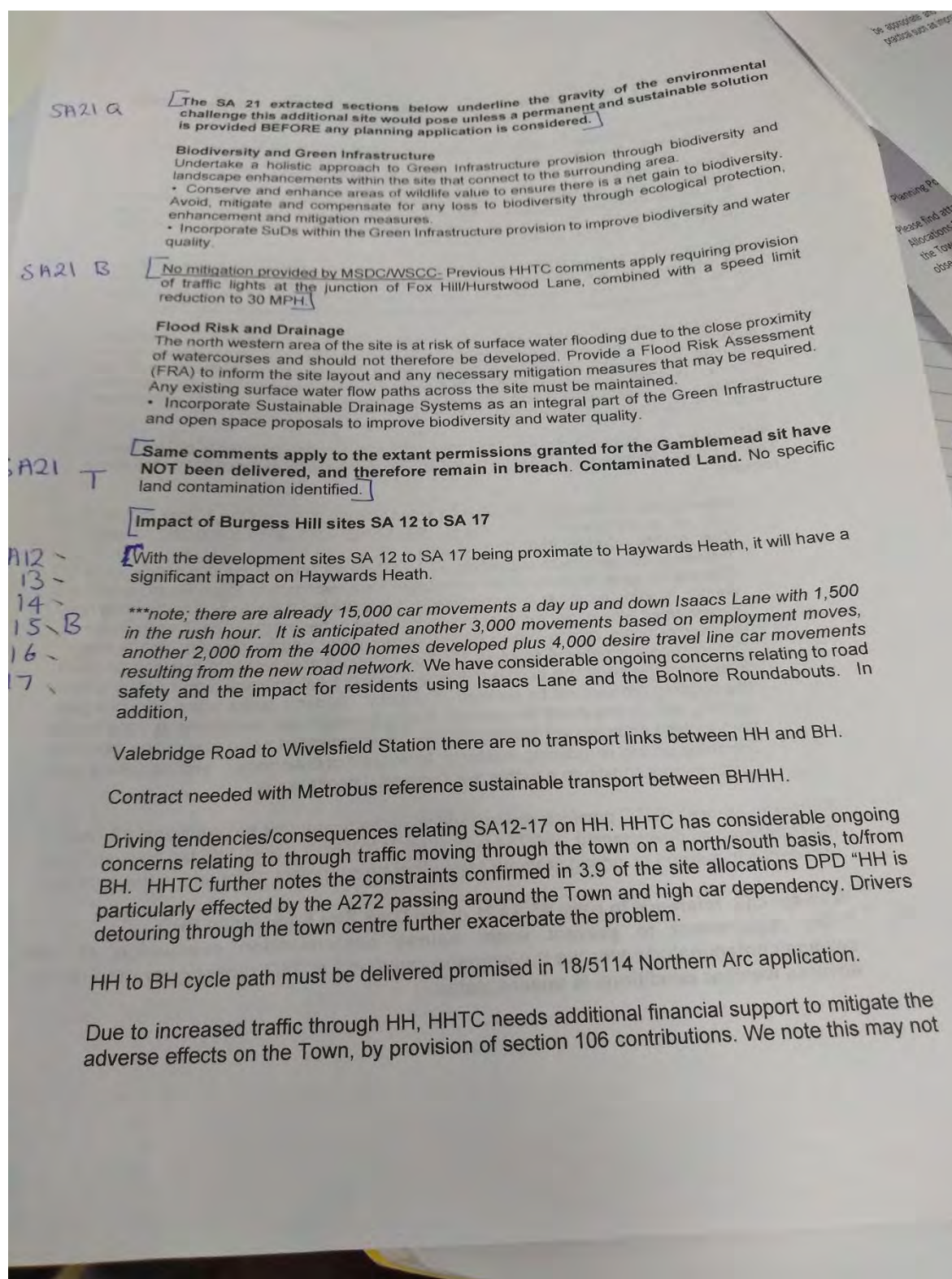
⁴⁸ Site Allocations DPD – Regulation 18 9th October – 20th November 2019 Consultation Report, page 397

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

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

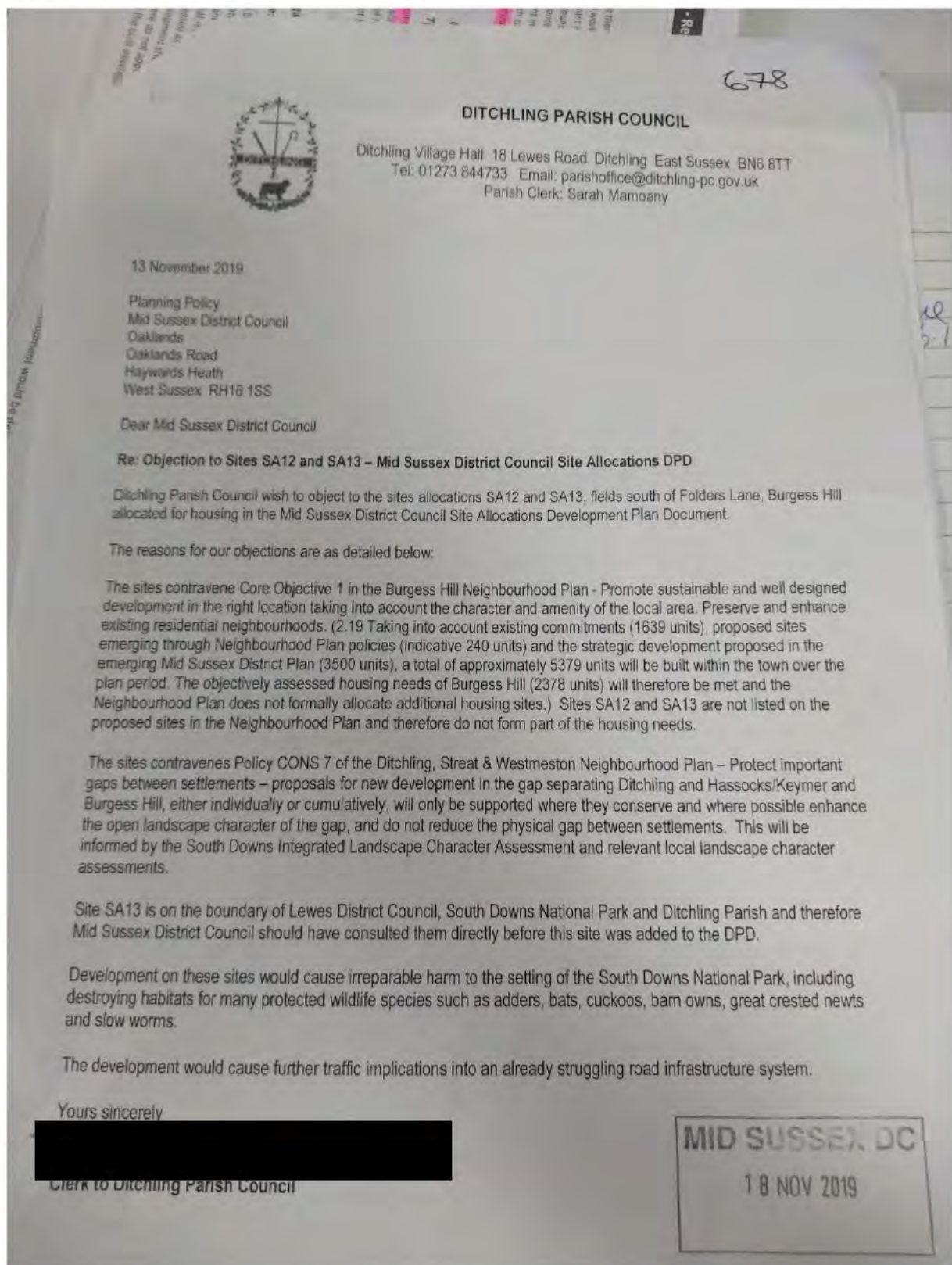
4.17 All these objections from local authorities, statutory bodies and expert groups demonstrate that Sites SA12 & SA13 are unsustainable, unsuitable and undeliverable.

Appendix 4 A



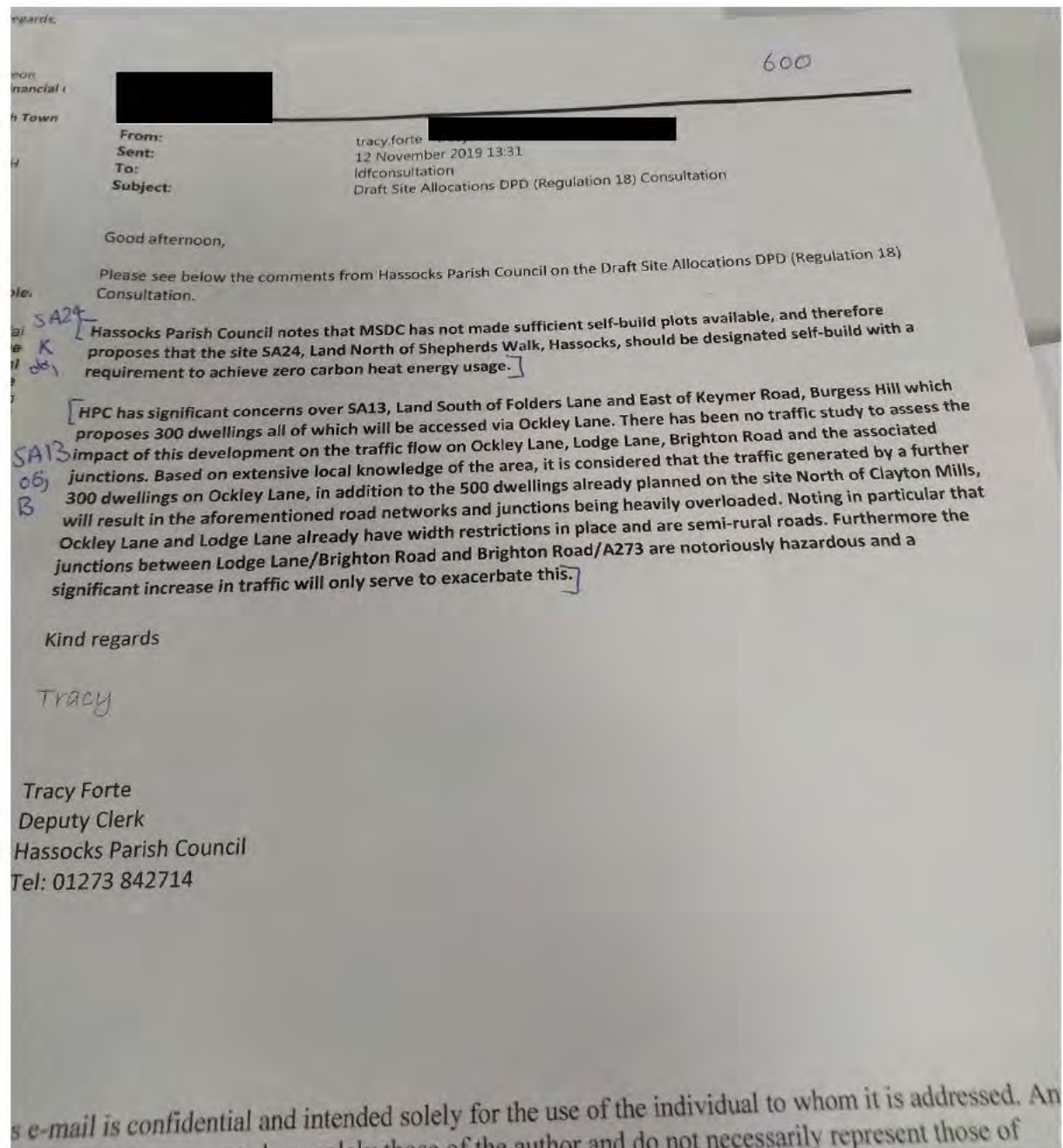
Objection by Haywards Heath Town Council

Appendix 4 B



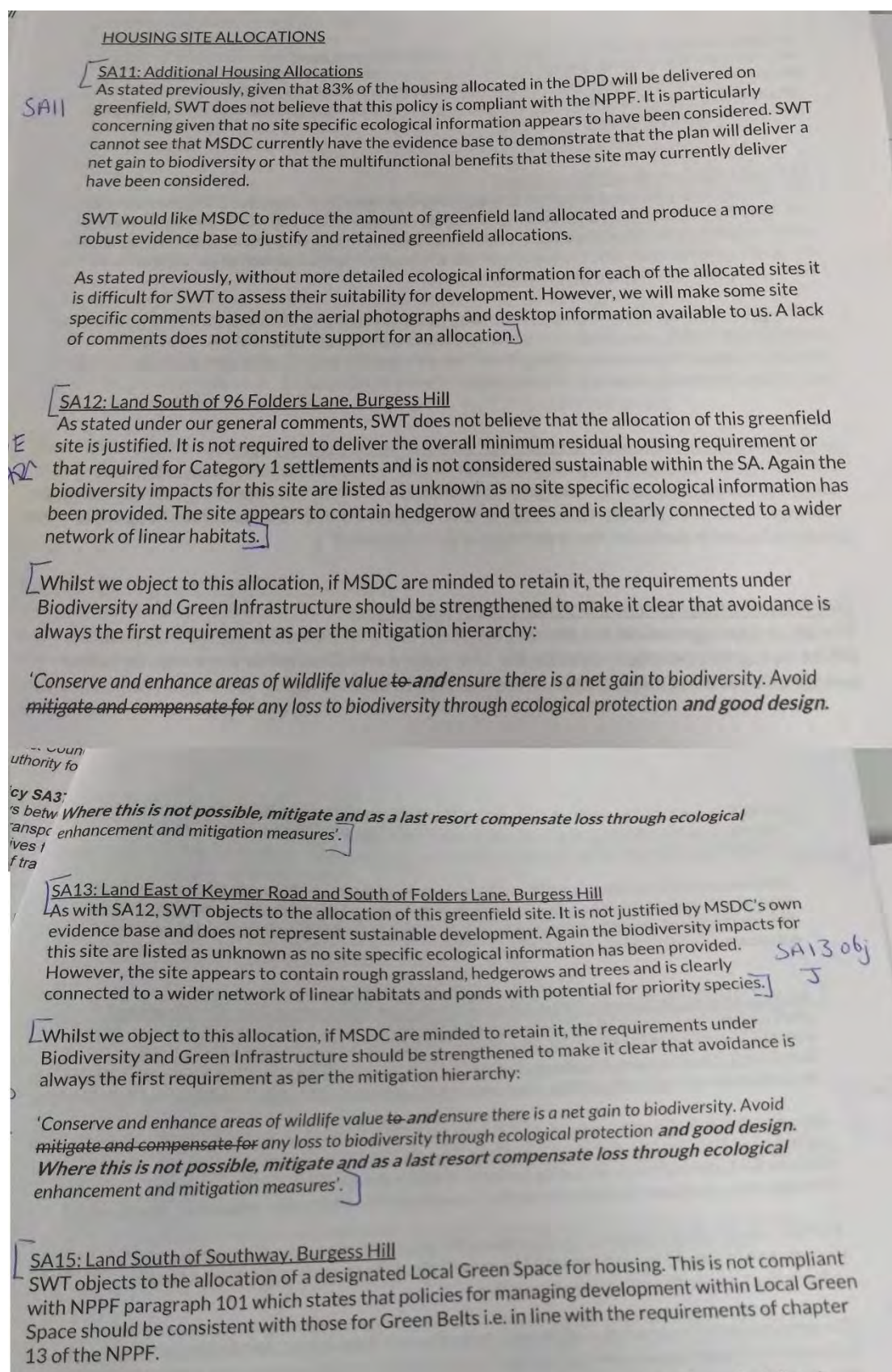
Objection from Ditchling Parish Council

Appendix 4 C



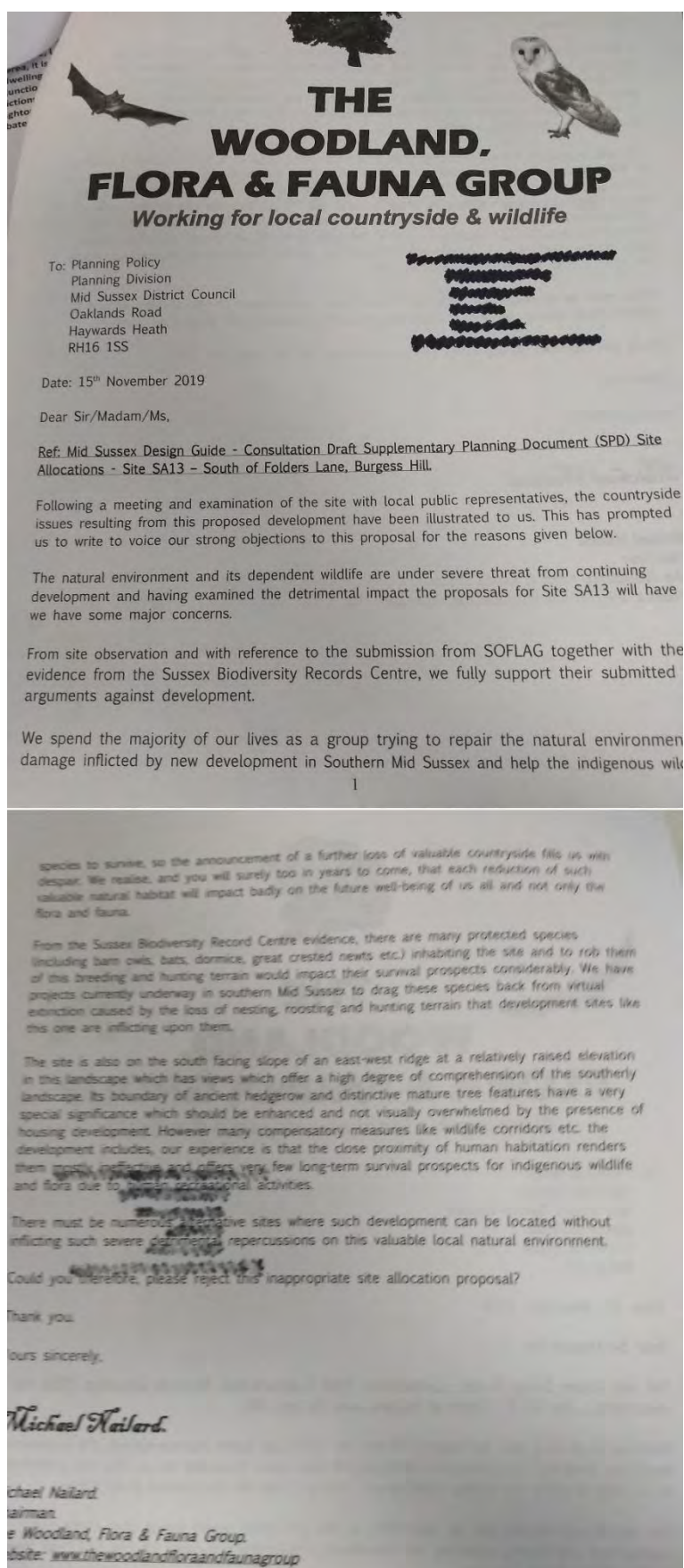
Objection from Hassocks Parish Council

Appendix 4 D



Extract from objection by Sussex Wildlife Trust

Appendix 4 E



SECTION 5

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

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

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

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

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

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

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

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

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

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

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

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

- 5.14 Site Selection Proformas published at Regulation 18 stage raise questions about how and why sites were chosen, particularly with reference to Sites SA12 & SA13. This can be illustrated by comparing the Proformas for Batchelors Farm (site reference 573) and what became part of Site SA13 (site reference 557).
- 5.15 While Site 557 was put forward, site 573 was not. This could be because, despite the proposed entrances to the sites being opposite each other on Keymer Road, and therefore equidistant from all facilities. In fact, most of site 557 being further away than the whole of 573, two out of three walking distances were assessed by MSDC rather differently⁵¹. Putting together the information from the two site proformas clearly illustrates this error:

Composite illustration showing comparative site locations:



Composite illustration showing comparative walking distances:

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

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

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

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

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

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

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

- 5.17 MSDC did not take into account the reasons for this refusal when deciding to leave Site SA13 in the DPD at Regulation 19 stage, therefore continuing to promote a site that they know is likely to fail at planning and is therefore undeliverable.
- 5.18 The inconsistency of site selection is further illustrated by comparing Sites SA12 & SA13 to a site that was not brought forward from the shortlist, Haywards Heath Golf Course (site reference 503). Using the Site Selection Proformas created by MSDC for the Regulation 18 stage and combining sites 557 and 738 together to create SA13, it is possible to make a direct comparison between the 3 sites. For clarity if the "score" in a category is the same the boxes are yellow, with "winners" green and "losers" red.

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

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

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

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

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

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

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

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

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

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

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

⁵³ Site Selection Paper 3: Housing – Appendix B: Housing Site Proformas

⁵⁴ Ibid.

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

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

⁵⁶ Ibid. page 3

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

Site Allocations DPD – Sustainability Appraisal – February 2020										
										more than a 20 minute walk. The impact of option (h) on this objective is uncertain; currently the site is a long distance from local services, however, this will change once the Northern Arc is built out.
4 - Retail	+	++	+	++	++	+	-	?	++	Site option (b), (d), (e) and (f) are located less than a 10 minute walk from the nearest convenience store, option (a), (c) and (f) are a 10-15 minute walk while option (g) is more than a 20 minute walk. The impact of option (h) on this objective is uncertain; currently the site is a long distance from local services, however, this will change once the Northern Arc is built out.
5 - Communities	+	+	+	+	+	+	+	+	+	All site options would encourage the growth of communities.
6 - Flood Risk	0	0	0	0	0	0	0	0	0	None of the site options have areas at risk from flooding, or have suffered from flooding in the past.
7 - Land Use	-	++	-	-	+	+	-			Site option (d), (g), (h) and (i) are on green field land, and are relatively small sites. Option (a), (c) and (f) are also on green field land, but are relatively large. Options (b) and (e) are on previously developed land so have the most positive impact on this sustainability objective.
8 - Biodiversity	0	0	0	0	0	0	0	0	0	There are no formal biodiversity designations (Ancient Woodland, SSSI, Local Nature Reserve, etc) on or adjacent to any of the site options.
9 - Countryside	-	0			0	0			0	All site options are outside of the High Weald AONB. Site options (a), (c), (f), and (g) are in areas of medium landscape capacity while option (h) is in an area of low/medium capacity. Site options (b), (d), (e) and (i) are within the built up area settlement boundary of Burgess Hill, hence have a high landscape capacity.
10 - Historic	0	0	0	0	0		-	0	0	All site options have no constraints in terms of listed buildings and conservation areas, apart from option (f) which is not constrained by a conservation area, but would have a less than substantial harm (medium) on High Chimneys (Grade II listed).
11 - Transport	?	?	?	?	?	?	?	?	?	None of the site options on their own are likely to contribute to negative impacts on the highways network or on the sustainability modelling of the package of preferred option sites will be tested as part of the evidence supporting the Site Allocations DPD.
12 - Energy/Waste	?	?	?	?	?	?	?	?	?	All site options are going to impact on the amount of waste generated, due to additional population generated from housing as well as during construction. All options should seek to recycle materials and make best use of resources, including using sustainable construction techniques and renewable energy in accordance with District Plan policies.
13 - Water	?	?	?	?	?	?	?	?	?	All site options are going to impact on the amount of water used and wastewater generated, due to additional population generated from housing as well as during construction. This site option should seek to minimise water use, including using sustainable construction techniques in accordance with District Plan policies.
14 - Regeneration	+	++	+	++	++	+	-	-	++	All site options perform positively against this objective as the sites are in close proximity to the town centre. Sites options (b), (d), (e) and (f) have a significant positive impact as they are very close to the town centre. Options (g) and (h) are remote from the existing town centre, so have a negative impact on this objective.

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

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

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

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

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

⁵⁸ Site Allocations DPD Sustainability Appraisal (Regulation 19) July 2019, page 124

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

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

Site Allocations DPD – Sustainability Appraisal – February 2020

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

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

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

Table 19 - Housing Options

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

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⁵⁹ Site Allocations DPD Sustainability Appraisal (Regulation 19) July 2019, page 124

⁶⁰ Site Allocations DPD Sustainability Appraisal (Regulation 19) July 2019, page 59

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 5.45 Para 73 of the NPPF sets out that Local Authorities must identify a supply of deliverable housing sites to provide a minimum of five years’ supply, and should include an additional buffer of:
- a) 5% to ensure choice and competition in the market for land or
 - b) 10% where the local planning authority wishes to demonstrate a five-year supply of deliverable sites through an annual position statement or recently adopted plan³⁸, to account for any fluctuations in the market during that year or
 - c) 20% where there has been significant under delivery of housing over the previous three years, to improve the prospect of achieving the planned supply⁶¹
- The 20% figure is only required if a Housing Delivery Test indicates delivery below 85%. In the Annual Position Statement on the MSDC website, the result for Mid Sussex is 110%⁶²
- 5.46 The Position Statement goes on to say “For the purposes of the Housing Delivery Test Mid Sussex is a 5% authority” but will be applied a 10% buffer in accordance with the NPPF.⁶³
- 5.47 The buffer provided by the Site Allocations DPD, if it continues to follow Housing Option 2, which includes Sites SA12 & SA13 is 38%. Without them it is 11%.
- 5.48 The required figure for additional housing is 1280 units. MSDC’s Site Allocations DPD Housing Land Supply Statement reports that the DPD, as it stands, will supply 1764 units⁶⁴, an oversupply of 484 = 38%
- 5.49 At full Council on 22nd July, Leader Jonathan Ashe Edwards, stated that such a large oversupply was required because the Inspector’s hearing “will be held in the depth of a major recession making the delivery of some developments potentially uncertain,” meaning that developers could fail to build, or even go bust. There is no way of predicting with certainty, whether or not a major recession will arrive by the unknown date of the hearing, and no way of predicting what developers would do, if there was. An alternative prediction would be that a recession will lead to less demand for the executive houses that form the major proportion of development in this area, so fewer sites would be needed not more.
- 5.50 If Councillor Ashe Edwards’ predictions are taken as fact, and a large buffer is needed because of the risk of recession, then arguably a larger buffer still, would be advisable. Yet MSDC are not going with the option that provides the biggest, and therefore most secure, buffer. That would be Option 3, which MSDC are not recommending.

⁶¹ National Planning Policy Framework, Feb 2019, para 73 page 21

⁶² MSDC Housing Land Supply Position Statement, para 4.8 page 5

⁶³ Ibid. para 4,9 page 6

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

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

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

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

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

The original members of the working group were 8 councillors:

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

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

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

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

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

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

Appendix 5 A

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

13th May 2020

Dear Ms Blomfield

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

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

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

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

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

Namely:

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

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

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

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

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

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

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

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

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

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

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

Kind regards

SOFLAG

Appendix 5 B

Response to SOFLAG Transport Study queries – July 2020

Dear SOFLAG,

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

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

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

Question One

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

Namely:

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

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

MSDC Response:

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

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

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

SOFLAG RESPONSE TO THIS ANSWER:

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

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

Question Two

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

MSDC Response:

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

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

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

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

SOFLAG RESPONSE TO THIS ANSWER:

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

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

Question Three

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

MSDC Response:

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

SOFLAG RESPONSE TO THIS ANSWER:

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

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

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

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

Question Four

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

MSDC Response:

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

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

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

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

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

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

SOFLAG RESPONSE TO THIS ANSWER:

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

Question Five

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

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

MSDC Response:

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

SOFLAG RESPONSE TO THIS ANSWER:

This doesn't answer the question raised

Question Six

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

MSDC Response:

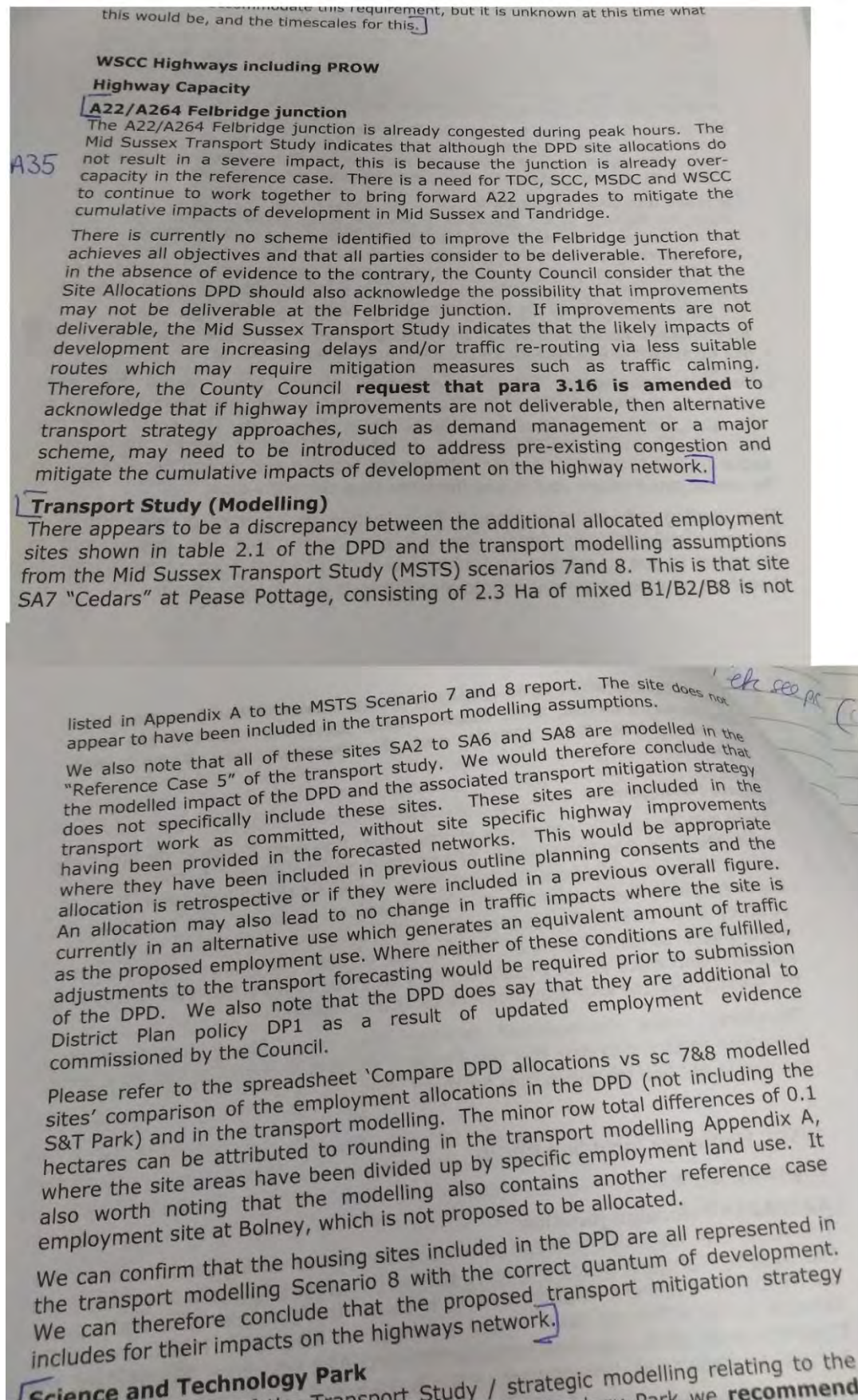
Systra indicate that the severe impact on the A23/A2300 junction is caused by the proposed Science and Technology Park allocation (SA9), and appropriate mitigation is being proposed. There is no indication the severe impact is caused by the proposed housing sites.

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

SOFLAG RESPONSE TO THIS ANSWER:

This doesn't answer the question raised

APPENDIX 5 C



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

Appendix 5 D

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

[REDACTED]
[REDACTED]

Dear [REDACTED]

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

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

Note that the minutes of Scrutiny Committee state:

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

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

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

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

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

yours sincerely,

FOI/DPA Team

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

Working together for a better Mid Sussex

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

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

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

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

Thank you.

Kind regards



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

Appendix 5 E

Flooding at Site SA13



Appendix 5 F

[REDACTED]
To: planningpolicy

Wed, Jan 22 at 2:59 PM

Dear Andrew

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

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

Kind regards,

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

Dear [REDACTED]

Thank you for your email.

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

Kind regards,

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

[REDACTED]
www.midsussex.gov.uk

Working together for a better Mid Sussex

From: [REDACTED]
Sent: 22 January 2020 13:26
To: planningpolicy <planningpolicy@midsussex.gov.uk>
Subject: Re: Consultation Responses

Dear [REDACTED]

Thank you for your email.

I have looked at the full responses document https://www.midsussex.gov.uk/media/4633/reg18_summaryreport.pdf

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

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

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

Thank you.

Kind regards,

Amanda

Appendix 5 G

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

Dear Councillor Walker,

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

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

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

Kind regards

SOFLAG

Dear SOFLAG,

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

1. Critical responses omitted from consultation report:

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

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

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

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

2. Refusal of requests for transparency around site selection:

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

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

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

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

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

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

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

3. Opposition from other local authorities

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

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

4. Sites SA12 & SA13 v Haywards Heath Golf Club

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

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

Kind regards,

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

From: info@soflag.co.uk <info@soflag.co.uk>

Sent: 06 March 2020 17:14

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

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

Dear Councillor

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

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

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

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

1. Critical Responses Omitted from Consultation Report:

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

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

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

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

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

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

2. Refusal of requests for transparency around site selection:

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

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

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

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

3. Opposition from other local authorities

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

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

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

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

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

In addition, the following also had various objections:

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

4. Sites SA12 & SA13 v Haywards Heath Golf Club

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

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

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

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

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

If you have any questions, please get in touch.

Yours faithfully

SOFLAG

Appendix 5 H

APPENDIX 1

SITE ALLOCATIONS DOCUMENT MEMBERS WORKING GROUP

Terms of Reference

Membership

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

Objective of the Working Group

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

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

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

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

FROM REPORT OF DIVISIONAL LEADER FOR PLANNING AND ECONOMY TO SCRUTINY COMMITTEE FOR HOUSING AND PLANNING, 14TH NOVEMBER 2017

Appendix 5 I

Amendment tabled at MSDC Council Meeting, 25 September 2019

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

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

Amendment to the item:

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

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

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

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

Conclusion

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

In summary:

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

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

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

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

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

Folders Lane, Burgess Hill, West Sussex



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

1 Background

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

2 MSSHM Model Review

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

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

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

3 Traffic Modelling Supporting the Sites DPD

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

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

decisions should take account of whether:

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

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

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

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

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

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

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

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

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

3.10 The concerns are twofold:

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

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

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

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

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

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

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

4 Folders Lane Allocations in the Sites DPD

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

Table 3.1

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

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

Table 3.2

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

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

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

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

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

5 Summary and Conclusions

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

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

-End of Report -



Civil Engineering - Transport Planning - Flood Risk

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Category	U.S. should take action (%)	U.S. should not take action (%)
18-29	~85	~15
30-49	~75	~25
50-69	~65	~35
70+	~55	~45
High School	~60	~40
College	~75	~25
Graduate	~85	~15

Age Group	Education Level	U.S. should take action (%)	U.S. should not take action (%)
18-29	High School	85	15
	College	90	10
	Graduate	95	5
30-49	High School	75	25
	College	85	15
	Graduate	90	10
50-69	High School	65	35
	College	75	25
	Graduate	85	15
70+	High School	55	45
	College	65	35
	Graduate	75	25

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA11

ID: 625

Response Ref: Reg19/625/4

Respondent: Mrs J Nagy

Organisation: Worth Parish Council

On Behalf Of:

Category: Town & Parish Council

Appear at Examination? ✓



WORTH PARISH COUNCIL

Clerk: Mrs Jennifer Nagy
CiLCA; PLCC

24th September 2020

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

Dear Sirs,

Draft Site Allocations DPD (Regulation 19) Consultation

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

Employment

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

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

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

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

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

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

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

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

Site Specific Housing

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

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

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

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

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

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

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

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

Therefore, this site should be removed on highways grounds

Housing Numbers

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

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

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

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

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

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

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

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

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

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

Windfall Sites

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

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

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

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

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

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

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

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

Neighbourhood Plans

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

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

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

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

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

Transport

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

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

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

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

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

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

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

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

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

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

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

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

Utilities

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

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

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

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

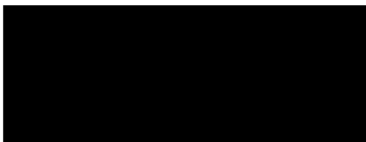
Provision of an adequate water supply must be an inherent part of any Local Plan.

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

Oral Representation at the Examination

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

Yours faithfully,



Jennifer Nagy
Clerk to the Council

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

Follow Up Flag: Follow up
Flag Status: Completed

Categories: SiteDPD

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

I would be grateful if you could confirm receipt

Many thanks

Regards,

Jennifer Nagy
Clerk to the Council

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

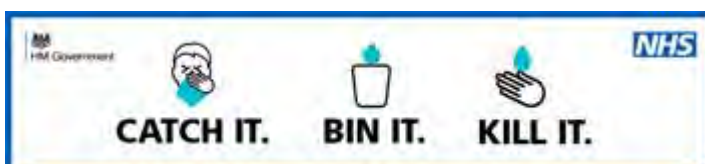
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Use soap and water or a hand sanitiser when you:

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



KEEP YOUR DISTANCE – NO CLOSER THAN 2 metres

Protect yourself & others

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

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA11

ID: 652

Response Ref: Reg19/652/1

Respondent: Mr T Rodway

Organisation: Rodway Planning consultancy

On Behalf Of: Benfell Limited

Category: Developer

Appear at Examination? ✓

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

Dear Sir/Madam

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

I would be grateful if these could be acknowledged.

Yours faithfully,

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



RODWAY PLANNING CONSULTANCY / T +44 (0)1273 780 463 / RODWAYPLANNING.CO.UK

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RODWAY PLANNING
CONSULTANCY LIMITED

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

25th September 2020

Dear Sir/Madam

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

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

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

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

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

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





RODWAY PLANNING
CONSULTANCY LIMITED

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

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

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

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

Yours faithfully,

Tim Rodway
Director

c.c. Benfell Limited



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

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

**Representations made on behalf of
Benfell Limited**

November 2019

1.0 INTRODUCTION

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

2.0 THE DEVELOPMENT PLAN DOCUMENT

- 2.1 It is understood that the Sites DPD has four main aims, which are:
 - i. to allocate sufficient housing sites to address the residual necessary to meet the identified housing requirement for the district up to 2031 in accordance with the Spatial Strategy set out in the District Plan;
 - ii. to allocate sufficient employment land to meet the residual need and in line with policy requirements set out in District Plan Policy DP1: Sustainable Economic Development;

- iii. to allocate a site for a Science and Technology Park west of Burgess Hill in line with policy requirements set out in District Plan Policy DP1: Sustainable Economic Development, and
 - iv. to identify and set out Strategic Policies necessary to complement or replace those set out in the District Plan to deliver sustainable development.
- 2.2 The Site DPD comprises two overarching policies; SA1: Sustainable Economy, and SA10: Housing. Accompanying these policies is a number of related employment and housing policies that proposed the allocation of specific parcels of land and sites for development.
- 2.3 The DPD seeks to allocate sufficient housing sites to address the residual quantum of housing in order to meet the housing requirement up to 2031, as set out in the adopted District Plan. In this respect, District Plan Policy DP4: Housing sets out the minimum housing requirement for the District for the plan period of 16,390 dwellings. After completions, commitments, strategic allocations and windfalls have been taken account of it is understood that the residual figure is **2,439 dwellings** as at March 2018.
- 2.4 It is understood that having had regard to additional housing completions, future commitments relating to the Northern Arc development, and an updating of windfall numbers (so as to accord with the updated windfall definition in the NPPF), that the Council are now working on a revised residual figure to meet the District Plan housing requirement is **1,507 dwellings**.
- 2.5 In the context of the NPPF's focus on boosting the supply of housing, a reduction in the residual housing requirement of 932 dwellings is significant.
- 2.6 It is understood that the Council's methodology for selecting sites for including in the DPD has included the following key states:

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

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

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

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

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

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

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

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

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

3.0 THE SITE - BENFELL LIMITED

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



4.0 THE NEED FOR MORE HOUSING ALLOCATIONS

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

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

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

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

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

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

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

* - Taken from Table 2.4, draft DPD Policy SA10

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

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

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

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

5.0 ASSESSMENT OF BENFELL LIMITED

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

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

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

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

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

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

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

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

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

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

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

6.0 CONCLUSIONS

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

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

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

November 2019

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA11

ID: 654

Response Ref: Reg19/654/3

Respondent: Mr S Molnar

Organisation: Terence O'Rourke

On Behalf Of: St Modwen Developments

Category: Promoter

Appear at Examination? x

From: Steve Molnar <steve.molnar@torltd.co.uk>
Sent: 23 September 2020 16:04
To: ldfconsultation
Cc: Dinny Shaw
Subject: Site Allocations DPD Regulation 19 Submission version: Consultation Response on behalf of St Modwen Developments
Attachments: SMD policies maps BUAB comments.pdf; SMD Reg 19 Policy SA1 new employment site.pdf; SMD reg 19 Policy SA11 additional site.pdf; SMD Reg 19 Policy SA1 re site SA4.pdf

Dear Sir/Madam

Please find attached a consultation response regarding the Mid Sussex Site Allocations DPD Submission version. The response is submitted on behalf of St Modwen Developments (SMD) and includes a response on the altered Built up Area Boundary on the Policies Map as well as responses to policies SA1, SA4 and SA11 in the Submission DPD itself.

SMD is currently developing land to the west of Copthorne to provide new homes and employment uses, along with generous open space areas, and the comments relate to aspects of the DPD that are compatible with the current development, including the welcome allocation of additional employment land at site SA4.

SMD supports the Submission DPD, and considers that it is sound.

However, there are opportunities to support further employment and the development of additional new homes on land to the west of Copthorne, if MSDC or the Inspector are minded to be more flexible in providing additional headroom in meeting the District's identified needs, including those of neighbouring areas. These opportunities are highlighted in the comments attached.

Please don't hesitate to contact me if you wish to discuss the content of the attached or related matters.

Yours sincerely

Steve Molnar BA(Hons) MPhil Dip UP MRTPI
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Mid Sussex Site Allocations Development Plan Document Regulation 19 Submission Draft July 2020

Representations on behalf of St Modwen Developments

Policy SA11: Additional housing allocations

Omission of Site 1000

At the Regulation 18 stage, SMD proposed that the land at Site 1000 should be specifically considered for allocation for new homes as an extension to the approved 500 new homes on land immediately to the south.

SMD notes that the site has not been included in the Regulation 19 submission plan, and considers that this is an opportunity missed to provide sustainable new housing.

It is not clear why the site has been rejected as unsuitable, but it is implied that it is because of its role providing open space (a community park and informal open space) for the adjacent approved new housing.

The existing outline permission for up to 500 units includes a significant amount of open space at the application site, with circa 60% of the site area being a variety of open space uses, including the land at Site 1000.

About 20 ha of the approved masterplan is informal public open space, of which about 6.9ha is open land for informal recreation, the rest being a combination of existing habitat areas and proposed structural planting, and linear spaces. In addition, there is 5.37 ha of ancient woodland.

An area of 0.56 ha is provided for allotments, located adjacent to the north western side of Site 1000, and 0.85 ha for equipped play areas.

Under the terms of the outline permission, sports and playing pitches are provided off site through a financial contribution.

In terms of standards, MSDC's Development and Infrastructure Contributions SPD states that the overall guideline is for 0.25ha for equipped designated play areas and 0.30ha for other outdoor provision per 1,000 population.

Based on 550 units (500 under the outline permission plus 50 provided by allocation of Site 1000) with 2.4 people per unit, there will be a population of 1320 at the site.

This would arrive at a requirement of 0.33 ha of equipped play space and 0.39 ha of other outdoor provision, at total of 0.72 ha.

The amount of equipped play area/other outdoor provision to be provided under the outline is greater than would be required for 550 homes at the site, since the outline permission itself already provides for 0.85ha of equipped space alone.



Alongside the adjacent approved development, Site 1000 is capable of providing more new homes and this can be masterplanned with the (as yet) undeveloped northern part of the site to ensure that the community park, NEAP and allotments are incorporated in a new layout so that there would be no loss of these areas. In addition to this designated play and outdoor space there is a considerable amount of informal public open space provided within the bounds of the outline permission and accessible to all new and existing residents.

An assessment of the site against the local plan's site assessment criteria as appended to these comments shows that the site scores well and is a good site for additional new homes. It concludes that the site has a number of positive benefits and performs well as a sustainable location for new homes, providing additional capacity at a site that already has planning permission for a mixed-use development.

SMD raises the following points of clarification regarding the published site selection form for Site1000. These are:

- Flood risk is scored yellow because there is a small part of the site that is adjacent to flood zone 2/3 on its western edge. This is considered to be unfair as the site could be developed without affecting FZ2/3 at all, so this should be scored green.
- Similarly ancient woodland is scored yellow on the basis of a very marginal overlap of the extreme south western tip of the site with the 15m buffer to ancient woodland. This is also unfair as the very small overlap could be entirely avoided in development of the site, or the definition of the allocated site area; and indeed the buffer is considered unlikely to be relevant anyway, as the ancient woodland is across the other side of a stream. This should therefore also be scored green.
- Landscape is scored low/medium, however the adjacent land to the south will be new housing. This should be scored green. The comment on the form about the site being identified as open space is addressed in the comments above; this should not of itself be a reason for not allocating the site, given the ability to reconfigure the open space location within a revised masterplan and the availability of ample open space on adjacent land to the west and elsewhere on the wider site covered by permission 13/04127/OUT.



Site selection

Copthorne site

Units: up to 50

Site area: 2.2 ha

Planning considerations

1 AONB	N/A	Site is remote from High Weald AONB
2 Flood risk	None	Site is outside Flood Zone 2/3
3 Ancient woodland	None	No ancient woodland adjacent
4 SSSI/SNCI/LNR	None	Site not adjacent to any SSSI/SNCI/LNR
5 Listed buildings	None	No LBs on site or adjacent
6 Conservation area	None	No CA on site or adjacent
7 Archaeology	None	No impact on archaeological assets
8 Landscape	High potential for development	The southern part of the site already has permission for residential use, along with a community park with NEAP and other informal open space on the northern parts, see 13/04127/OUTES. There is limited visibility of the site from outside its borders, and land to the south also has permission for residential use (see 13/04127/OUTES).
9 Trees/TPOs	Low medium	Trees on boundary of site

Deliverability considerations

10 Highways		
11 Local road access	Excellent	The site is part of a mixed use development that already has permission see 13/04127/OUTES. This includes a new access to the A264 and to Shipley Bridge Lane. There is capacity for the additional units proposed
12 Deliverability	Developable	The site is in the hands of St Modwen who are actively developing the wider mixed use development that already has permission see 13/04127/OUTES.
13 Infrastructure	Capacity exists	The site is in the hands of St Modwen who are actively developing the wider mixed use development including new infrastructure with capacity for the additional up to 50 units.

Sustainability/access to services

14 Education	Less than 10 minute walk	The site is part of a mixed use development that includes a primary
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		school site. Other schools are located less than 15 minute walk.
15 Health	Less than 10 minute walk	The site is part of a mixed use development that includes a health facility. St Modwen is in active discussion with a potential occupier for the facility. Other facilities are located less than 15 minute walk.
16 Services	Less than 15 minute walk	Convenience store and other local services in Copthorne.
17 Public transport	Good	The site is part of a mixed use development that will have a bus service secured by a legal agreement. The process of securing this is in hand.

Other considerations

Neighbourhood plan

Worth Parish have prepared a draft Neighbourhood Plan for Copthorne village and the surrounding areas. The draft Plan was subject to public consultation at Regulation 14 stage (2017).

Minerals

No minerals considerations identified

Waste

No water or wastewater considerations identified

Environmental health

No environmental health considerations identified.

Sustainability appraisal

The site performs well in relation to health, education and public transport as it is located within (and includes part of) a mixed use development that will provide these facilities, and is in any case within a 15 minute walk of other existing facilities.

The site has no heritage sensitivity and is outside the AONB, and is already identified for new residential development and associated open space uses. Its status as part of an existing approval for a wider mixed use development means it meets sustainability objectives regarding land use and impacts on countryside and biodiversity.

Positive effects are anticipated in relation to the housing objective as the site will contribute to meeting the residual need.

Conclusion



The site has a number of positive benefits and performs well as a sustainable location for new homes, providing additional capacity at a site that already has planning permission for a mixed use. The site is capable of providing more new homes through allowing for the rationalisation of the existing approved layout on adjacent land, whilst continuing to provide a community park with NEAP, and has the benefit of extensive informal open space on land to the west.

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA11

ID: 657

Response Ref: Reg19/657/5

Respondent: Mr J Buckwell

Organisation: DHApPlanning

On Behalf Of: Option Two Development LTD

Category: Promoter

Appear at Examination? x

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

Follow Up Flag: Follow up
Flag Status: Completed

Categories: TBC

Dear Sir / Madam

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

Kind regards

Jonathan Buckwell
Director (Planning)

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

On behalf of Option Two Developments Ltd

In respect of Courthouse Farm, Copthorne Common Road, Copthorne

September 2020 - DHA/13366



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1 Introduction

1.1 Purpose of this Statement

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

1.2 Background to the Local Plan

- 1.2.1 The Council adopted the Mid Sussex District Plan (“MSDP”) in March 2018, which established a housing target of 16,390 for the 2014-2031 plan period. It outlines a strategy for the distribution of development and allocated four strategic sites that cumulatively deliver 5,080 dwellings.
- 1.2.2 The MSDP sets out a commitment for the Council to prepare a Site Allocations Development Plan Document (herein ‘the Sites DPD’) with four main aims, which are:
 - i. ***to allocate sufficient housing sites to address the residual necessary to meet the identified housing requirement for the district up to 2031, in accordance with the Spatial Strategy set out in the District Plan;***
 - ii. to allocate sufficient employment land to meet the residual need and in line with policy requirements set out in District Plan Policy DP1: Sustainable Economic Development;
 - iii. to allocate a site for a Science and Technology Park west of Burgess Hill in line with policy requirements set out in District Plan Policy DP1: Sustainable Economic Development; and
 - iv. to set out additional Strategic Policies necessary to deliver sustainable development.
- 1.2.3 The focus of this representation is the Council’s strategy for meeting its residual housing need.
- 1.2.4 The Council is now satisfied that the Site Allocations DPD is sound and proposes to submit it to the Ministry of Housing Communities and Local Government for Independent Examination, following completion of this final round of consultation.
- 1.2.5 Once submitted, the Site Allocations DPD will be examined by an Inspector whose role is to assess whether the plan has been prepared in accordance with the Duty to Cooperate, legal and procedural requirements, and whether it is ‘sound’.

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

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

1.3 Our client’s site

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

The Site and Surroundings

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

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

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

Site Proposals

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

Site Opportunities and Constraints

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

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

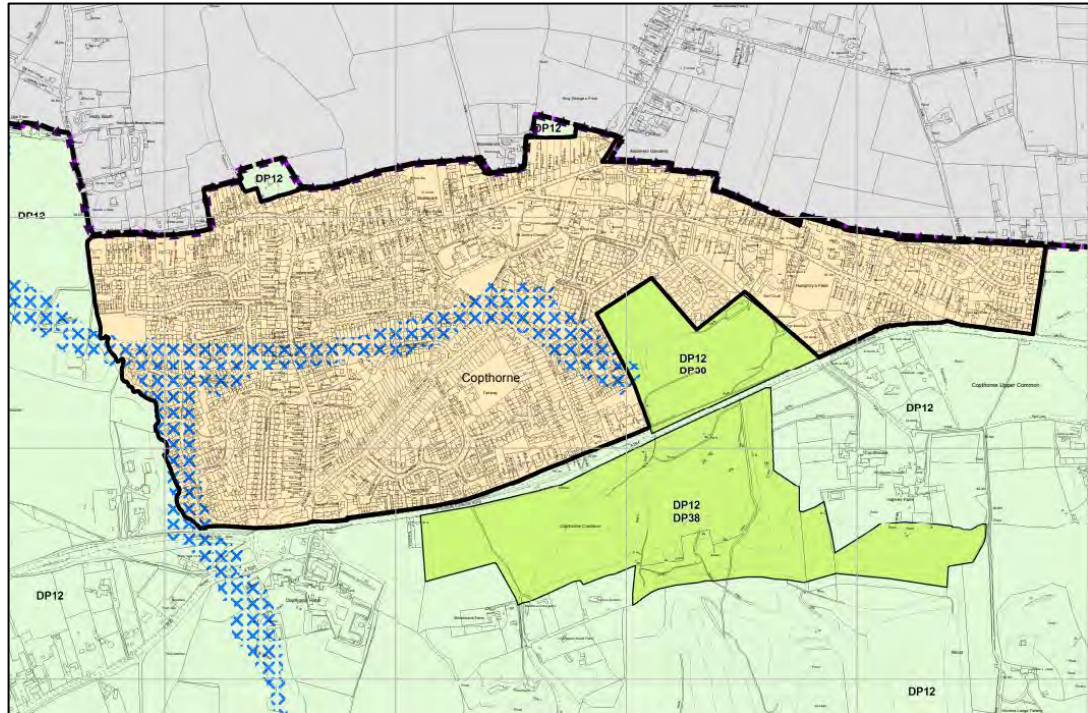


Figure 1.1: Extract of the Mid Sussex Proposals Map – Copthorne Inset

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

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

2 Is the Local Plan legally compliant?

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

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

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

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

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

3 Assessment of Soundness

3.1 Framework

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

3.2 Residual Need, Housing Supply and Trajectory

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

Response

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

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

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

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

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

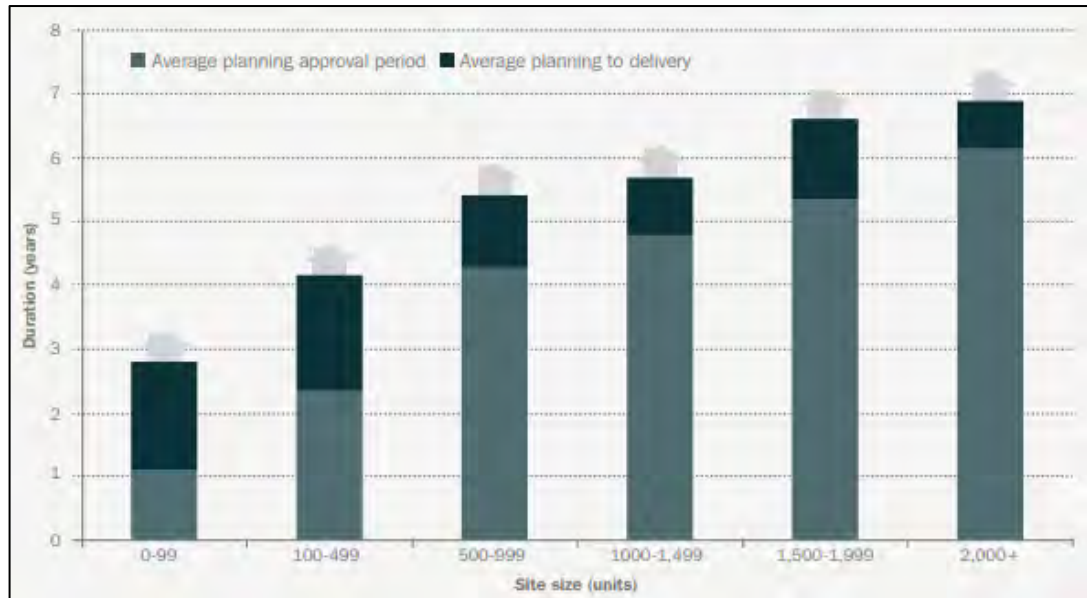


Figure 3.1: Average planning approval and delivery period by site size (NLP, 2016)

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

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

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

3.3 Spatial Distribution of New Allocations

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

Response

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

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

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

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

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

Table 3.3: Allocations in the High Weald AONB

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

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

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

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

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

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

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

¹ Last 7 digits

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

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

3.4 Site Selection Process

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

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

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

Response

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

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

3.5 Consistency with national policy

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

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

3.6 The unmet need for extra care housing

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

4 Summary and Modifications

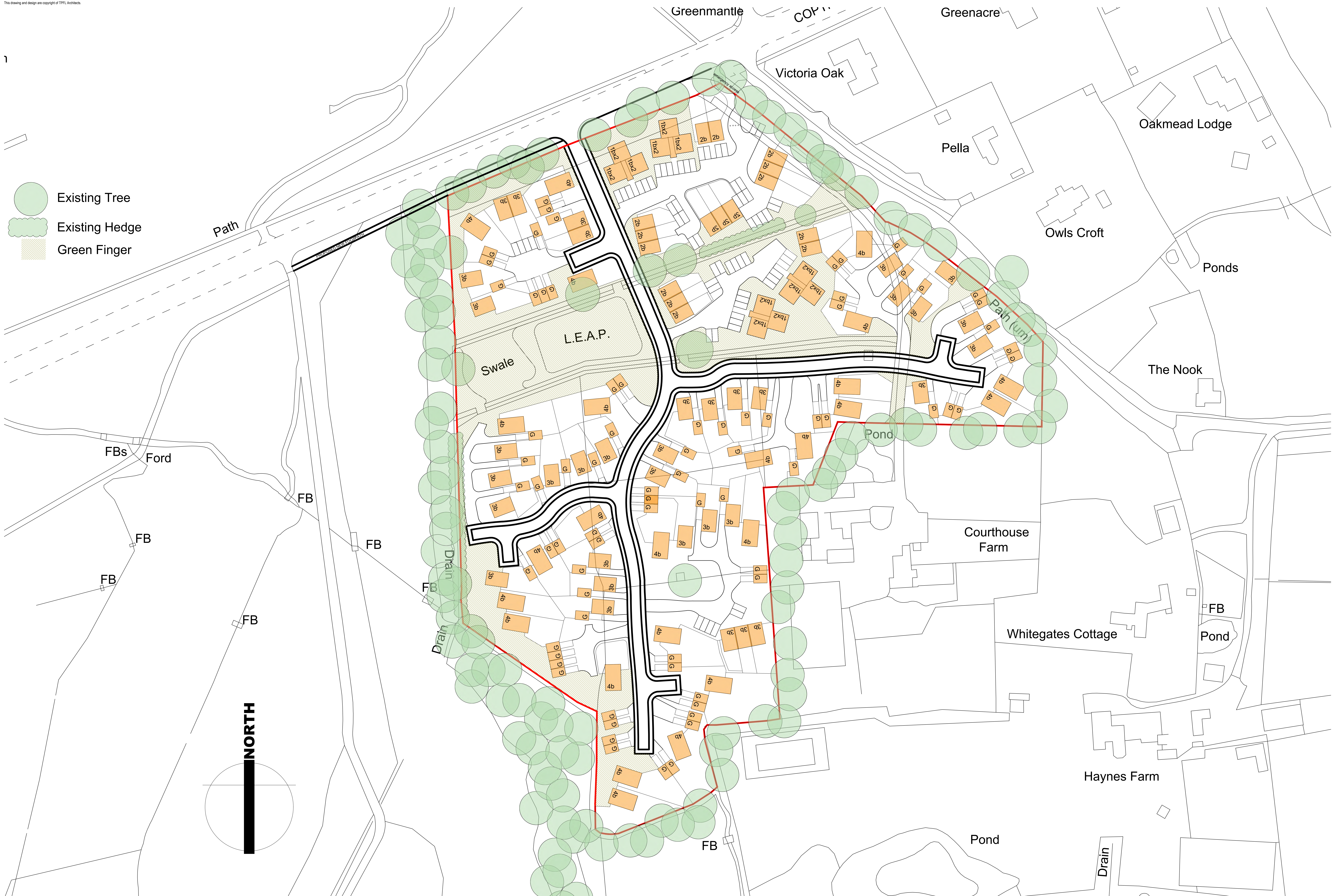
4.1 Summary

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

APPENDIX

1





A	15/09/18	JB	RODNEY WOODS
B	15/09/18	JB	MARK HARRISON
C	15/09/18	JB	FURTHER WORK AMENDMENTS
D			
E			
F			
G			
H			
I			
J			
K			
L			
M			
N			
O			
P			
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NOTES

Report all discrepancies, errors and omissions to the Contract Administrator.
Verify all dimensions on site before commencing work or preparing shop drawings.
This drawing must be read in conjunction with all relevant contract documents.

FEASIBILITY

1:500 @ A0
16/11/2018

1840-1000

TPFL Architects
THE STUDIO, KENT ENTERPRISE HOUSE, THE LINKS, HERNE BAY, KENT, CT14 7QD
email: studio@tpfl.co.uk website: www.tpfl.co.uk TEL: 01227 910216

APPENDIX

2





1	10/01/2019	JB	DATE: 10/01/2019	PROPOSED DEVELOPMENT AT COURTHOUSE FARM
2				
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10				

NOTES

Report all discrepancies, errors and omissions to the Contract Administrator.

Verify all dimensions on site before commencing work or preparing shop drawings.

This drawing must be read in conjunction with all relevant contract documents.

FEASIBILITY

1:500 @ A0
23/10/2019

1840-1200

TEL: 01227 910216
email: studio@tpfl.co.uk
website: www.tpfl.co.uk

TPFL
Architects

THE STUDIO, KENT ENTERPRISE HOUSE, THE LINKS, HERNE BAY, KENT, CT6 7DD

APPENDIX

3



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

4



PRELIMINARY ECOLOGICAL APPRAISAL

COPTHORNE COMMON ROAD

REF: 5096-LLB-RP-EC-0001-S4-P03

STATUS: INFORMATION

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Checked and approved by	Samuel Durham BSc (Hons), MCIEEM

1. EXECUTIVE SUMMARY

- S.1 The application site supports heavily grazed semi-improved grassland, scattered trees and one stable building.
- S.2 The main findings of this Preliminary Ecological Appraisal are: -
- There are nine ponds within 250m of the application site;
 - The grassland does not support suitable habitat for reptiles, however, wooded boundaries of the application site provide suitable refuge and hibernation opportunities for reptiles;
 - The wooded boundaries of the application site provide suitable habitat for hazel dormouse;
 - No badger setts were identified on-site, however, badger hair was recorded at two separate areas along the site boundary, and an outlier sett, in partial use, was recorded c.1m from the redline boundary; and
 - Seven trees support potential bat roosting features. The stable building is negligible suitability for roosting bats.
- S.3 The key recommendations of this Preliminary Ecological Appraisal are: -
- Habitat suitability assessments of the nine ponds that are located within 250m of the application site will need to be undertaken to assess their suitability for great crested newts. The results of these pond assessments will be used to determine whether any further survey work is required with regards to great crested newt;
 - A precautionary method of works should be employed when removing boundary habitats - to further reduce the already low risk of killing and/or injuring reptiles;
 - If impacts upon the boundary habitat and tree lines are avoided, no further survey of hazel dormouse is required. Installation of protective fencing and precautionary method of works will need to be implemented to minimise the risk of impacts upon boundary habitats and tree lines. If the proposed works require any clearance of boundary habitats and tree lines, additional hazel dormouse survey work is likely to be required to inform the planning application;
 - The presence of badger hair and partially used outlier sett close to the site boundary indicates that badgers are present within the local area. As a precaution, a badger walkover survey should be undertaken by a suitably experienced ecologist three months prior to the start of construction work on site;
 - Impacts to the on-site tree and site boundary should be avoided. If any of the seven on-site trees that support potential bat roosting features are to be impacted (felled or significantly pruned), an aerial bat tree inspection will be required - to review the suitability of these features for roosting bats in more detail and search for any direct evidence of bat roosting; and
 - If impacts cannot be avoided, then aerial inspections will be required on trees that are being impacted and the results of these inspections will be used to determine whether any further bat survey work is required to inform the planning application. An inspection of the horse stable immediately prior to demolition will be required as a precautionary measure.
- S.4 This report contains additional details of ecological survey requirements, and avoidance, mitigation, compensation and enhancement measures. As such, this report should be read in full.

2. INTRODUCTION

SCOPE OF WORKS

- 2.1 Lloyd Bore was instructed to conduct a Preliminary Ecological Appraisal (PEA) of land at Copthorne, West Sussex (approximate centre: TQ 3240 3905).
- 2.2 This assessment was informed by a site visit and a biological records search.
- 2.3 An evaluation of recent and historic aerial images and Ordnance Survey maps, and available information regarding designated sites, was also undertaken as part of the desk study.
- 2.4 In accordance with the report writing guidance produced by the Chartered Institute of Ecology and Environmental Management (CIEEM) (CIEEM, 2017a), this PEA report has been produced to inform the project team of potential ecological constraints, considerations and opportunities and the potential need for additional ecological survey work.
- 2.5 The scope of works did not include any additional protected species surveys, associated reports or production of mitigation documents.
- 2.6 This report should not be used to support a detailed or outline planning application. However, it can be used to inform pre-application discussions with the local planning authority.
- 2.7 Once the additional ecological assessment, inspection and survey work recommended in this report has been completed and the development proposals have been finalised, an Ecological Impact Assessment (EclA) report should be produced for submission to planning.

ASSESSMENT OBJECTIVES

- 2.8 The objectives of this assessment and report are to: -
- Record the existing habitats present on site;
 - Identify habitats and/or structures suitable for legally protected species;
 - Where possible, assess the risk of legally protected species being present on site;
 - Provide recommendations, if required, for additional ecological surveys;
 - Determine the ecological importance of the site, where it is possible to do so;
 - Identify statutory and non-statutory designated sites within the Zone of Influence (Zol) of the proposed development;
 - Provide recommendations for impact avoidance, mitigation and/or compensation measures, where it is possible to do so; and
 - Identify potential enhancement measures that could improve the ecological value of the site for priority habitats and species.

3. SITE AND WATER BODY LOCATIONS

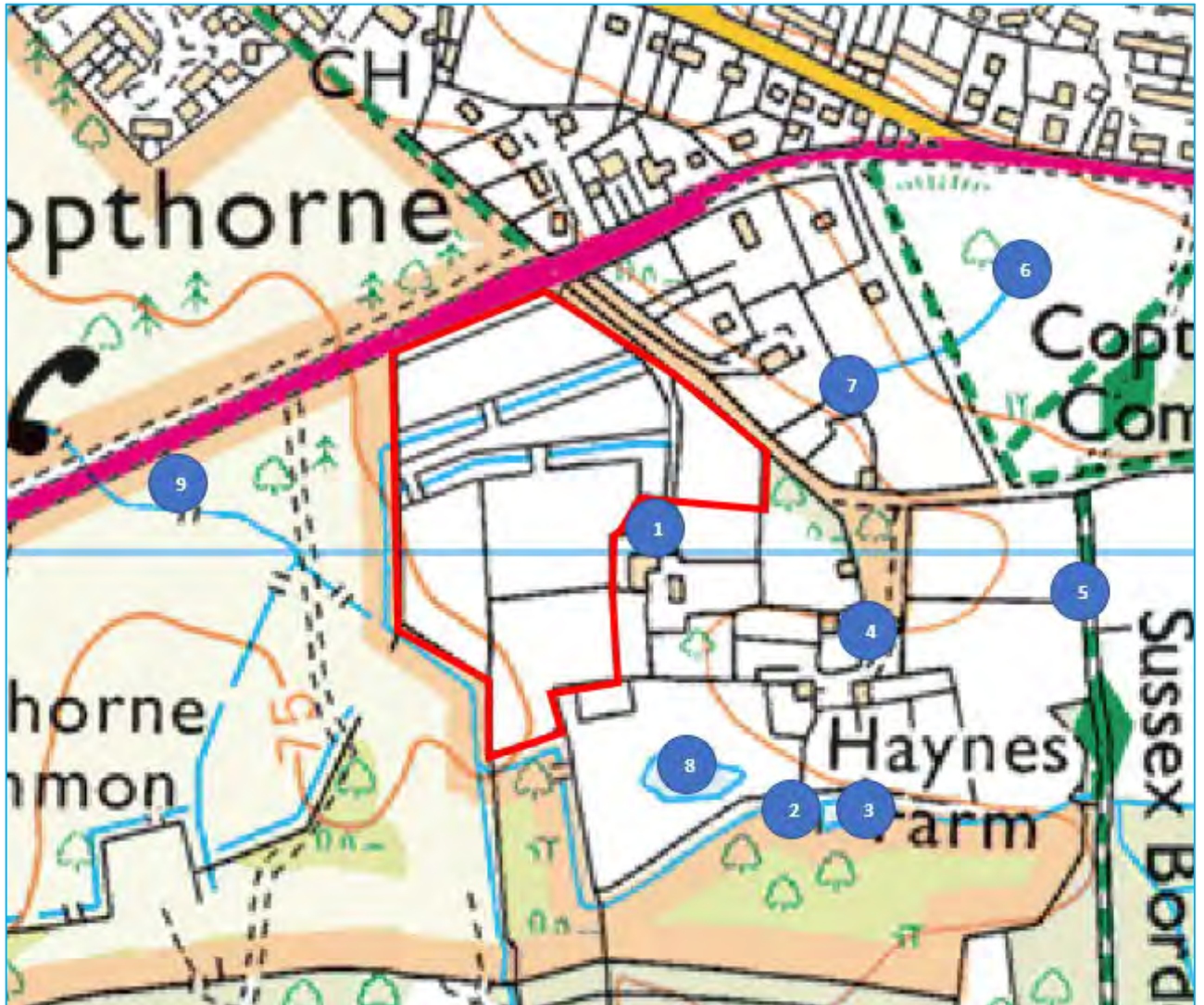


Figure 1 Site location plan. Location of application site indicated by red boundary line (red line is approximate). The locations of off-site waterbodies located within 250m of the application site are indicated by numbered circles. The numbers shown in the circles on this plan correspond with the water body numbers cited in this report. Image courtesy of (c) Getmapping PLC. © Crown Copyright, all rights reserved. 2018 Licence number 0100031673.

4. METHOD

DESK STUDY

- 4.1 Recent and historic aerial images and Ordnance Survey maps were used to search for waterbodies located within 250m of the application site, and to assess the connectivity of on-site habitats to wider, off-site habitat networks.
- 4.2 A biological records search was undertaken by Sussex Biodiversity Record Centre (SxBRC) on 11th December 2018. The data obtained through this search includes records of: -
- Legally protected species;
 - Species of Principal Importance;
 - Habitats of Principal Importance;
 - Ancient woodland; and
 - Non-statutory designated sites.
- 4.3 The search radius was 1km, measured from the application site boundary. This search radius was extended to 5km for bats. Records obtained within the ten-year period prior to the date of the record search are considered 'recent.' Records older than this are considered 'historic.'
- 4.4 The Multi Agency Geographic Information for the Countryside (MAGIC) website was used to obtain information about: -
- Statutory designated sites of international, national and local importance;
 - Proposed, possible and potential statutory designated sites of international importance;
 - Impact Risk Zones (IRZs) associated with Sites of Special Scientific Interest (SSSIs) and statutory designated sites of international importance; and
 - Granted European Protected Species Mitigation (EPSM) licences.
- 4.5 The search radius for statutory designated sites of local importance was 1km, measured from the indicative application site boundary (as shown on the site location plan). This search radius was extended to 2km for statutory designated sites of national importance and 7km for statutory designated sites of international importance.
- 4.6 The search radius for granted EPSM licences was 5km for bats and hazel dormouse (*Muscardinus avellanarius*) and 1km for great crested newt (*Triturus cristatus*).

SITE VISIT

- 4.7 A site visit was undertaken by Emily Cummins BSc (Hons) Pg.Dip GradCIEEM on 10th December 2018.
- 4.8 Emily is a graduate Member of the Chartered Institute of Ecology and Environmental Management (CIEEM) and has over four years of experience of habitat survey and ecological appraisal.
- 4.9 Vegetation was classified based on standardised habitat descriptions (JNCC, 2010). Where appropriate, habitat descriptions were adapted to better describe the habitats present on site.

- 4.10 Any Habitats of Principal Importance, or habitats that may support rare or scarce plant communities and/or invertebrate assemblages, were recorded during the initial site visit.
- 4.11 The suitability of the site for legally protected species and Species of Principal Importance was assessed during this initial site visit.
- 4.12 Habitat criteria listed in best practice guidelines for individual species or species groups, such as ARG UK (2010) and BCT (2016) were used during this initial in-field assessment.
- 4.13 Any evidence of plant species listed on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended) was recorded during the visit.

ASSESSMENT AND EVALUATION

- 4.14 This PEA has been produced in broad accordance with CIEEM's *Guidelines for Preliminary Ecological Appraisal* (CIEEM, 2017b) and *Guidelines for Ecological Report Writing* (CIEEM, 2017a).
- 4.15 Where possible, the evaluation of ecological features and the potential ecological impacts of the proposals has followed CIEEM's *Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater, Coastal and Marine* (CIEEM, 2018).
- 4.16 Habitat suitability criteria, as detailed in relevant best practice guidelines for individual species or species groups - such as Oldham *et al.*, (2000), ARG UK (2010) and/or BCT (2016), have been used to assess the suitability of habitats for protected and/or priority species.
- 4.17 Where best practice guidelines are unavailable or unclear, experienced ecologists have used their judgement to assess and categorise the suitability of habitats for protected and/or priority species.
- 4.18 The need and scope for additional species surveys has been determined based on the suitability of the habitats for legally protected and/or priority species, the potential impacts of the proposed development and the nature of the legal protection afforded to the species most likely to be present.
- 4.19 The need and scope for any additional habitat, botanical and/or invertebrate survey work has been determined based on the broad habitat types recorded during the site visit, the potential ecological importance of these habitats and, where appropriate, the results of the desk study.
- 4.20 Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006 has been used to identify habitats and species that are considered a national conservation priority. These are also called Habitats or Species of Principal Importance. The value of these habitats and species are recognised in the National Planning Policy Framework (NPPF).
- 4.21 Although it does not afford any legal protection, *The Birds of Conservation Concern 4* (Eaton *et al.*, 2015) provides guidance on the conservation status of UK bird species. Thus, it can be used to inform judgements on the ecological importance of bird populations and the habitats that they rely on, particularly at a local level. Red status species are those species of highest conservation concern and green status species are those of low or no conservation concern. Amber status species are those of some conservation concern.
- 4.22 A summary of relevant wildlife legislation and national planning policies can be found in Appendix 1.

ZONE OF INFLUENCE

- 4.23 The potential impacts of a development are not always limited to the boundaries of the site concerned. The area over which a development may impact ecologically important features is known as the Zone of Influence (Zoi).

- 4.24 The Zol is determined by the source / type of impact, the presence of any potential pathways for that impact and the location and sensitivity of any ecologically important off-site features.
- 4.25 Potential impacts associated with the proposed development include disturbance or damage of the surrounding woodland habitats - which are suitable for hazel dormice, during the construction phase, pollution to local waterbodies and a reduction in the area of habitat suitable for great crested newts (if present), reptiles (if present) and nesting birds - which could result in adverse effects upon wider populations of these species / species groups. The proposed development may also result in the illumination of habitat suitable for roosting and foraging bats and hazel dormouse.
- 4.26 If the recommendations of this report are adopted and implemented, the Zol for the proposed development is likely to be limited to the red line boundary of the application site and those areas just beyond. However, the results of additional ecological survey work, as recommended in this report, will allow a better-informed assessment of the likely Zol of the proposed development.

LIMITATIONS

- 4.27 The site visit was conducted during the winter period, when identification of individual plant species can be difficult or impossible.
- 4.28 Presence of rare or scarce plant communities, and invasive plants listed on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended), can go undetected during winter surveys.
- 4.29 However, no diagnostic indicators of invasive plant presence - such as Japanese knotweed (*Fallopia japonica*) canes, were observed during the visit.
- 4.30 In addition, the application site supports common and widespread habitat types, and is not likely to support any rare or scarce plant communities.
- 4.31 For the reasons cited above, there are no material constraints to the survey or ecological appraisal. The survey and ecological appraisal are therefore suitable to fulfil the aims of this report.

LIFESPAN OF THIS APPRAISAL

- 4.32 The structure, extent, arrangement, composition and/or management of habitats, and the suitability of habitats for legally protected species and/or Species of Principal Importance can change over time. Therefore, the ecological importance of a site and the potential ecological impacts of a proposed development can also change over time.
- 4.33 In addition, ecology-related legislation, standing advice, best practice and/or guidance may change over time.
- 4.34 For these reasons, if the commencement of site works is delayed beyond two years from the date of issue of this report, an update site walkover should be undertaken by a suitably experienced ecologist. Following the update walkover, the ecologist will need to determine whether there have been any material changes to the ecological baseline, the potential impacts of the proposed development and/or the ecology-related legal risks associated with the proposed development.
- 4.35 The ecologist will need to advise the project team of any such changes.
- 4.36 If there have been any material changes in baseline ecological conditions, the potential ecological impacts of the proposed development and/or associated legal risks, or any material changes to relevant ecology-related legislation, standing advice, best practice and/or guidance, an updated PEA report should be produced by a suitably experienced ecologist.

- 4.37 The updated PEA report should be issued to the project team - to ensure that the project has an up-to-date understanding of the potential ecological impacts and/or legal risks associated with the proposed development.

5. RESULTS

DESIGNATED SITES

STATUTORY DESIGNATED SITES

- 5.1 There are no statutory designated sites of international importance located within 7km of the application site.
- 5.2 There are no statutory designated sites of national importance, such as SSSIs, located within 2km of the application site.
- 5.3 The application site is located within the outer IRZ for Hedgecourt SSSI, which sits c.3km north east of the application site.
- 5.4 The MAGIC IRZ search tool states that '*Airports, helipads and other aviation proposals, planning applications for quarries and livestock and poultry units with floorspace greater than 500m², slurry lagoons greater than 750m² and manure stores greater than 3500 tons*' require assessment to determine their potential for impacts upon the SSSI. However, the proposed development does not fall within any of the planning application types that require further assessment to determine their potential for adverse impacts upon the SSSI.
- 5.5 There are no statutory designated sites of local importance located within 1km of the application site.

NON-STATUTORY DESIGNATED SITES

- 5.6 Based on the results of the SxBRC data search, there is one non-statutory designated site located within 1km of the application site. This LWS, Copthorne Common, comprises two areas. One area is located c.10m north of the application site at its closest point. The other area is located adjacent to the western and southern boundaries of the application site.
- 5.7 The LWS comprises two areas of common land, the larger of which is managed as a golf course. As detailed in the results of the SxBRC data search the features of the LWS are: -
- Fragmented heathland dominated by heather (*Calluna vulgaris*), dwarf gorse (*Ulex minor*), purple moor-grass (*Molinia caerulea*) and Devil's-bit Scabious (*Succisa pratensis*);
 - The site supports mosaic habitat with areas of heathland, acid grassland and wooded areas; and
 - The areas within the golf course are heavily mown and species poor. The woodland on the golf course is predominantly Scots pine (*Pinus sylvestris*), birch (*Betula spp.*), and oak (*Quercus robur*).

ANCIENT WOODLAND

- 5.8 There are ten ancient and semi-natural woodlands within 1km of the application site. These are: -
- Bashfords Wood: c.330m south east of the application site at its closest point;
 - Bashfords Wood (north): c.220m south east of the application site at its closest point;
 - Birchen Wood: c.300m south east of the application site at its closest point;
 - Copthorne Wood: c.800m south west of the application site at its closest point;

- Coomers Wood: c.280m south west of the application site at its closest point;
- Coomers Wood (north): c.130m south of the application site at its closest point;
- Coomers Wood (east): c.300m south of the application site at its closest point;
- The Plantation: c.850m south east of the application site at its closest point;
- Wins Wood: c.900m south east of the application site at its closest point; and
- Westlands Wood: c.400m south east of the application site at its closest point.

5.9 The southern boundary of the application site has good connectivity to Coober Wood (north), Bashfords Wood (north), Birchen Wood, Westlands Wood, Wins Wood, Coomers Wood and Copthorne Wood via deciduous broadleaved woodland located along a small section of the southern boundary of the application site.

5.10 The applicant has confirmed that the southern boundary habitat, which connects to the off-site ancient woodland areas, will not be impacted by the proposed development.

HABITATS OF PRINCIPAL IMPORTANCE

5.11 The two on-site tree lines are Habitats of Principal Importance. The two tree lines run along the ditches and comprise of mature oak and mature beech (*Fagus sylvatica*) as well as hazel (*Corylus avellana*), birch, aspen (*Populus tremula*), hornbeam (*Carpinus betulus*), elm (*Ulmus spp.*) with scattered hawthorn (*Crataegus monogyna*), holly (*Ilex aquifolium*), blackthorn (*Prunus spinosa*) and bramble (*Rubus fruticosus*).

OTHER HABITATS AND FLORA

5.12 The application site comprises semi-improved grassland that is heavily grazed by cattle, horses and rabbits.

5.13 There are two ditches that run east to west within the northern section of the site. These ditches hold water seasonally but were dry at the time of the initial survey visit.

5.14 The bund along the northern boundary of the application site comprises scattered trees and low-lying scrub patches dominated by bramble. There are several rabbit burrows located within the bund (Target note 2).

5.15 Small patches of bracken (*Pteridium aquilinum*) and common nettle (*Urtica dioica*) are found across the site - most commonly along the site boundary, within the corners of paddocks and within the treeline.

5.16 There is one building (B1) within the redline boundary. This building is currently used as a stable and comprises wooden panelling, a metal corrugated roof and concrete foundations; it appears to be newly constructed. The stable building is in constant use and is used to house horses that are kept on site.

5.17 The Aerial Image shows the arrangement and approximate extents of each on-site habitat type.

5.18 Photographs of on-site habitats are provided below.

WATERBODIES

5.19 There are no waterbodies on site. There are nine waterbodies within 250m of the application site. These are as follows: -

- Waterbody 1 (WB1): located c.5m east of the application site.

- Waterbody 2 (WB2): located c.150m south east of the application site.
- Waterbody 3 (WB3): located c.180m south east of the application site.
- Waterbody 4 (WB4): located c.190m east of the application site.
- Waterbody 5 (WB5): located c.220m east of the application site.
- Waterbody 6 (WB6): located c.220m north east of the application site.
- Waterbody 7 (WB7): located c.90m east of the application site.
- Waterbody 8 (WB8): located c.70m south of the application site.
- Waterbody 9 (WB9): located c.200m west of the application site.

5.20 The locations of these waterbodies are shown on the *Site and water body locations* plan that is included in this report.

INVASIVE FLORA

5.21 No presence of Japanese knotweed, or any other plant species listed on Schedule 9 of the Wildlife and Countryside Act, was confirmed during the survey.

INVERTEBRATES (INCLUDING WHITE-CLAWED CRAYFISH)

DESK STUDY

5.22 The SxBRC data search did not return any recent records of invertebrate Species of Principle Importance within 1km of the application site.

HABITAT ASSESSMENT

5.23 The majority of the application site comprises semi-improved grassland that is heavily grazed. The application site is unlikely to support rare or scarce invertebrate assemblages.

5.24 The site and immediately adjacent land do not provide habitat suitable for white-clawed crayfish (*Austropotamobius pallipes*).

GREAT CRESTED NEWT AND OTHER AMPHIBIANS

DESK STUDY

5.25 The SxBRC data search did not return any recent or historic records of great crested newt located within 1km of the application site.

5.26 A search of Natural England's MAGIC website returned did not return any records of granted great crested newt EPSM licences within a 1km radius of the application site.

5.27 A search of aerial imagery and Ordnance Survey maps identified nine off-site water body located within 250m of the application site.

HABITAT ASSESSMENT

5.28 Great crested newts are most commonly found within 250m of the waterbodies in which they breed (English Nature, 2001; English Nature, 2004). They are less likely to be found in habitats located beyond 250m from these waterbodies.

- 5.29 The likelihood of great crested newts being present in terrestrial habitat decreases as the distance from a breeding 'pond' increases beyond 100m, and some work indicates that newts are rarely found in terrestrial habitat located beyond 150m from a breeding 'pond' (Jehle and Arntzen, 2000).
- 5.30 The application site supports suitable terrestrial habitat for great crested newts and is located within 250m of nine waterbodies.
- 5.31 The majority of the application site comprises heavily grazed grassland. These on-site grassland areas have been assessed as being of 'low' quality for great crested newts.
- 5.32 The on-site tree lines, ditches and boundary scrub areas are assessed as being of 'Medium' quality for great crested newts.

REPTILES

DESK STUDY

- 5.33 The SxBRC data search returned historic records (1990) of slow worm (*Anguis fragilis*), grass snake (*Natrix helvetica*), adder (*Vipera berus*) and common lizard (*Zootoca vivipara*) located within 1km of the application site.

HABITAT ASSESSMENT

- 5.34 The heavily grazed grassland does not provide suitable habitat for reptiles.
- 5.35 Tree lines, ditches and boundary scrub areas provide suitable foraging opportunities and shelter for reptiles.

BIRDS

HABITAT ASSESSMENT

- 5.36 On-site trees provide suitable nesting opportunities for birds.
- 5.37 The presence of fruiting plants such as hawthorn and bramble provide foraging opportunities for birds.

WATER VOLE

DESK STUDY

- 5.38 The SxBRC data search did not return any recent or historic records of water vole (*Arvicola amphibius*) located within 1km of the application site.

HABITAT ASSESSMENT

- 5.39 The application site does not support any habitats suitable for water vole.

HAZEL DORMOUSE

DESK STUDY

- 5.40 The SxBRC data search did not return recent or historic records of hazel dormouse located within 1km of the application site.
- 5.41 A search of Natural England's MAGIC website returned eight records of granted hazel dormouse EPSM licences within 5km of the application site. The closest hazel dormouse EPSM licence is

c.2km west of the application site and indicates that hazel dormouse are present within the wider landscape.

- 5.42 An assessment of aerial imagery confirmed that on-site habitats are connected to a wider network of tree lines and woodland areas.

HABITAT ASSESSMENT

- 5.43 The wooded boundaries provide suitable habitat for dormice. The wooded boundaries along the western and southern boundaries of the application site provide good connectivity to neighbouring woodland to the south of the application site.
- 5.44 The tree lines within the northern section of the application site have good connectivity to the western site boundary and support tree and shrub valuable to hazel dormouse such as hazel, oak, hornbeam and hawthorn.

BADGER

DESK STUDY

- 5.45 Badger (*Meles meles*) records were not included in the SxBRC data search report.

HABITAT ASSESSMENT

- 5.46 No badger setts were identified within the red line boundary.
- 5.47 One possible outlier sett was located off-site within c.1m of the redline boundary. The outlier sett was in partial use at the time of the initial site visit. Foraging signs and badger hair were also identified along the eastern boundary close to the outlier sett.
- 5.48 In addition, badger hair was found on perimeter fencing along the western boundary of the application site, although no other badger field signs were identified within this area.

OTTER

DESK STUDY

- 5.49 The SxBRC data search did not return any recent or historic records of otter (*Lutra lutra*) located within 1km of the application site.

HABITAT ASSESSMENT

- 5.50 The application site and adjacent land do not support habitat suitable for otters.

BATS

DESK STUDY

- 5.51 The SxBRC data search returned recent records of Brandt's bat (*Myotis brandtii*), Nathusius's pipistrelle (*Pipistrellus nathusii*), Serotine (*Eptesicus serotinus*), Natterer's bat (*M. nattereri*), noctule (*Nyctalus noctula*), common pipistrelle (*P. pipistrellus*), soprano pipistrelle (*P. pygmaeus*) and brown long-eared bat (*Plecotus auritus*).
- 5.52 The biological data search also returned historic records of barbastelle (*Barbastella barbastellus*) (2004), Daubenton's bat (*M. daubentonii*) (2005) and whiskered bat (*M. mystacinus*) (1992).
- 5.53 The most recent record of a maternity roost was of a serotine maternity roost recorded in 2014 c.4km south of the application site.

- 5.54 The closest record of a maternity roost was of a brown long-eared maternity roost recorded in 2008 c.3km south east of the application site.
- 5.55 In addition, a common pipistrelle hibernation roost was recorded in 2013 c.2km south east of the application site.
- 5.56 A search of Natural England's MAGIC website returned eight records of granted bat EPSM licences within 5km of the application site. The species covered by these EPSM licences are common pipistrelle, soprano pipistrelle, whiskered bat, Brant's bat, brown long-eared bat and barbastelle. Six of the EPSM licences covered the destruction of a bat resting place. Two EPSM licences covered the destruction of bat breeding sites. The species included within these breeding site licences were brown long-eared bat and common pipistrelle. The licences cover the period 2012 to present.

HABITAT ASSESSMENT

- 5.57 There is one building (B1) within the redline boundary. This building is currently being used as a horse's stable. The building is a simple structure constructed of wooden panelling, corrugated metal roof and concrete foundations. The wooden panelling provides negligible suitability for roosting bats.
- 5.58 There are several trees within the application site that support potential roosting features for bats. These are: -
- A dead tree (T1) containing two rot holes within the main trunk located on the eastern boundary. Based on the ground-level tree assessment undertaken during the site visit, this tree has 'moderate' suitability for roosting bats.
 - An oak tree (T2) containing several rot holes, located west of the access road. Based on the ground-level tree assessment undertaken during the site visit, this tree has 'moderate' suitability for roosting bats.
 - An oak tree (T3) with broken limbs which support several crevices, located within the northern-most treeline. Based on the ground-level tree assessment undertaken during the site visit, this tree has 'moderate' suitability for roosting bats.
 - A dead tree (T4) with several rot holes located within the northern most treeline. Based on the ground-level tree assessment undertaken during the site visit, this tree has 'moderate' suitability for roosting bats.
 - A beech (T5) with several rot holes located, within the northern-most treeline. Based on the ground-level tree assessment undertaken during the site visit, this tree has 'moderate' suitability for roosting bats.
 - An oak (T6) with a woodpecker hole, located at the western boundary. Based on the ground-level tree assessment undertaken during the site visit, this tree has 'moderate' suitability for roosting bats.
 - An oak (T7) with rot holes, located within a horse paddock within the southern section of the application site. Based on the ground-level tree assessment undertaken during the site visit, this tree has 'low' suitability for roosting bats.
- 5.59 The locations of these trees are shown on the Aerial Image included in this report.
- 5.60 On-site tree lines and wooded boundary habitats provide suitable foraging and commuting opportunities for bats. The boundary habitats have good connectivity to the wider landscape. In

particular, the wooded boundary habitat along the southern boundary has good connectivity to local ancient woodland to the south of the application site.

5.61 The tree lines and boundary habitats have 'moderate' suitability for commuting and foraging bats.

5.62 The grassland within the application site has 'low' suitability for commuting and foraging bats.

OTHER MAMMALS

DESK STUDY

5.63 The SxBRC data search returned historic records of hedgehog (*Erinaceus europaeus*) (2007) within 1km of the application site.

5.64 Hedgehog is a Species of Principal Importance.

HABITAT ASSESSMENT

5.65 The wooded boundary habitats and tree lines provide suitable foraging opportunities and shelter for hedgehogs.

5.66 The application site supports open grassland which is suitable habitat for brown hare (*Lepus europaeus*). There is good connectivity between the application site and open grassland on neighbouring land.

6. PHOTOGRAPHS



Photo 1 Stable building (B1)-negligible suitability for roosting bats



Photo 2 Mammal burrows (Target note 2) within northern bund.



Photo 3 Tree line within northern section of the application site.



Photo 4 Grazed grassland.



Photo 5 Wooded boundary edge along eastern boundary.



Photo 6 Ditch along tree line.

7. AERIAL IMAGE



Figure 2 Plan showing location and arrangement of on-site habitats. Red line boundary shown on this plan is approximate.

Target notes

1. Stable building (B1)- 'Low' suitability for roosting bats
2. Mammal burrows within bund.
3. Dead tree (T1) - 'Moderate' suitability for roosting bats
4. Dead tree (T2) - 'Moderate' suitability for roosting bats
5. Oak tree (T3) - 'Moderate' suitability for roosting bats
6. Dead tree (T4) - 'Moderate' suitability for roosting bats
7. Beech tree (T5)- 'Moderate' suitability for roosting bats
8. Oak tree (T6) - 'Moderate' suitability for roosting bats
9. Oak tree (T7) - 'Moderate' suitability for roosting bats

8. EVALUATION AND RECOMMENDATIONS

- 8.1 At the time of writing, there are no development proposals available for review by Lloyd Bore.
- 8.2 However, it is understood that the proposed development will comprise a residential scheme with associated access and landscaping.

DESIGNATED SITES

STATUTORY DESIGNATED SITES

- 8.3 No further survey, assessment or mitigation is required with regards to statutory designated sites.

NON-STATUTORY DESIGNATED SITES

- 8.4 The proposed development will likely result in an increase in footfall within the Copthorne Common LWS given the proximity of the development to the LWS.
- 8.5 Most of the common is a golf course with closely-mown fairways and areas of mixed woodland which is already managed for recreational activity. The application site is directly adjacent to the golf course and the majority of the footfall from the proposed development will likely be within the golf course area.
- 8.6 However, Copthorne Common also supports areas of neutral and acid grassland and areas of fragmented dry heathland. These habitats can be sensitive to recreational impacts including disturbance to ground-nesting birds, pollution through dog-fouling and littering and damage through trampling and erosion.
- 8.7 The proposed development could result in impacts on heathland and grassland habitats within Copthorne Common through increased recreational access.
- 8.8 Providing informal open space and semi-natural habitat within the application site will help deter recreational use of the heathland and grassland within Copthorne Common and reduce the recreational impacts, however, impacts on these habitats cannot be totally scoped out.

ANCIENT WOODLAND

- 8.9 An increase in housing within the local area may have an impact on the local ancient and semi-natural woodland. Potential impacts include an increase in hard surfaces and associated run-off, changes to local hydrology, increased recreational pressure, predation and disturbance from domestic animals and introduction or spread of non-native garden species.
- 8.10 Dense shrub species such as hawthorn or blackthorn can be planted along the southern boundary, along with dog-proof fencing. This will help reduce the creation of informal footpaths and domestic animals entering Coombers wood (north) and Bashfords wood (north) via the woodland along the southern boundary of the application site.
- 8.11 As detailed in the *Non-Statutory Designated Sites* section above, providing informal open space and semi-natural habitat within the application site will help deter recreational use of the neighbouring ancient and semi-natural woodlands.
- 8.12 SuDs pond will need to be design, with advice from an ecologist, to prevent run-off and pollution to neighbouring ancient and semi-natural woodland.

- 8.13 To avoid the spread on non-native plant species only native plants of local provenance should be planted within the application site. A planting plan should be designed in consultation with the project ecologist.

HABITATS OF PRINCIPAL IMPORTANCE

- 8.14 On-site tree lines should be protected during the construction phase by erecting Heras fencing outside of the root protection zone.
- 8.15 In addition, new hedgerow planting is required. Delivery of new hedgerow Habitats of Principal Importance are included in the *Ecological Enhancements* section of this report.

OTHER HABITATS AND FLORA

- 8.16 The *Ecological Enhancements* section of this report contains recommendations for habitat enhancement and creation.

INVASIVE FLORA

- 8.17 It is a legal offence to plant or otherwise causes to grow in the wild any plant listed on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended).
- 8.18 Japanese knotweed is Schedule 9 plant species that frequently occurs on development sites.
- 8.19 Prior to the commencement of site works, all site personnel should be briefed on the identification of Japanese knotweed and any invasive plant species identified through the botanical survey. This briefing could be delivered through a Toolbox Talk.
- 8.20 If Japanese knotweed, or any other plant listed on Schedule 9 of the Wildlife and Countryside Act, is discovered on site prior to or during works, all works within 7m of the plant(s) should cease immediately and a suitably experienced specialist should be contacted for advice.

INVERTEBRATES (INCLUDING WHITE-CLAWED CRAYFISH)

- 8.21 No further survey, assessment or mitigation is required with regards to invertebrates, including white-clawed crayfish.

GREAT CRESTED NEWT AND OTHER AMPHIBIANS

- 8.22 Great crested newts are afforded legal protection by the Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981 (as amended).
- 8.23 Habitat Suitability Assessments of the nine ponds identified within 250m of the application site will need to be completed to better assess the risk of great crested newt presence on the application site.
- 8.24 If any ponds are found to be suitable for great crested newts, a great crested newt presence / likely absence survey will be required.
- 8.25 Four survey visits will need to be conducted between mid-March and mid-June. If great crested newts are recorded during any of the four survey visits, an additional two survey visits of the relevant pond(s) will need to be undertaken. At least half of the survey visits will need to be undertaken within the period mid-April to mid-May (inclusive).
- 8.26 If great crested newts are found within any pond located within 250m of the application site, further assessment and mitigation will be required.

REPTILES

- 8.27 All native UK reptile species are afforded legal protection from intentional or reckless killing or injury by the Wildlife and Countryside Act 1981 (as amended).
- 8.28 No further survey is required with regards to reptiles.
- 8.29 A precautionary method of works should be implemented during the construction phase of the proposed development. Prior to the commencement of works, propped Heras fencing should be erected along wooded boundaries. A suitably experienced ecologist will need supervise the removal of log piles, wooded boundary habitat and the bund along the northern boundary.
- 8.30 If reptiles are found during the supervised destructive search of these features, they will be removed to boundary habitat or to an area within the works footprint that will be enhanced specifically as wildlife habitat and which is suitable for reptiles.
- 8.31 Given the sub-optimal nature of these habitats for reptiles, it is anticipated that only low numbers of reptiles (if any) are likely to be present on-site. For this reason, the precautionary mitigation approach outlined above is considered appropriate to the low risk of impacts upon reptiles.
- 8.32 In the event reptiles are found on site prior to or during works, a suitably qualified ecologist should be contacted for advice.

BIRDS

- 8.33 Nesting birds, and their nests, eggs and chicks are afforded legal protection by the Wildlife and Countryside Act 1981 (as amended).
- 8.34 Vegetation clearance and building demolition should be undertaken in the period mid-September to February (inclusive). This is outside of the typical bird nesting season.
- 8.35 Vegetation clearance should not be undertaken until the results of all the ecological surveys (including great crested newt and hazel dormouse), as recommended in this report, are known and a suitably experienced ecologist has advised on an appropriate course of action.
- 8.36 If vegetation clearance is required within the period March to mid-September (inclusive), a check for nesting birds must be conducted before clearance / demolition commences. The check should be undertaken by a suitably experienced ecologist. Any active nests will need to be retained and protected *in situ* until birds have stopped using them.
- 8.37 Opportunities to deliver new nesting and foraging habitats for birds should be maximised. Plantings of native shrub, scrub and tree species such as hawthorn and blackthorn are recommended. These species provide cover and foraging opportunities for a range of bird species.

WATER VOLE

- 8.38 Water voles are afforded 'full' legal protection by the Wildlife and Countryside Act 1981 (as amended).
- 8.39 No further survey, assessment or mitigation is required with regards to water vole.

HAZEL DORMOUSE

- 8.40 Hazel dormice are afforded legal protection by the Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981 (as amended).

- 8.41 If the boundary habitat and tree lines are not impacted by the proposed development then no further survey, assessment or mitigation is required with regards to hazel dormice. Heras fencing should be erected along the wooded boundaries to protect the habitat.
- 8.42 If wooded boundary habitat and tree lines are impacted by the proposed development, a dormouse survey will be required. Up to eight monthly survey visits will be required between April and October / November. In the event dormice presence is established, it may be possible to stop survey works earlier. However, an entire season of survey visits is often required to establish likely absence and a minimum of 20 points of search effort (Bright *et al.*, 2006).
- 8.43 In the event a hazel dormouse is found on site prior to or during works, all site works must cease immediately because of the nature of the legal protection afforded to this species and a suitably qualified ecologist should be contacted for advice.

BADGER

- 8.44 Badgers are afforded legal protection by the Protection of Badgers Act 1992 (as amended).
- 8.45 Badger hair found on the boundaries of the application site indicate that badgers are within the local area. No setts or foraging signs were seen within the red line boundary, however, an outlier sett in partial use was recorded c. 1m outside of the redline boundary.
- 8.46 As a precautionary approach, it is recommended that a badger walkover is undertaken six weeks prior to the start of construction works on-site.
- 8.47 If no badger setts or field signs are identified after the badger walkover survey then no further survey, assessment or mitigation is required with regards to badger.
- 8.48 In the event a badger sett is found on site or within 30m of the works footprint - prior to or during works, all works within 30m of the potential badger sett must cease immediately because of the nature of the legal protection afforded to this species. In this instance, a suitably qualified ecologist should be contacted for advice.

OTTER

- 8.49 No further survey, assessment or mitigation is required with regards to otter.

BATS

- 8.50 Bats are afforded legal protection by the Conservation of Habitat and Species Regulations 2017 and the Wildlife and Countryside Act 1981 (as amended).
- 8.51 Precautions should be taken to ensure that tree lines and boundary habitat is not illuminated during the construction phase or after the completion of the proposed development.
- 8.52 If any of the seven on-site trees that support potential bat roosting features are to be impacted (felled or significantly pruned), an aerial bat tree inspection will be required - to review the suitability of these features for roosting bats in more detail and search for any direct evidence of bat roosting. Following the inspection, if any tree is assessed as supporting suitable roosting features for bats, further survey, assessment and mitigation is required.
- 8.53 The wooden slats of the horse stable are unlikely to provide roosting opportunities for bats.
- 8.54 An inspection of the horse stable immediately prior to demolition will be required as a precautionary measure.
- 8.55 A bat-sensitive lighting scheme will need to be delivered on the application site.

- 8.56 External lighting should be minimised across the entire site, particularly along tree lines and the site boundaries. This is subject to relevant highways and public health and safety considerations.
- 8.57 Only the minimum level of lighting required for site security / health and safety should be installed on site. Use of narrow spectrum lighting with no UV content, or 'warm white' LED lighting (ideally <2700 Kelvin, with peak wavelengths higher than 550nm) is recommended.
- 8.58 All lighting should be directed to ground and light spill should be minimised through use of hoods, shields and/or cowls to maintain an upward light ratio of 0%.
- 8.59 Subject to health and safety and safe-by-design considerations, motion sensors and/or timers should be used to limit the duration of nocturnal lighting (ideally to short illuminance periods of 1 minute or less). Tall lighting columns should generally be avoided. Low-level external lighting (if any is required) would help to minimise site illumination.
- 8.60 In general, lighting should follow the principles outlined in Section 3 of the Bat Conservation Trust and Institution of Lighting Professionals *Guidance Note 08/18: Bats and artificial lighting in the UK* (BCT and ILP, 2018), and should only be used where necessary.
- 8.61 As a precaution, an experienced ecologist will review the detailed lighting proposals for the scheme and will provide advice on minimising light spill and illumination of boundary habitats.

OTHER MAMMALS

- 8.62 All wild mammals are afforded some legal protection under the Wild Mammals (Protection) Act 1996 (as amended). This Act includes offences of crushing and asphyxiation of any wild mammal with intent to inflict unnecessary suffering.
- 8.63 If any animal burrows (excluding badger setts) are identified on site and need to be removed to facilitate development, these will need to be carefully excavated in a manner that allows animals (e.g. rabbits or foxes) to safely escape before works commence. Implementation of this approach should be sufficient to avoid an offence.
- 8.64 If site contractors are not confident undertaking these excavation works, direct ecological supervision can be provided.
- 8.65 In the event a hedgehog is found during works, it should be moved to an alternative, nearby area of dense, retained scrub or woodland cover away from the construction zone.
- 8.66 If any brown hares are located on site during construction works, these should be allowed to leave the works area and move off to adjacent retained habitats. In this instance, care should be taken to avoid flushing any hares towards roads.
- 8.67 To reduce the risk of harm to animals that may enter the site, the following is recommended: -
 - Any holes that are excavated on site are covered overnight to prevent animals from falling in;
 - Alternatively, a broad wooden plank or similar can be placed in the excavation to allow animals to escape. A scaffolding board pitched at a maximum 45° angle would be ideal; and
 - Excavations should be checked first thing each morning, prior to the start of works that day. Any animals found within excavations should be allowed to escape and move off, or carefully removed and placed within suitable habitat cover, before site works commence.

9. ECOLOGICAL ENHANCEMENTS

- 9.1 Opportunities to increase the ecological value of the application site for Species of Principal Importance should be maximised.
- 9.2 New native hedgerows should be delivered on-site. Native species should include oak, beech, hazel, birch, aspen, hornbeam, elm, hawthorn, holly, blackthorn and bramble. Wherever possible, retained tree lines should be planted up with native species such as hawthorn, field maple (*Acer campestre*), goat willow (*Salix caprea*) and crab apple (*Malus sylvestris*). .
- 9.3 This measure will create a Habitat of Principal Importance (hedgerow) on site and will provide foraging and nesting opportunities for a range of species.
- 9.4 Hedgerows should include native climbers such as clematis (*Clematis vitalba*) and honeysuckle (*Lonicera periclymenum*) which will benefit species such as hazel dormouse.
- 9.5 Broad, flower rich grassland margins could run parallel to the woody vegetation corridors at the edges of the site, enhancing habitat connectivity for small mammals such as hedgehogs and providing cover for reptiles such as slow worm and common lizard.
- 9.6 Sections of grassland could be turned into tall, flower-rich grassland through the addition of an appropriate wildflower seed mix and management to encourage a tall, intermittently tussocky sward.
- 9.7 Dead wood, in the form of log piles, could be provided within sunny and shady locations on the edge of retained habitats incorporated within the retained tree line, flower rich grassland margins or sections.
- 9.8 Bird boxes can be added to new buildings and can either be built into the building or affixed to the wall.
- 9.9 At least six bird boxes should be installed on boundary trees. Three different types of bird boxes should be used to encourage different species.
- 9.10 The nest boxes should be installed at north and east aspects. Suitable boxes are the 3S Schwegler Starling Nest Box, 1B Schwegler Nest Box and 2HW Schwegler Nest Box.

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11. APPENDIX 1: SUMMARY OF WILDLIFE LEGISLATION AND NATIONAL PLANNING POLICY

11.1 The level of protection afforded to protected species varies dependent on the associated legislation. A full list of protected species and their specific legal protection is provided within the Schedules and/or Sections of the associated legislation. Case law may further clarify the nature of the legal protection afforded to species.

11.2 The legal protection afforded to protected species overrides all planning decisions.

EUROPEAN PROTECTED SPECIES (EPS) - AND THE CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2017

11.3 European Protected Species (EPS) are afforded the highest level of protection through the Conservation of Habitats and Species Regulations 2017. EPS are also afforded legal protection by parts of the Wildlife and Countryside Act 1981 (as amended).

11.4 There are a number of relatively common and widespread EPS. These include great crested newt, all species of UK bat, dormice and otter.

11.5 There are other species of plant and animal that are also EPS, but generally these are scarcer / rare and are restricted to narrow geographies or specific habitat types. Examples of this latter group include natterjack toad (*Epidalea calamita*), sand lizard (*Lacerta agilis*) and smooth snake (*Coronella austriaca*).

11.6 In general, any person and/or activity that: -

- Damages or destroys a breeding or resting place of an EPS. (This is sometimes referred to as the strict liability or absolute offence);
- Deliberately captures, injures or kills an EPS (including their eggs);
- Deliberately disturbs an EPS, and in particular disturbance likely to impair animals ability to survive, breed or nurture young, their ability to hibernate and migrate and disturbance likely to have a significant effect on local distribution and abundance;
- Intentionally or recklessly disturbs an EPS while occupying a structure or place used for shelter and/or protection (Wildlife and Countryside Act 1981 (as amended)); and
- Intentionally or recklessly obstructs access to any structure or place that an EPS uses for shelter or protection (Wildlife and Countryside Act 1981 (as amended)).

...may be guilty of an offence.

11.7 The legislation applies to the egg, larval and adult life stages of great crested newts and to bat roosts even when they are not occupied.

11.8 Actions affecting multiple animals can be construed as separate offences and therefore penalties can be applied per animal impacted.

11.9 Under certain circumstances licences can be granted by the Statutory Nature Conservation Organisation (Natural England in England) to permit actions that would otherwise be unlawful.

11.10 There are some very specific defences associated with the Conservation of Habitats and Species Regulations 2017. However, these are unlikely to apply to construction related projects. The Sections of the Regulations provide further details of these defences.

- 11.11 The Wildlife and Countryside Act (1981) includes defence for those aspects of the legislation that apply to an EPS. These defences are unlikely to apply to construction related projects and do not apply to those acts included in the Conservation of Habitats and Species Regulations 2017. The Schedules of the Act provide further details of defences.
- 11.12 Local authorities have obligations under sections 40 and 41 of the Natural Environment and Rural Communities Act (NERC) 2006 to have regard to the purpose of conserving biodiversity in carrying out their duties. The majority of EPS are listed on Section 41 the NERC Act.

WILDLIFE AND COUNTRYSIDE ACT 1981 (AS AMENDED)

- 11.13 The level of protection afforded to species listed on the Wildlife and Countryside Act 1981 (as amended) varies considerably.
- 11.14 'Fully protected species', such as water vole, are afforded the highest level of protection. Any person who intentionally kills, injures, or takes 'fully protected species', or who intentionally or recklessly damages or destroys a structure or place used for shelter and/or protection, disturbs the animal whilst occupying a structure and/or place used for shelter and protection, or obstructs access to any structure and/or place used for shelter or protection is likely to have committed an offence.
- 11.15 Other species, such as common reptiles, are afforded less protection and for these species it may only be an offence to intentionally or recklessly kill or injure animals.
- 11.16 All active bird nests, eggs and young are protected from intentional destruction. Schedule 1 listed birds are also protected from intentional and reckless disturbance whilst breeding.
- 11.17 Schedule 9 of The Wildlife and Countryside Act lists plant species for which it is an offence for a person to plant, or otherwise cause to grow in the wild. Schedule 9 also lists animals for which it is an offence to release into the wild.

THE PROTECTION OF BADGERS ACT 1992 (AS AMENDED)

- 11.18 The Protection of Badgers Act (1992) makes it an offence to wilfully kill, injure, take or ill-treat a badger and to interfere with a sett, including damage, disturbance and obstruction.

THE PROTECTION OF MAMMALS ACT 1996 (AS AMENDED)

- 11.19 The Protection of Mammals Act (1996) provides protection for all wild mammals against certain cruel acts with the intention of causing unnecessary suffering, including crushing and asphyxiation.

THE NATURAL ENVIRONMENT AND RURAL COMMUNITIES ACT 2006 (AS AMENDED)

- 11.20 Section 41 (S41) of the Natural Environment and Rural Communities (NERC) Act (2006) requires the Secretary of State to publish a list of habitats and species which are of principal importance for the conservation of biodiversity in England. The S41 list is used to guide decision-makers, including local and regional authorities, in implementing their duty under Section 40 of the act to have regard to the conservation of biodiversity in England when carrying out their normal functions.
- 11.21 S41 lists 56 habitats and 943 Species of Principal Importance.
- 11.22 Section 42 of the NERC Act relates to Wales.

ENVIRONMENT PROTECTION ACT 1990 (AS AMENDED)

- 11.23 Japanese Knotweed is classed as 'controlled waste' and if taken off-site it must be disposed of safely at a licensed landfill site. Soil containing rhizome material should also be regarded as contaminated and treated accordingly.

STATUTORY DESIGNATED SITES

- 11.24 Special Protection Areas (SPAs) and Special Areas of Conservation (SACs) are afforded protection under the Conservation of Habitats and Species Regulations 2017. Ramsar sites, which are designated under the Convention on Wetlands of International Importance (1971), are afforded the same level of protection as SPAs and SACs via national planning policy.
- 11.25 Sites of Species Scientific Interest (SSSI) are afforded protection by the Wildlife and Countryside Act 1981 (as amended).
- 11.26 National Nature Reserves (NNRs) are declared by the statutory country conservation agencies under the National Parks and Access to the Countryside Act 1949 (as amended) and the Wildlife and Countryside Act 1981 (as amended). They are managed to conserve their habitats or to provide special opportunities for scientific study of the habitats communities and species represented within them. In addition, they may be managed to provide public recreation that is compatible with their natural heritage interests (JNCC website).
- 11.27 Local Nature Reserves (LNRs) are declared by local authorities after consultation with the relevant statutory nature conservation agency under the National Parks and Access to the Countryside Act 1949 (as amended). LNRs are declared and managed for nature conservation, and provide opportunities for research and education, or simply enjoying and having contact with nature (JNCC website).

NON-STATUTORY DESIGNATED SITES

- 11.28 Non-statutory sites may be given various titles, including Local Wildlife Sites (LWS), Sites of Importance for Nature Conservation (SINCs), Sites of Nature Conservation Importance (SNCIs) and County Wildlife Sites (CWS).
- 11.29 These sites are not normally legally protected but are recognised in the planning system and are afforded some protection through planning policy.

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

- 11.30 In addition to primary legislation, the government published the National Planning Policy Framework on 18th July 2018 to make the planning system less complex and more accessible.
- 11.31 Within the NPPF, Chapter 15 is headed *Conserving and enhancing the natural environment* (Paragraphs 170 to 183).
- 11.32 Of relevance are the following statements: -
'The planning system should contribute to and enhance the natural and local environment by, amongst other things... 'minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures...' (Paragraph 170); and
- 11.33 To protect and enhance biodiversity and geodiversity, plans should: -
'a) Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including: the hierarchy of international, national and locally designated sites of

importance for biodiversity; wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation; and

'b) promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.'

11.34 When determining planning applications, local planning authorities should apply the following principles: -

'a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;

b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;

c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and

d) development whose primary objective is to conserve or enhance biodiversity should be supported, while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.'

11.35 In addition to the above, the NPPF confirms that the following should be afforded the same protection as sites that are included within the definition at Regulation 8 of the Conservation of Habitats and Species Regulations 2017 (Special Areas of Conservation, Sites of Community Importance, Special Protection Areas and any relevant Marine Sites): -

a) possible Special Protection Areas and possible Special Areas of Conservation;

b) listed or proposed Ramsar sites; and

c) sites identified, or required, as compensatory measures for adverse effects on Special Areas of Conservation, Special Protection Areas, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites.

11.36 Paragraph 177 states that: -

'The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.'

11.37 This statement applies to the assessment of effects in relation to all designated sites of international importance, as identified in paragraph 14.36 of this Appendix (above).

APPENDIX

6



Mr Matheu Etheridge
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Our ref: 5096/JB/dgb

27 February 2019

Dear Matheu

The Sussex Wildlife Trust have provided comments in relation to the Court House Farm site and its proximity to the Copthorne Common Local Wildlife Site (LWS). The ecology team at Lloyd Bore have considered these comments and their observations are summarised below.

The Sussex Wildlife Trust noted in their consultation response that as well as being adjacent to a designated LWS, that the site contains a pond and some tree lined ditches which appear to link to the LWS, and that the site is also adjacent to deciduous woodland.

The Sussex Wildlife Trust were unable to advise on specific impacts, but raised the following issues for consideration in the call for sites process:

- Impacts of increased recreation on the adjacent heathland LWS arising from people and domestic pets.
- Impacts on hydrology resulting from development given the presence of freshwater features.
- The connectivity between the site and the LWS, particularly tree lines.

The scheme submitted as part of its original call for sites application was supported by a PEA report in 2019, produced by Lloyd Bore Ltd. Whilst the scheme is indicative by nature, it is evident that the applicant is adopting a sympathetic and responsible approach to ecological issues at an early stage.

The site boundary is in places close to deciduous woodland, and it will be necessary for a BS5837 tree survey to be undertaken to establish precise RPAs of all trees within the site, and trees outside the site boundary but within 15m of it, to ensure satisfactory protection of trees and woodland. This will inform the final layout of the development.

Regarding waterbodies, there are two ditches that run east/west in the northern section of the site. These hold water seasonally but were dry at the time of the PEA survey visit. There are no waterbodies on the site but there is a pond located outside the application site towards the south east boundary, together with a number of other waterbodies more distant, but within 250m of the site.

SWT have raised concerns regarding impacts on the adjacent heathland LWS, focusing on a potential increase in recreation usage arising from individuals and domestic pets. In fact the LWS comprises two areas of common land, the larger of which is located adjacent to the site's western boundary, which is a well-used, highly maintained and fully operational private golf course.


The applicant's PEA report noted that the provision of informal open space and semi-natural habitat and 'green fingers' within the application site, as shown on the indicative masterplan, would deter recreational use of the heathland and grassland within Copthorne Common and reduce the potential for recreational impacts.

Concerns regarding the potential impact on hydrology have been considered in the design of the layout, and this will be managed through the creation of ecologically designed SuDs to avoid pollution entering water courses. The illustrative scheme includes a Swale to collect, hold and attenuate any excesses of site surface water.

Regarding connectivity between the site and the LWS (particularly tree lines), the application will require the removal of some trees from the tree line along Copthorne Common Road to create the site access. Many of these trees are not of high quality. The masterplanning of the site will allow for achieving a net gain in tree planting, using native species appropriate to local landscape character, reinforcing tree line and connectivity with the LWS from within and across the site.

Please do not hesitate to contact me if you have any queries in connection with the above.

Kind regards



Samuel Durham BSc(Hons) MCIEEM
Head of Ecology

APPENDIX

7



HIGH LEVEL LANDSCAPE AND VISUAL APPRAISAL

LAND AT COURTHOUSE FARM, COPTHORNE COMMON ROAD
COPTHORNE, MID SUSSEX

REF. NO. 5096-LLB-RP-L-0001-S4-P02

STATUS: PLANNING

DATE: 26.02.2020

REVISIONS

REVISION P02

26/02/2020

Minor amendments to text and illustrative figures.

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1. INTRODUCTION

- 1.1
- This document has been produced on behalf of Option Two Development Ltd to accompany a call for sites submission in connection with proposed new residential development at Court House Farm, Copthorne Rd, Copthorne, Sussex.
- 1.2
- Lloyd Bore were instructed in February 2020 to undertake a high level landscape and visual appraisal of the development proposals for the site.
- 1.3
- This is not a Landscape and Visual Impact Assessment, but the methodology adopted generally follows the guidance set out in the 'Guidelines for Landscape and Visual Impact Assessment' published by the Landscape Institute and Institute of Environmental Management and Assessment (Third Edition, 2013).
- 1.4
- It is assumed that the proposal does not constitute EIA development for which an Environmental Statement would be required. A Landscape and Visual Appraisal produced as part of a non EIA development is not required to assess the of landscape and visual and will consider only the nature of the potential in terms of whether they are considered adverse, or neutral.
- 1.5
- The report will:

landscape components

Appraise the existing landscape in terms of character and views, and establish its ability to accommodate change in relation to the proposed development.

Describe the anticipated changes resulting from the proposed development and assess the 'nature of change' upon landscape character and views.

to scale, duration, permanence and value, and the capacity of the site to accommodate the type of development proposed.

Consider options for mitigation if / where appropriate.

ABOUT THE AUTHOR

- 1.6
- This report has been compiled by Julian Bore on behalf of Lloyd Bore Ltd.
- 1.7
- Julian is a Chartered Landscape Architect and Managing Director at Lloyd Bore Ltd (established 1996), which is a specialist practice Architecture, Ecology and Arboriculture, based in Canterbury, Kent. He has over 30 landscape assessment work, including many years' involvement in Landscape and Visual Impact Assessment projects.

GUIDANCE

- 1.8
- The approach adopted for this report has been informed and guided by the following key sources:

The Landscape Institute and Institute of Environmental Management and Assessment, Third Edition, 2013. Guidelines for Landscape and Visual Impact Assessment (GLVIA).

The Countryside Agency and Scottish Natural Heritage, 2002.

Landscape Character Assessment: Guidance for England and Scotland.

Landscape Institute Advice Note 01/11. Photography and photomontage in landscape and visual impact assessment;

Scottish Natural Heritage, Visual Representation of Wind Farms, Version 2, 2014.

Note. The latter two documents are relevant to specialist photographic methodology only, generally in relation to CGI work.

ASSESSMENT APPROACH

- 1.9
- This is a high level landscape and visual appraisal. It is not a detailed LVIA. Although it follows the procedures and processes set out in the LVIA guidelines, its purpose is to describe the general landscape and visual characteristics of the site and its context, its overall sensitivity and to make a judgement about its capacity to accommodate new residential development. The methodology used in compiling this assessment is described in **Appendix 1** of this report.
- 1.10
- The Landscape Institute published 'GLVIA3 *Statement of Clarification 1/13 June 2013*'
LVIA guidance upon the recommended approach for undertaking landscape and visual impact assessments.
- 1.11
- Landscape and Visual Impact Appraisals' this states;

'In carrying out appraisals, the same principles and process as LVIA may be applied but, in so doing, it is not required to establish whether the effects arising are, or are not significant given that the exercise is not being undertaken for EIA purposes.

The reason is that should a landscape professional apply LVIA principles and processes in carrying out an appraisal and then go on to determine that certain effects would be likely be significant, given the term 'significant' is enshrined in EIA Regulations, such a judgement could trigger the requirement for a formal EIA.

The emphasis on likely 'significant effects' in formal LVIA stresses the need for an approach that is proportional to the scale of the project that is being assessed and the nature of its likely effects. The same principle - focussing on a proportional approach – also applies to appraisals of landscape and visual impacts outside the formal requirements of EIA'.

STRUCTURE OF THE REPORT	
1.12	In relation to the above, this high level report will be based on the general principles set out for a <i>Landscape and Visual Appraisal</i> (LVA) and will adopt the following structure:
<i>Section 1: Introduction</i>	
1.13	This section introduces the type and structure of the report.
1.14	It includes relevant information about the author professional experience and involvement in the design and / or assessment process.
<i>Section 2: Scoping</i>	
1.15	This section establishes the study area and scope of the appraisal.
1.16	assessment and those which can be appropriately 'scoped out'.
<i>Section 3: Baseline Studies</i>	
1.17	This section describes the existing landscape and visual character areas. It describes the visual context and accessibility of the site, the likely visual receptors and representative viewpoints.
<i>Section 4: Project Description</i>	
1.18	This section describes the key features and components of the proposed development, usually based on information provided by the project client and / or architect.
<i>Section 5: Identification Of Effects</i>	
1.19	development, upon landscape character and visual amenity.
1.20	direct / indirect / secondary, short / medium / long-term, permanent / temporary
1.21	These are determined by consideration of the size / scale, geographic extent, duration and reversibility of the impact.
<i>Section 6: Conclusion</i>	
1.22	This section provides a non-technical summary of the main conclusions resulting from the appraisal.

Appendix 1: Methodology

1.23	This section comprises a technical summary of the methodology used in the production of the assessment.
------	---

Landscape Receptors

2.7

proposed development are assessed to be:

- Landscape Character:
 - National Landscape Character Area.
 - Regional / local LCAs.
- Access:
 - Public Rights of Way (footpaths, bridleways, byways).
 - Long Distance Footpaths.
- Other Landscape Baseline Topics:
 - Topography.
 - Vegetation.
 - Land Use / Land Cover.
 - Ancient Woodland and TPOs.
- Settlement Character:
 - Settlement pattern
 - Metropolitan Green Belt
- Local Plan Policy:
 - Protection and Enhancement of Countryside
 - Preventing Coalescence
 - Biodiversity / Site of Nature Conservation Importance

Ecological, Wildlife and Nature Conservation based designations:

2.8

Whilst these designations may provide an indication that a landscape is of a certain character or quality, they are not designations which have been applied for a particular landscape character or level of visual amenity. For the assessment of landscape and visual impacts, their only relevance is in relation to L the assessment landscape 'Importance' and 'Value'. These criteria are not included in this high-level appraisal.

2.9

Nevertheless, there are wildlife and habitat interests in close proximity to the site, including Local Wildlife Sites, as well as features within the site that are of nature conservation interest, such as trees, hedgerows and seasonal ditches. A Preliminary Ecological Appraisal has recently been undertaken for the site, and it is understood that the recommendations of this work, relating to further surveys, mitigation and habitat enhancement / net gain, will be implemented if this site is brought forward for development.

Visual receptors

2.10

proposed development are assessed to be:

- users of nearby roads and Public Rights of Way.
- occupants of adjoining residential properties.
- users of the private golf course.
- agricultural operatives on nearby farmland.

Non Relevant Topics to be scoped out

2.11

All other landscape related topics not listed above are excluded from further detailed assessment on the following grounds:

- The topic or issue is not present within the study area, or is at accepted that there would be no potential for any impact or change to occur.
- Although the proposal would result in an impact or change upon scale compared to the size and scale of the topic being development might have on a National Character Area.

2.12

The following topics have been assessed as unlikely to be impacted as a result of the development of the appraisal site.:

- National Parks.
- Areas of Outstanding Natural Beauty (AONB).
- Local Landscape Designations
- W
- Conservation Areas.
- Listed Buildings.
- Scheduled Monuments.
- Registered Parks and Gardens.
- Historic Parks and Gardens.

3. PROJECT DESCRIPTION

- 3.1 The following project description is based upon the 'Proposed Site Layout Plan', provided by TPFL Architects (opposite). This is illustrative, but sets out how the site might be designed for residential development.

KEY FEATURES AND COMPONENTS

- 3.2 The main scheme components are summarised below:

- Vehicular access to be taken from Copthorne Common Rd.
- Construction of approx. 100 new residential properties, with associated landscape treatment of tree and shrub planting with boundary hedgerows and gardens.
- Retention / reinforcement of boundary landscape structure
- Retention of ditches and provision of water attenuation features
- Provision of Local Area of Play.

Architectural Style, Materials and Appearance

- 3.3 It is assumed for the purposes of this appraisal that the proposed buildings would be predominantly 2 / 2.5 storeys in height plus roof, and would be traditional in terms of scale, massing and layout.

Lighting

- 3.4 The night-time effects of lighting at are not assessed in this report. It is assumed that, as part of the detailed design phase for the proposed development, best practice principles would be adopted in relation to minimising or eliminating adverse impacts of lighting and light spillage from the proposed development.

The Construction Phase / Cumulative Assessment

- 3.5 This report does not address construction phase impacts or cumulative in-combination effects, or the study of alternative sites.

Fig. 2: Indicative site layout plan (not to scale).



4. BASELINE STUDIES

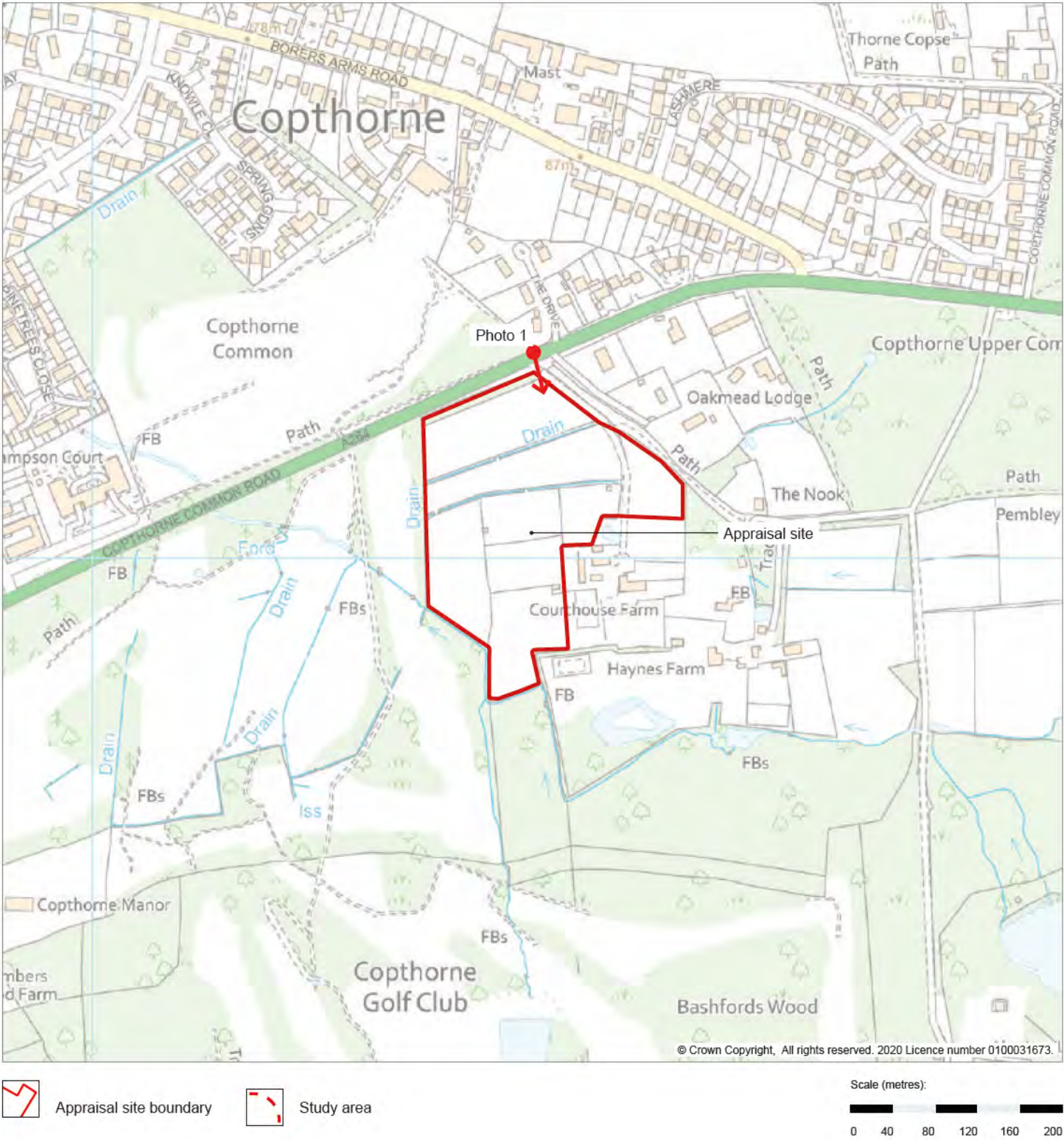
THE SITE AND SURROUNDINGS

- 4.1 The location and extent of the appraisal site is shown in **Figure 3** (approx. site centre: TQ 3240 3905).
- 4.2 The appraisal site comprises a parcel of land located south of Copthorne Common Rd (A264), between Copthorn Common and Copthorne, approximately 2km east of J10 of the M23. It is located within the Mid Sussex District Council administrative area.
- 4.3 The site is roughly rectangular in shape, and extends to approx. 4.3 ha (10.6 acres). The northern boundary adjoins the A264 which is characterised by a broad verge, hedgerows, trees and an embankment running parallel with the road.
- 4.4 The eastern boundary adjoins the tarmac road access to Court House Farm, separated from it by a fenceline and verge. This boundary is heavily wooded and within this there is a second tarmac access to residential properties immediately to the east.
- 4.5 The southern boundary abuts an area of dense mature mixed deciduous woodland. This returns along the western boundary of the site as a substantial belt of mature trees, forming the eastern boundary of the golf course. The site's character is strongly influenced by the golf course, which surrounds it to the north, west and south, and by the busy A264.
- 4.6 The site is heavily contained by tree belts to the south, to the extent that visually it has a stronger connection with the A264 corridor than with the open countryside to the south of the golf course.

Photo 1: View south towards the appraisal site from junction of PRoW 20W with Copthorne Common Road



Fig. 3: Ordnance Survey map indicating site location and surrounding features.



ACCESS

- 4.7 The aerial information is shown in **Figure 4 (flight date: 8th May 2018)**.
- 4.8 The current site access is gained from Copthorne Common Road. There is no public access to the site (in the form of public rights of way or permissive paths).

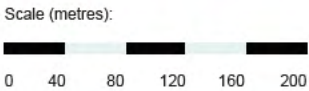
Fig. 4: Aerial photograph



Appraisal boundary



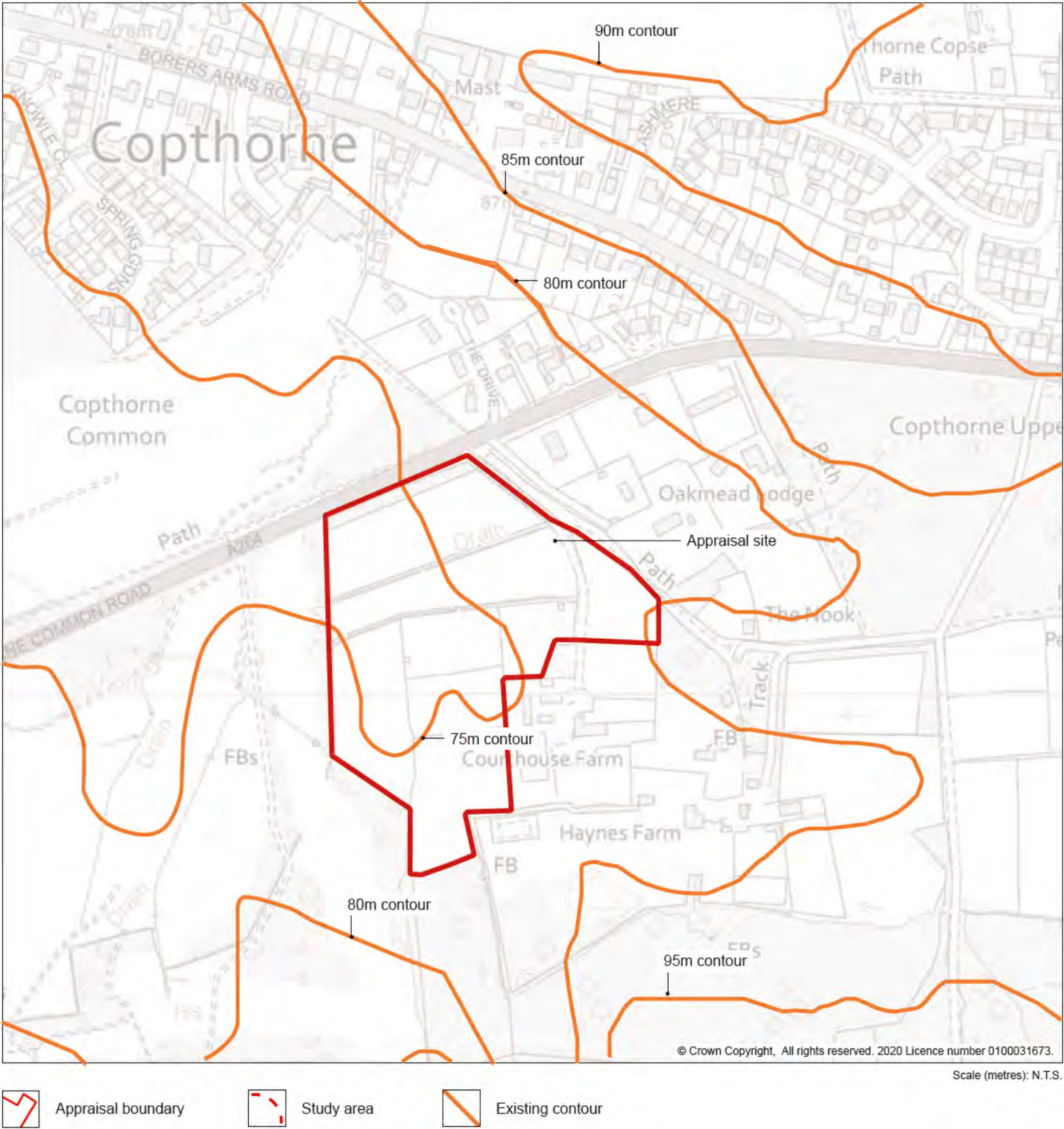
Study area



TOPOGRAPHY

- 4.9 The topographical information is shown in **Figure 5**.
- 4.10 The site itself is relatively flat, the 75m contour crosses the western part of the site.
- 4.11 Topography generally rises to the east towards Copthorne Common at 100m AOD and southwards towards Home Farm at 105m AOD, rising further still towards the ridge at Turner's Hill (179m AOD).
- 4.12 The topographic character of the study area is generally of a large scale, undulating and rolling landscape created by a network of broad valleys and vales which are punctuated by wooded ridges and areas of elevated ground.

Fig. 5: Ordnance Survey map indicating topographical features.



LAND USE / LAND COVER AND VEGETATION

- 4.13 The key land use / land cover characteristics of the study area have been mapped using aerial photography and are shown in **Figure 6**.
- 4.14 There is a variety of land use / land cover types present within the study area, comprising:
- arable fields and grazing pastures, and associated farmsteads
 - developed land (principally residential and roads)
 - extensive woodland
 - fragmented woodland and tree belts, hedgerows
 - leisure (golf course / amenity landscape)
 - water (including fishing lakes), streams and drainage features

Vegetation

- 4.15 The vegetation character of the wider landscape is dominated by mature, mixed deciduous woodland, part of a substantial woodland belt which surrounds the south and east of Crawley. This is largely intact to the south of Crawley (Tilgate Forest, Worthlodge Forest, Oaken Wood). Further to the east the woodland is fragmented by agricultural land, roads and sporadic development plots into individual woodlands, such as Horsepasture Wood, Wins Wood, Copthorne Wood.
- 4.16 Within the study area, south of Copthorne Rd the woodland is fragmented by the golf course, although the fairways are separated by substantial woodland belts. North of Copthorne Common Rd there are pockets of woodland remaining, but in general vegetation character is that of suburban settlement. Further north still and the vegetation pattern changes to a very geometric field boundary system east of Copthorn Bank, and, and remnant parkland to the west.
- 4.17 The appraisal site itself comprises heavily grazed semi-improved grassland with scattered trees, surrounded on all sides by tree lines and belts, or more substantial areas of woodland.

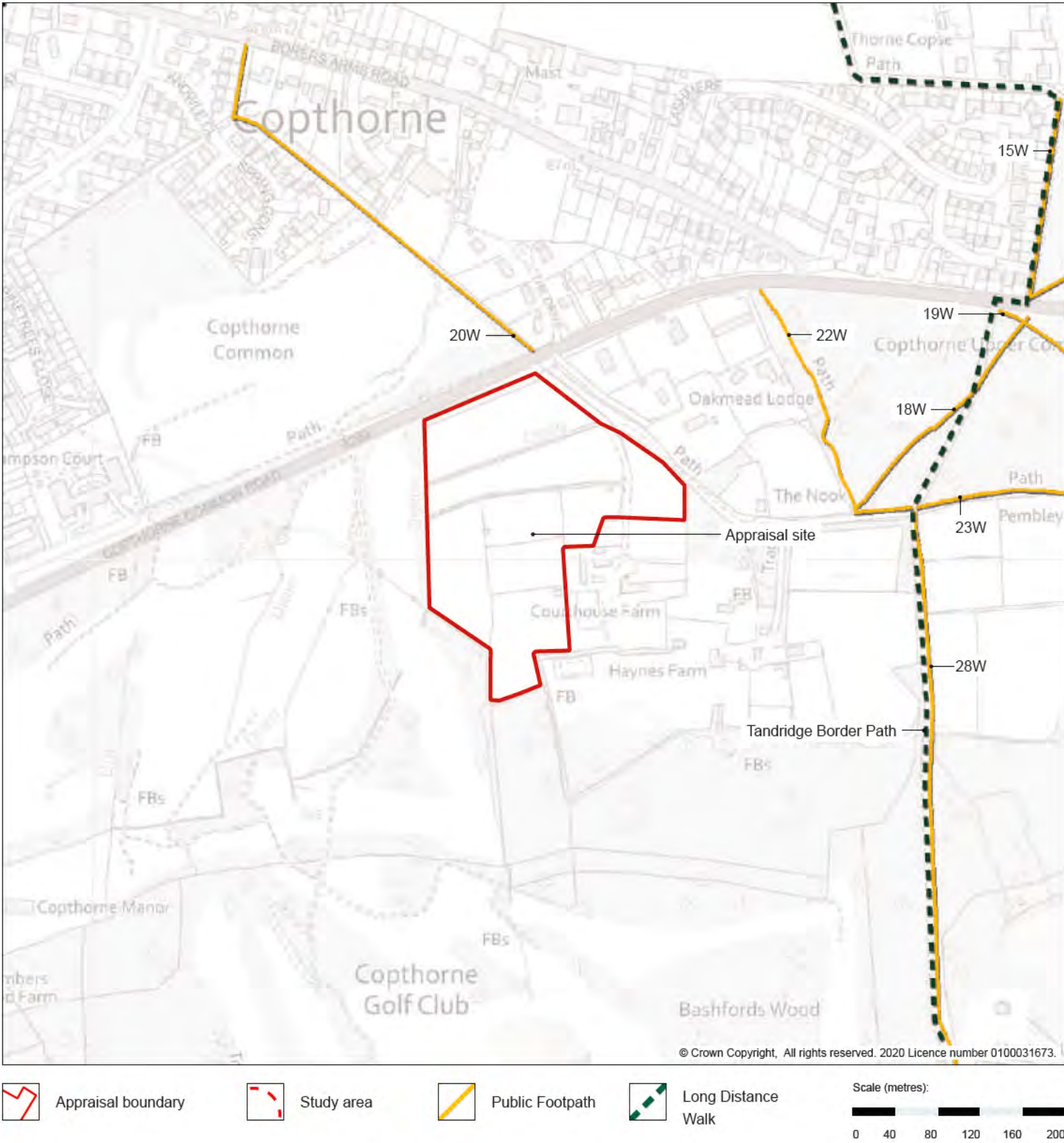
Fig. 6: Ordnance Survey map indicating surrounding land use / land cover.



PUBLIC RIGHTS OF WAY

- 4.18 Public Rights of Way (PRoW) within the study area are shown in **Figure 7**.
- 4.19 There are no PRoW within the appraisal site. The nearest public footpath approaches the site from the north (PRoW 20W).
- 4.20 There is a network of PRoW due east of the site, mostly within the wooded Copthorne Upper Common area. The long-distance Sussex Border Path crosses the study area north / south approx. 350m to the east of the site.

Fig. 7: Ordnance Survey map indicating surrounding Public Rights of Way



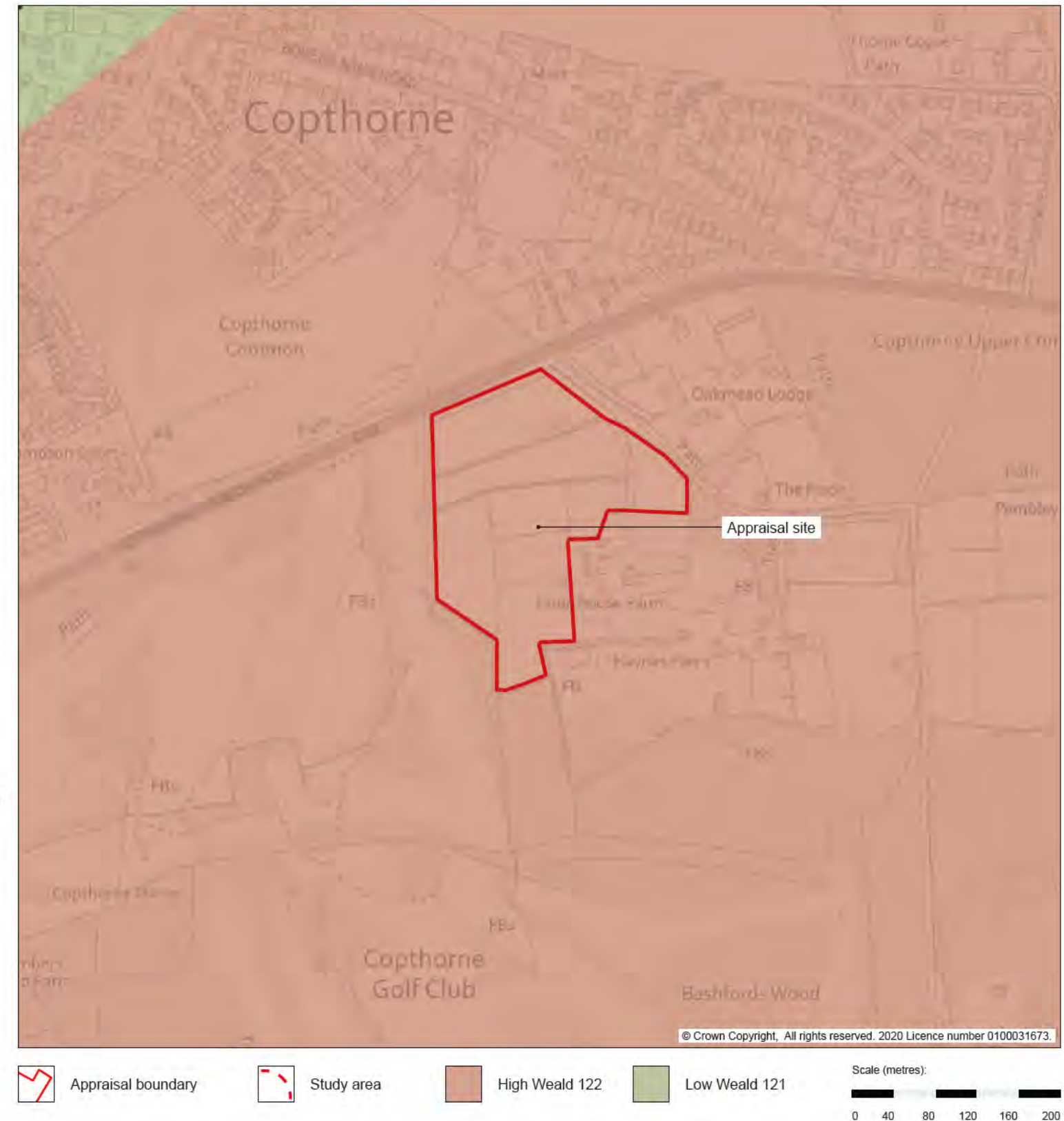
LANDSCAPE CHARACTER AREAS

National Landscape Character Areas (LCAs)

4.23 The study area is within Natural England's National Character Area profile 122 'High Weald' LCA, shown in **Figure 9**. Key characteristics are set out as follows:

- A faulted landform of clays, sand and soft sandstones with outcrops of fissured sandrock and ridges running east-west, deeply incised and intersected with numerous gill streams forming the headwaters of a number of the major rivers – the Rother, Brede, Ouse and Medway – which flow in broad valleys.
- High density of extraction pits, quarries and ponds, in part a consequence of diverse geology and highly variable soils over short distances.
- A dispersed settlement pattern of hamlets and scattered farmsteads and medieval ridgetop villages founded on trade and non-agricultural rural industries, with a dominance of timber- framed buildings with steep roofs often hipped or half-hipped, and an extremely high survival rate of farm buildings dating from the 17th century or earlier.
- Ancient routeways in the form of ridgetop roads and a dense system of radiating droveways, often narrow, deeply sunken and edged with trees and wild flower-rich verges and boundary banks. Church towers and spires on the ridges are an important local landmark. There is a dense network of small, narrow and winding lanes, often sunken and enclosed by high hedgerows or woodland strips. The area includes several large towns such as Tunbridge Wells, Crowborough, Battle and Heathfield and is closely bordered by others such as Crawley, East Grinstead, Hastings and Horsham.
- An intimate, hidden and small-scale landscape with glimpses of farreaching views, giving a sense of remoteness and tranquillity yet concealing the highest density of timber-framed buildings anywhere in Europe amidst lanes and paths.
- Strong feeling of remoteness due to very rural, wooded character. A great extent of interconnected ancient woods, steep-sided gill woodlands, wooded heaths and shaws in generally small holdings with extensive archaeology and evidence of long-term management.
- Extensive broadleaved woodland cover with a very high proportion of ancient woodland with high forest, small woods and shaws, plus steep valleys with gill woodland.
- Small and medium-sized irregularly shaped fields enclosed by a network of hedgerows and wooded shaws, predominantly of medieval origin and managed historically as a mosaic of small agricultural holdings typically used for livestock grazing.
- A predominantly grassland agricultural landscape grazed mainly with sheep and some cattle.
- There is a strong influence of the Wealden iron industry which started in Roman times, until coke fuel replaced wood and charcoal. There are features such as a notably high number of small hammer ponds surviving today.
- Ashdown Forest, in contrast to the more intimate green woods and pastures elsewhere, is a high, rolling and open heathland lying on the sandstone ridges to the west of the area.
- An essentially medieval landscape reflected in the patterns of settlement, fields and woodland.

Fig. 9: Ordnance Survey map indicating national landscape character areas.



- High-quality vernacular architecture with distinct local variation using local materials. Horsham Slate is used on mainly timber structures and timber-framed barns are a particularly notable Wealden characteristic feature of the High Weald

4.24 The study area and site share a number of these characteristics, in particular the extensive broadleaf woodland cover, field patterns and hedgerow boundaries. The landscape characteristics of the appraisal site are strongly influenced by the adjacent golf course and by the road infrastructure.

Mid Sussex Landscape Character study 2005

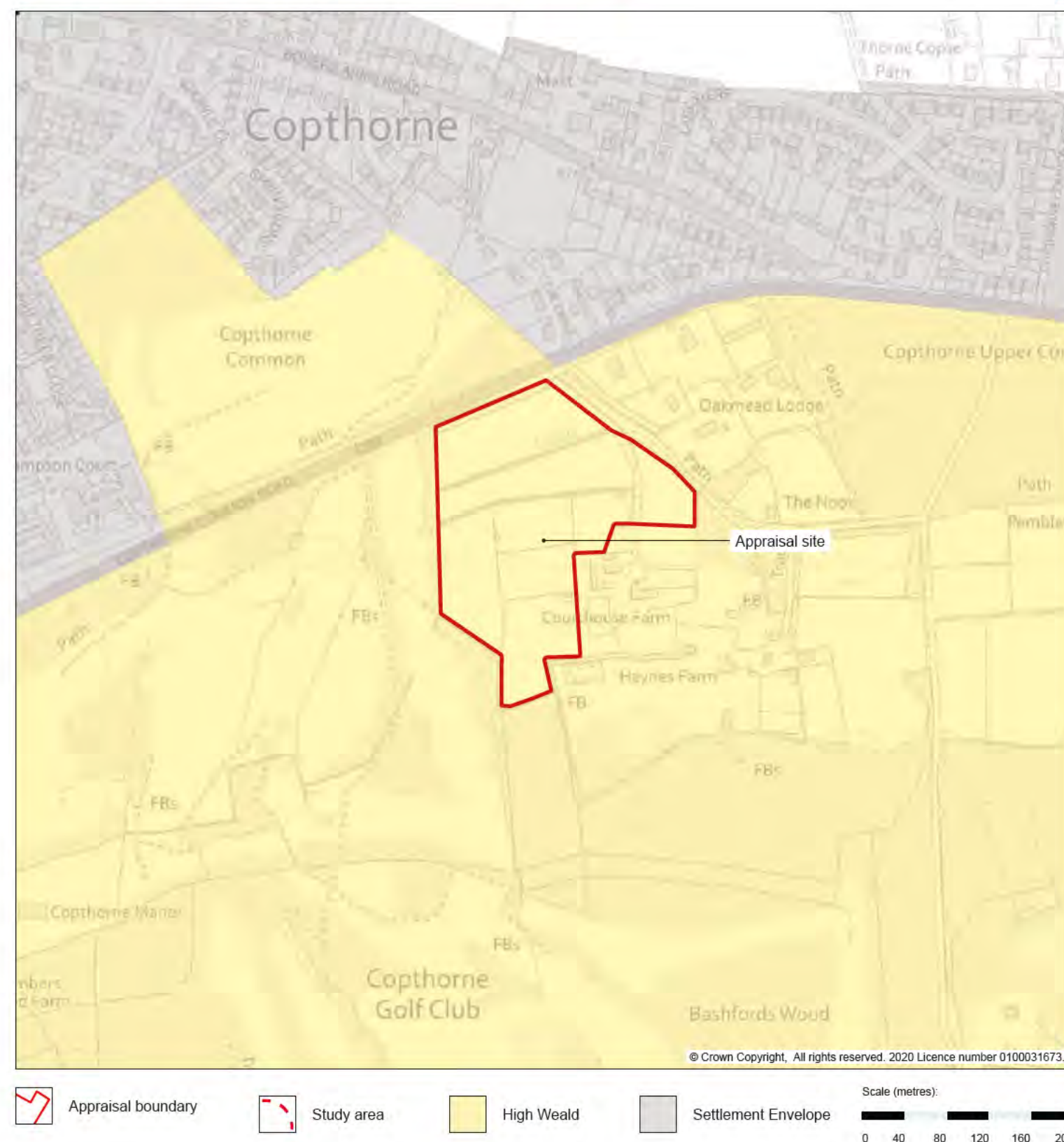
4.25 A district-level landscape characterisation exercise was carried out by Mid Sussex in 2005. As shown in **Figure 10**, this placed the site in the High Weald LCA (Area 6), whose key characteristics were identified as:

4.26 'The High Weald Forest Ridge. Numerous gill streams have carved out a landscape of twisting ridges and secluded valleys. The ancient, densely-wooded landscape of the High Weald is seen to perfection in the area. Includes the township of East Grinstead.

- Wooded, confined rural landscape of intimacy and complexity, perceived as attractive, locally secluded and tranquil.
- Complex sandstone and clay hilly landscape of ridges and secluded valleys centred on the western end of Forest Ridge of the High Weald plateau. Gill streams and sandrock crags.
- Headwater drainage of the River Medway originates here, the southern part of the area drained by the deep, sinuous gill streams running to the River Ouse.
- Long views over the Low Weald to the downs, particularly from the high Forest Ridge.
- Includes major reservoir at Ardingly and adjoins Weir Wood Reservoir.
- Significant woodland cover, a much of it ancient, including some larger woods and a dense network of hedgerows and shaws, creates a sense of enclosure, the valleys deep and secluded.
- Pattern of small irregular-shaped assart fields, some larger fields and pockets of heathland.
- Pockets of rich biodiversity concentrated in the valleys, heathland, and woodland.
- Dense network of twisting, deep lanes, droveways, tracks and footpaths.
- Dispersed historic settlement pattern on high ridges, hilltops and high ground, the principal settlements East Grinstead and some expanded and smaller villages.
- Some busy lanes and roads including along the Crawley–East Grinstead corridor.
- London to Brighton Railway Line crosses the area.
- Mill sites, hammer ponds and numerous fish and ornamental lakes and ponds.
- Varied traditional rural buildings built with diverse materials including timber framing, Wealden stone and varieties of local brick and tile hanging.
- Designed landscapes and exotic treescapes associated with large country houses.

4.27 The study area and site share a number of these characteristics, in particular the extensive broadleaf woodland cover, the field patterns and hedgerow boundaries, and the busy Crawley - East Grinstead corridor. There are no long views from / towards the site due to the containing effect of the woodland and tree belts.

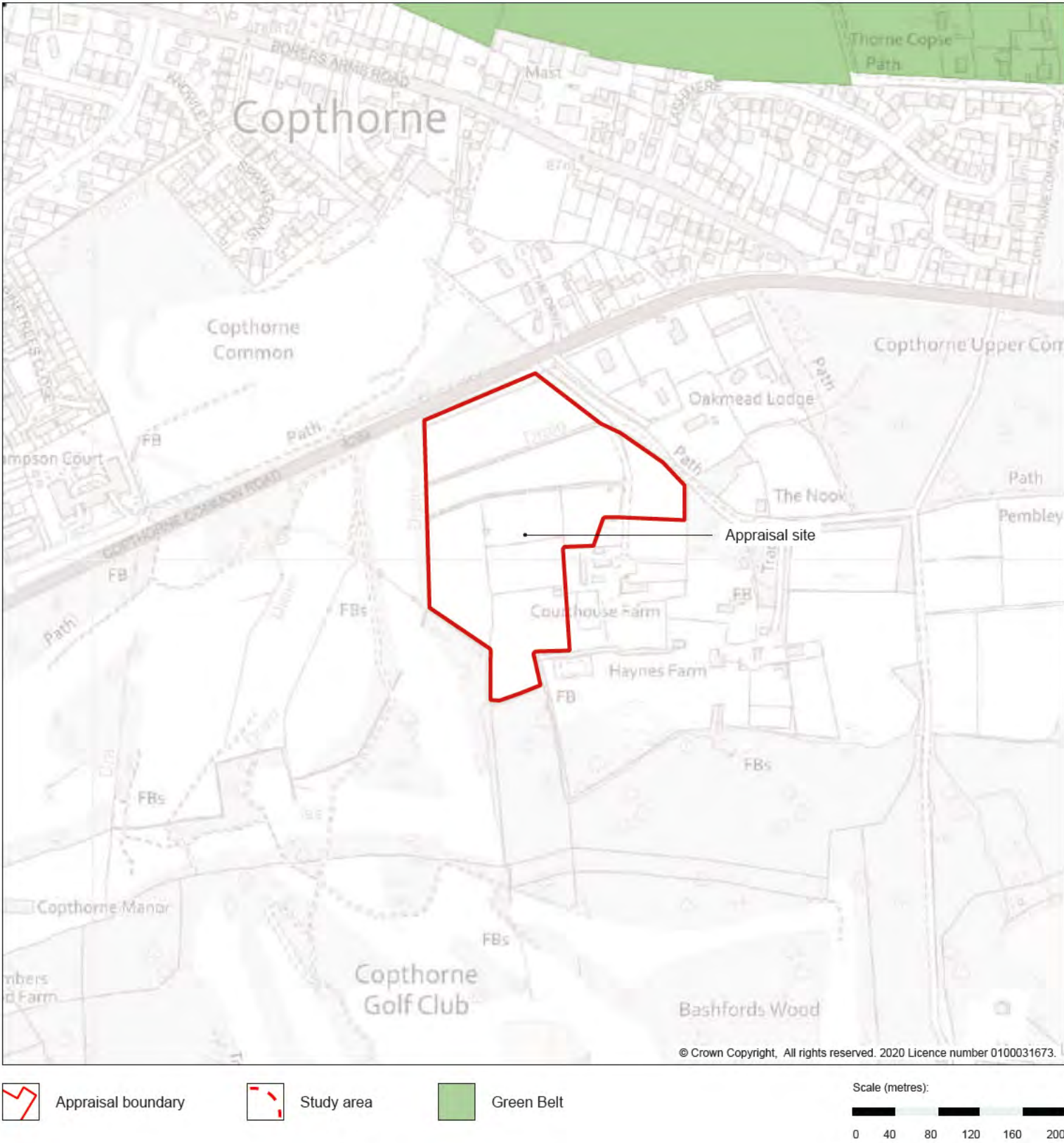
Fig. 10: Ordnance Survey map indicating local (district) landscape character areas.



Metropolitan Green Belt

- 4.28 Metropolitan Green Belt boundary is shown in **Figure 11**.
- 4.29 The Metropolitan Green Belt designation boundary is evident in the northern part of the study area. The appraisal site is outside the Green Belt designation, whose boundary is approximately 300m to the north.

Fig. 11: Ordnance Survey map indicating the Metropolitan Green Belt



*Mid Sussex District Plan 2014 - 2031 - relevant policies***Policy DP12: Protection and Enhancement of Countryside (see Figure 12)**

- 4.30 Strategic Objectives: 3) To protect valued landscapes for their visual, historical and biodiversity qualities; 11) To support and enhance the attractiveness of Mid Sussex as a visitor destination; and 15) To create places that encourage a healthy and enjoyable lifestyle by the provision of first class cultural and sporting facilities, informal leisure space and the opportunity to walk, cycle or ride to common destinations.
- 4.31 Evidence Base: A Landscape Character Assessment for Mid Sussex, A Strategy for the West Sussex Landscape, Capacity of Mid Sussex District to Accommodate Development Study.
- 4.32 The countryside will be protected in recognition of its intrinsic character and beauty. Development will be permitted in the countryside, defined as the area outside of built-up area boundaries on the Policies Map, provided it maintains or where possible enhances the quality of the rural and landscape character of the District, and:
- 4.33 it is necessary for the purposes of agriculture; or
- 4.34 it is supported by a specific policy reference either elsewhere in the Plan, a Development Plan Document or relevant Neighbourhood Plan.
- 4.35 Agricultural land of Grade 3a and above will be protected from non-agricultural development proposals. Where significant development of agricultural land is demonstrated to be necessary, detailed field surveys should be undertaken and proposals should seek to use areas of poorer quality land in preference to that of higher quality.
- 4.36 The Mid Sussex Landscape Character Assessment, the West Sussex County Council Strategy for the West Sussex Landscape, the Capacity of Mid Sussex District to Accommodate Development Study and other available landscape evidence (including that gathered to support Neighbourhood Plans) will be used to assess the impact of development proposals on the quality of rural and landscape character.
- 4.37 Built-up area boundaries are subject to review by Neighbourhood Plans or through a Site Allocations Development Plan Document, produced by the District Council. Economically viable mineral reserves within the district will be safeguarded.
- 4.38 Whilst the Appraisal site is technically in countryside and therefore subject to Policy DP12, its character is strongly influenced by the neighbouring golf course, which surrounds it to the north, west and south, and by the busy A264. It is also heavily contained by tree belts to the south, to the extent that visually it has a stronger connection with the A264 corridor than the open countryside to the south of the golf course.

Policy DP13: Preventing Coalescence

- 4.39 Strategic Objective: 2) To promote well located and designed development that reflects the District's distinctive towns and villages, retains their separate identity and character and prevents coalescence.

Fig. 12: Ordnance Survey map indicating the extent of Policy DP12 - Protection and Enhancement of Countryside

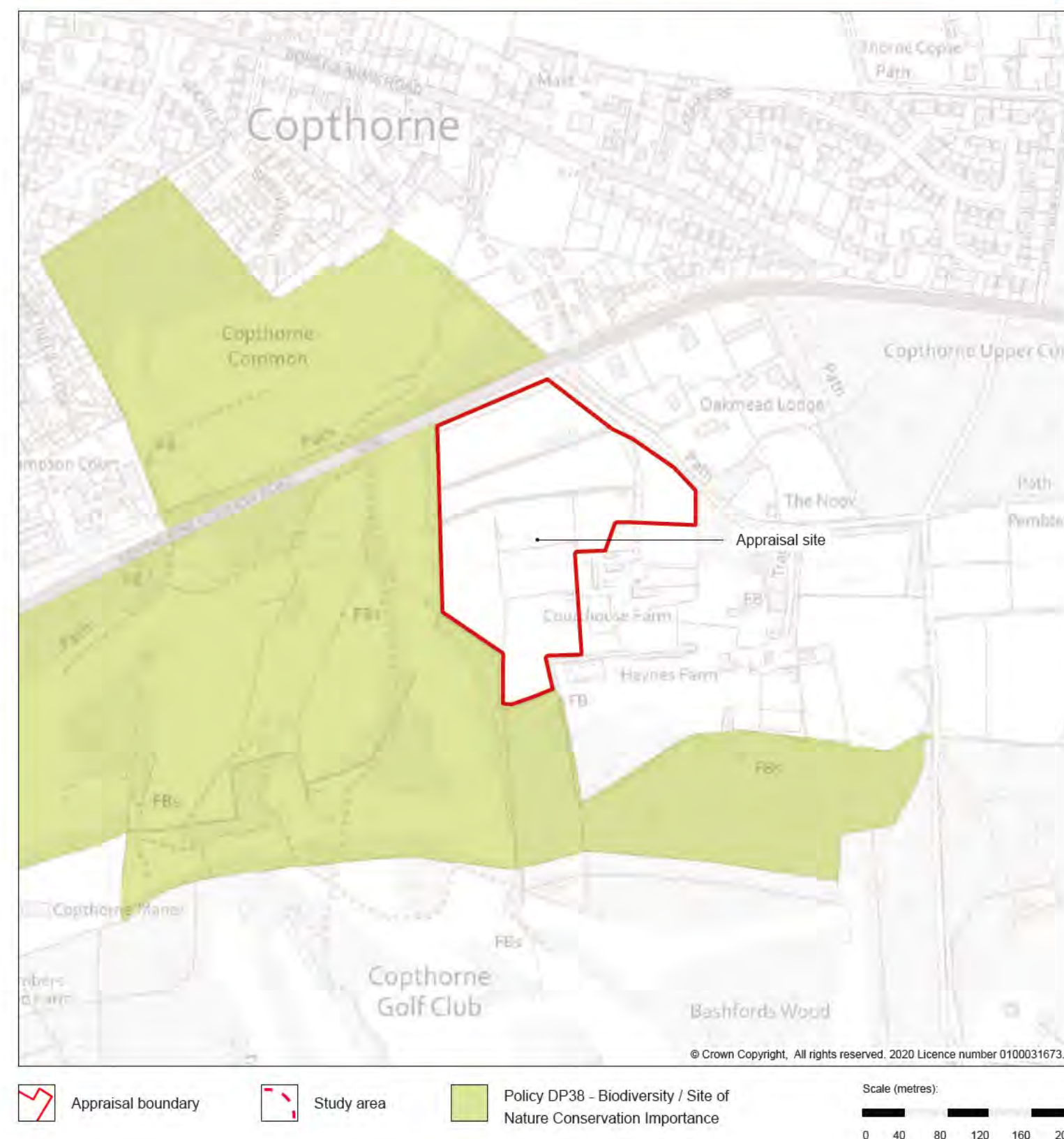


- 4.40 Evidence Base: Mid Sussex Landscape Character Assessment; Capacity of Mid Sussex District to Accommodate Development Study.
- 4.41 The individual towns and villages in the District each have their own unique characteristics. It is important that their separate identity is maintained. When travelling between settlements people should have a sense that they have left one before arriving at the next.
- 4.42 Enhancement of the Countryside, development will be permitted if it does not result in the coalescence of settlements which harms the separate identity and amenity of settlements, and would not have an
- 4.43 Allocations Development Plan Document, produced by the District Council, where there is robust evidence that development within the Gap would individually or cumulatively result in coalescence and the loss of the separate identity and amenity of nearby settlements. Evidence must demonstrate that existing local and national policies cannot provide the necessary protection.

Policy DP38 - Biodiversity / Site of Nature Conservation Importance (see Figure 13)

- 4.44 Strategic objectives: 3) To protect valued landscapes for their visual, historical and biodiversity qualities; and 5) To create and maintain easily accessible green infrastructure, green corridors and spaces around and within the towns and villages to act as wildlife corridors, sustainable transport links and leisure and recreational routes.
- 4.45 Evidence Base: Biodiversity 2020; Biodiversity Action Plan; Biodiversity Opportunity Areas; Green Infrastructure mapping; Habitats and Species Records; Mid Sussex Ancient Woodland Survey; Mid Sussex Infrastructure Delivery Plan; The Natural Choice: Securing the Value of Nature; West Sussex SNCI Register.
- 4.46 **Biodiversity will be protected and enhanced by ensuring development:**
- Contributes and takes opportunities to improve, enhance, manage and restore biodiversity and green infrastructure, so that there is a net gain in biodiversity, including through creating new designated sites and locally relevant habitats, and incorporating biodiversity features within developments; and
 - Protects existing biodiversity, so that there is no net loss of biodiversity. Appropriate measures should be taken to avoid and reduce disturbance to sensitive habitats and species. Unavoidable damage to biodiversity must be offset through ecological enhancements and mitigation measures (or compensation measures in exceptional circumstances); and
 - Minimises habitat and species fragmentation and maximises opportunities to enhance and restore ecological corridors to connect natural habitats and increase coherence and resilience; and
 - Promotes the restoration, management and expansion of priority habitats in the District; and
 - Avoids damage to, protects and enhances the special characteristics of internationally designated Special Protection Areas, Special Areas of Conservation; nationally designated Sites of Special Scientific Interest, Areas of Outstanding Natural Beauty; and locally designated Sites of Nature Conservation Importance, Local Nature Reserves and Ancient Woodland or to other areas identified as being of nature conservation or geological interest, including wildlife corridors, aged or veteran trees, Biodiversity Opportunity Areas, and Nature Improvement Areas.
- 4.47 Designated sites will be given protection and appropriate weight according to their importance and the contribution they make to wider ecological networks.
- 4.48 Valued soils will be protected and enhanced, including the best and most versatile agricultural land, and development should not contribute to unacceptable levels of soil pollution.
- 4.49 Geodiversity will be protected by ensuring development prevents harm to geological conservation interests, and where possible, enhances such interests. Geological conservation interests include Regionally Important Geological and Geomorphological Sites.

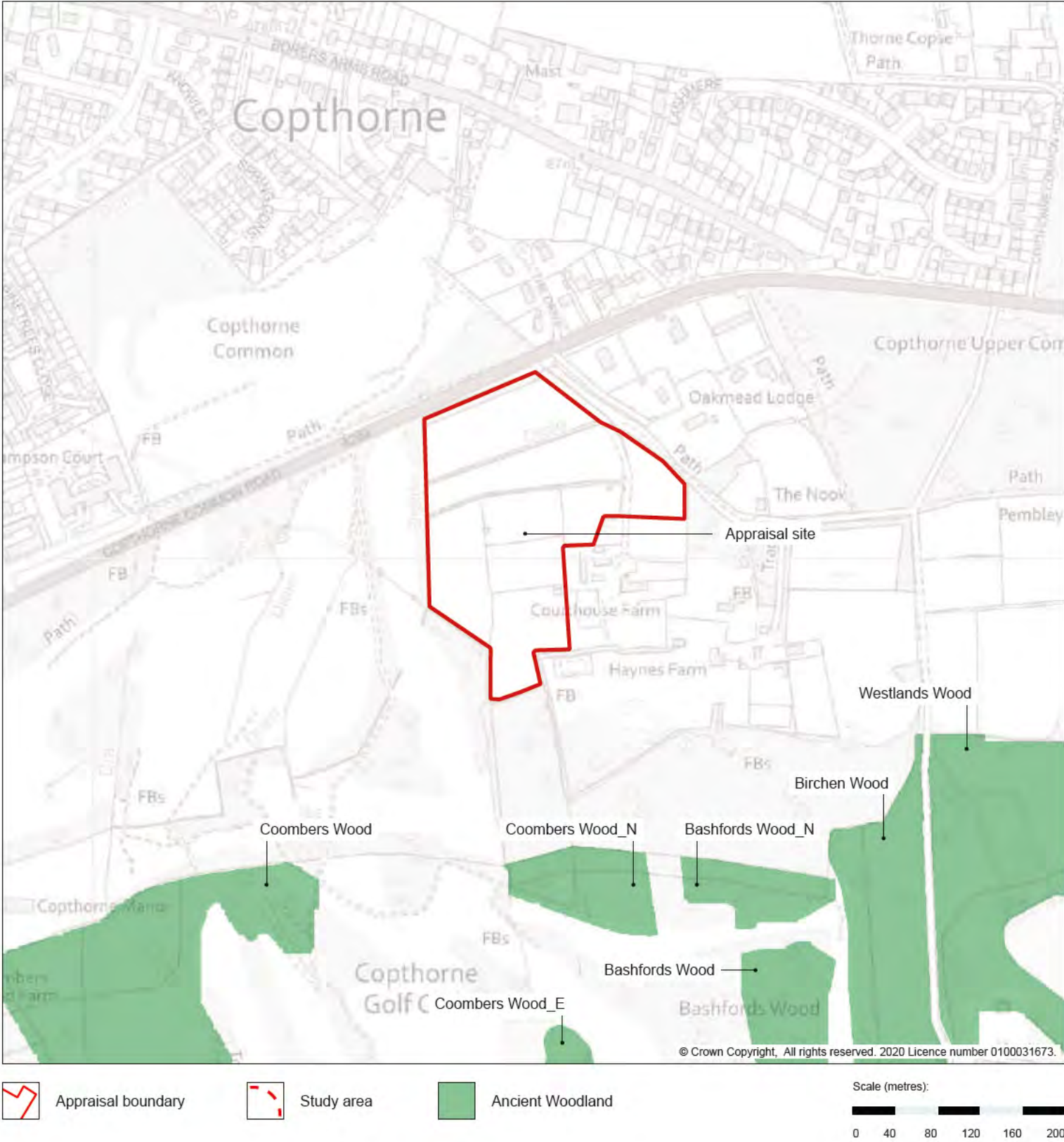
Fig. 13: Ordnance Survey map indicating the extent of Policy DP38 - Biodiversity / Site of Nature Conservation Importance



Ancient Woodland

- 4.50 As shown in **Figure 14**, there are several areas of Ancient Woodland within the of the appraisal area, the closest being Coomers Wood_N, approximately 156m south of the appraisal boundary.
- 4.51 There is no Ancient Woodland within or contiguous to the appraisal site, and there is no Ancient Woodland within 15m of the site boundary that would require a 15m undeveloped buffer zone.

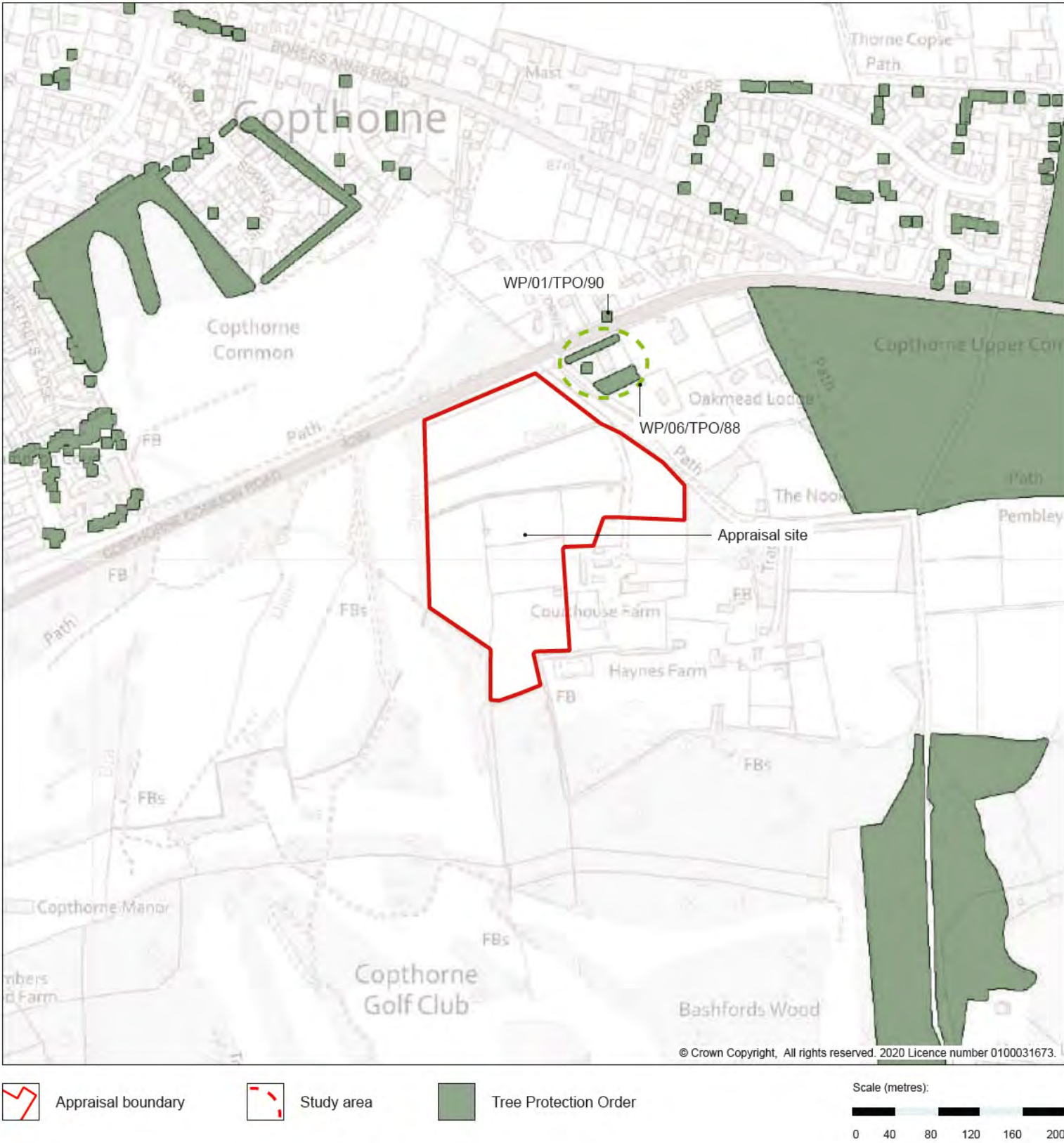
Fig. 14: Ordnance Survey map indicating extent of Ancient Woodland



Tree Preservation Orders

4.52 As shown in **Figure 15**, there are several Tree Preservation Orders within the Copthorne area. The closest group to the appraisal site (WP/06/TPO/88) lies approximately 30m beyond the site's north eastern boundary, within Owls Croft. Development of the site would have no adverse effects on protected trees.

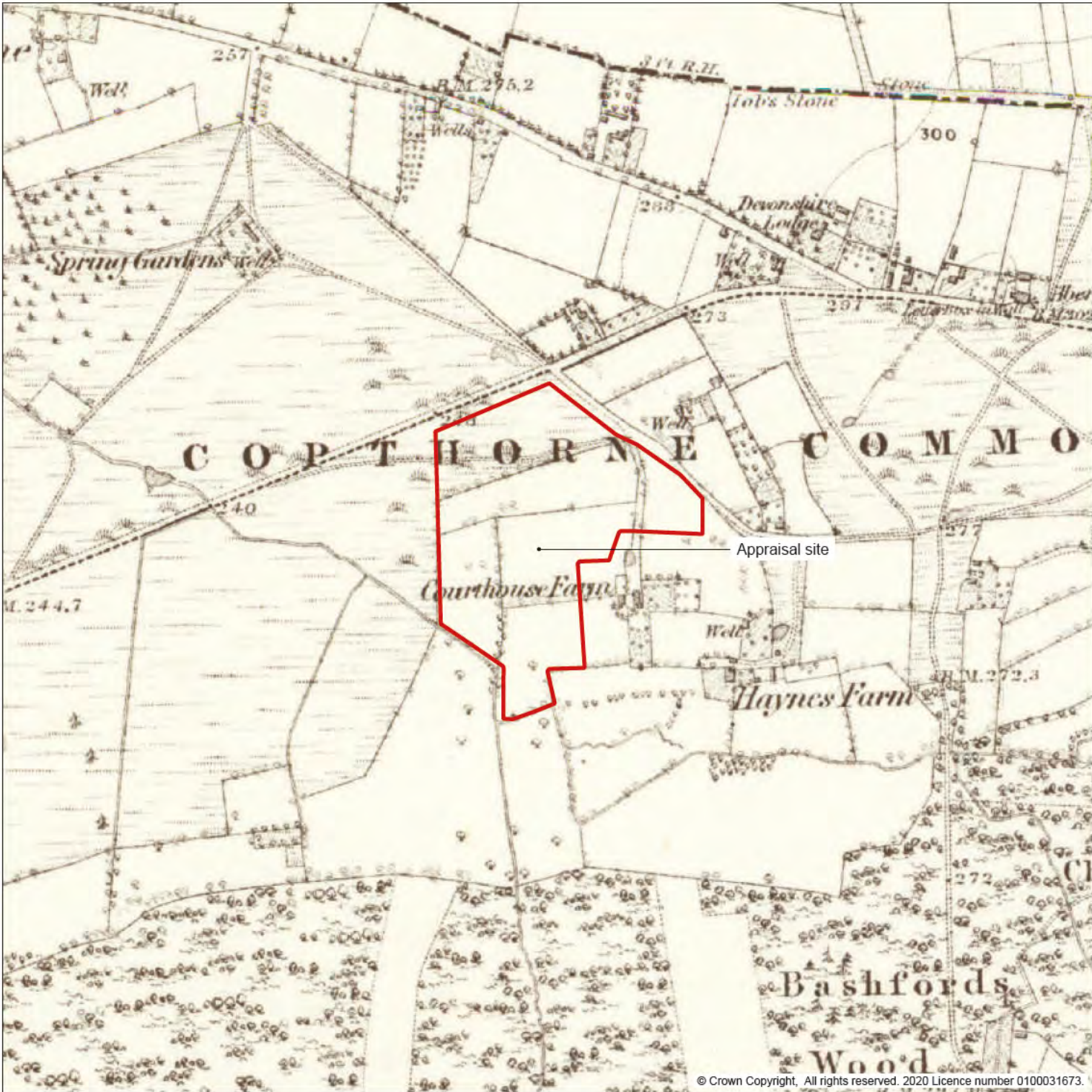
Fig. 15: Ordnance Survey map indicating the location of Tree Protection Orders



Historic Mapping

- 4.53 The above sequence shows changes in the pattern of the landscape over period of approx 74 years from 1872 (Fig. 16). Key changes are the construction of the London, Brighton and South Coast Railway, and the arrival of the golf course to the west of the appraisal site in the 1912 image (Fig. 17).
- 4.54 The extent of woodland to the south of the appraisal site remains fairly constant. The gradual development of plots within Copthorne is evident across this time-span, including along Church Lane and New Town. Sub-division of land to the east of the appraisal site also noticeable.

Fig. 16: Historic Ordnance Survey Map, circa. 1872.



Appraisal boundary Study area

Scale (metres):
0 40 80 120 160 200

Fig. 17: Historic Ordnance Survey Map, circa. 1912.

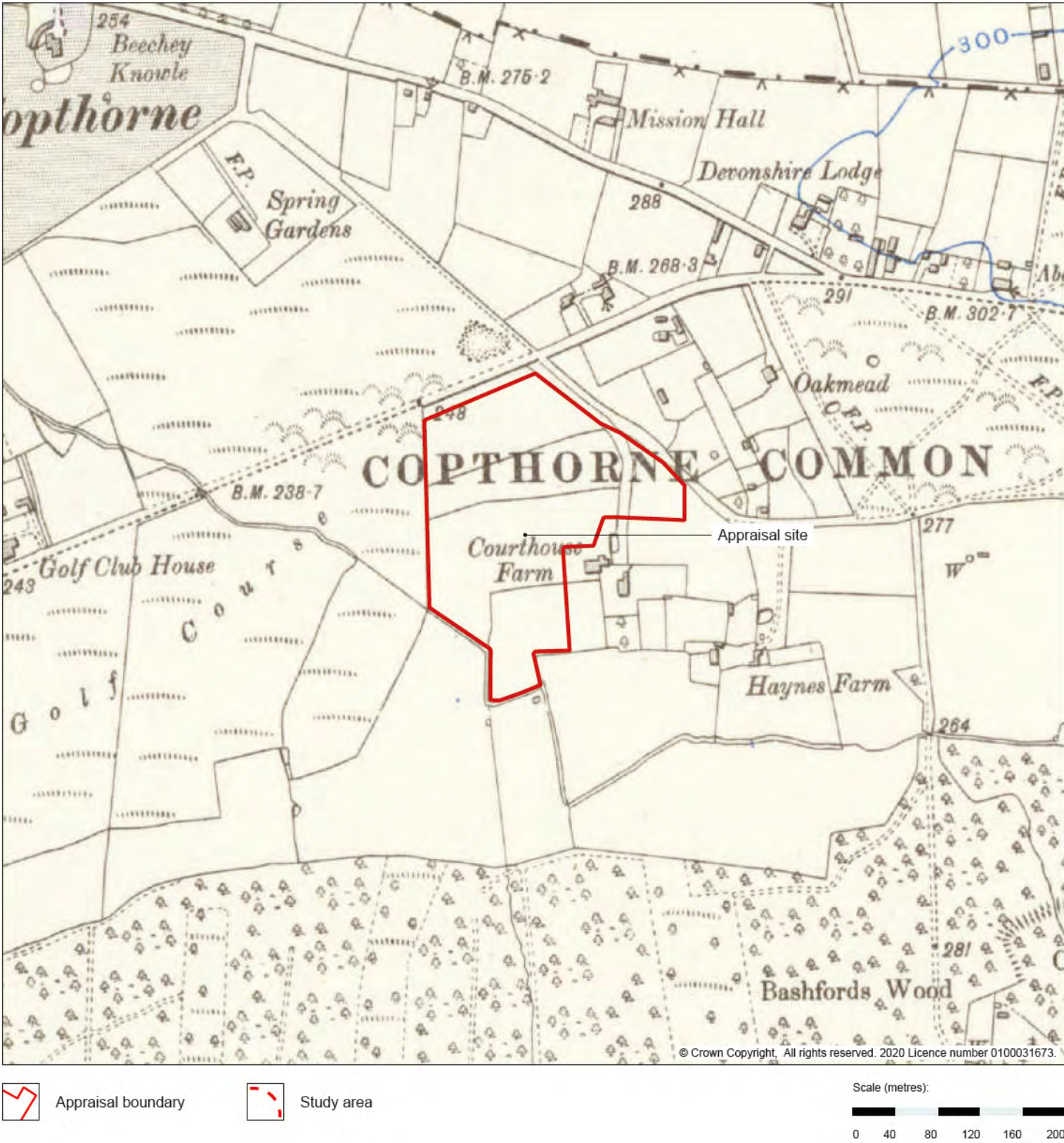
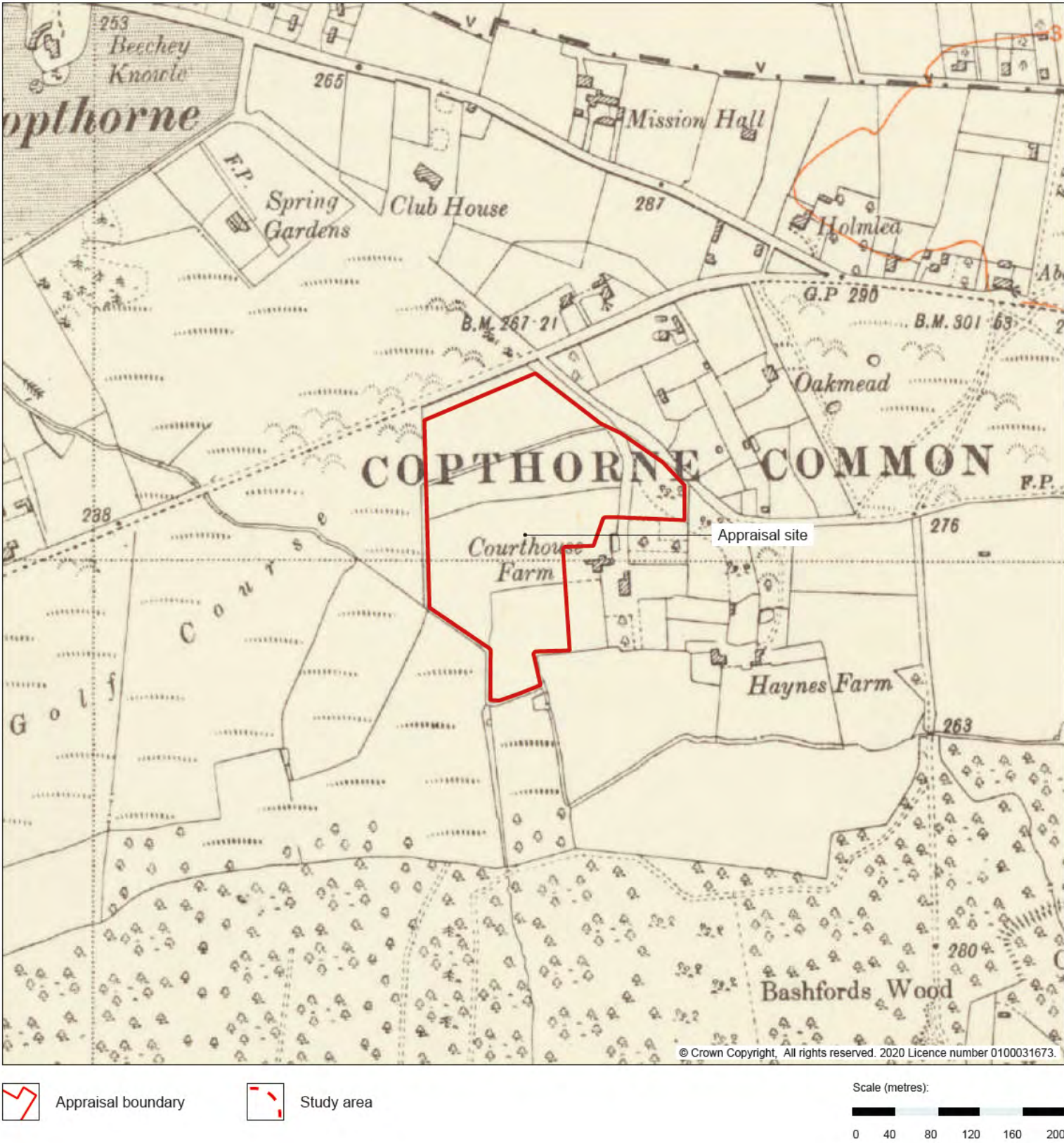


Fig. 18: Historic Ordnance Survey Map, circa. 1946.



5. EFFECTS UPON VISUAL AMENITY

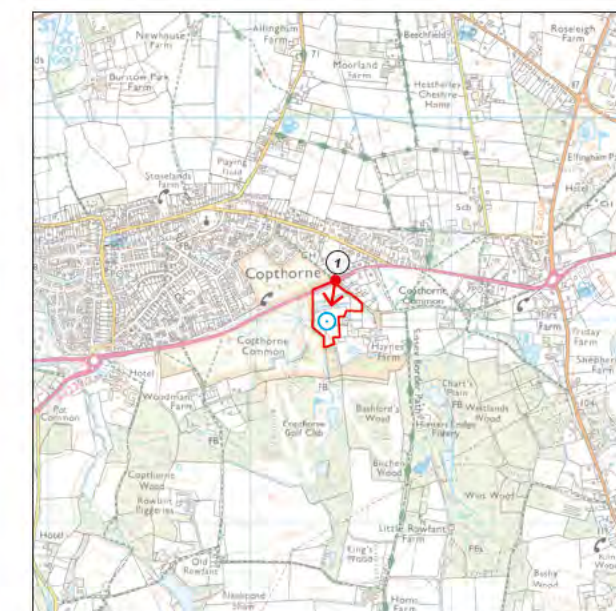
VIEW 1: VIEW SOUTH ALONG COPTHORNE COMMON ROAD

Receptors: Occupants of vehicles; other road users including pedestrians travelling west (NB no footway on south side of road; pedestrian movement likely to be confined to north side where there is a footway).

Sensitivity of Receptor: Medium (road users). Site is located on sensitive land between settlements, within countryside, but not in AONB or Green Belt.

Description	Nature of change, including geographical extent (Site, Local, District, Regional)	Magnitude of change: High Medium Low	Susceptibility: High Medium Low	Duration of construction impact; Short, Medium or Long Term	Duration / reversibility of operational impact: Permanent Temporary	Assessed effect: Adverse Neutral Beneficial	Opportunities for mitigation	Residual effect
View towards north eastern part of appraisal site. Broad roadside verge, hedgerow and trees are prominent, but highways infrastructure dominates the view. Signage and lamppost. Grass surface of appraisal site. For occupants of vehicles this view is generally fleeting / gained at speed.	Without mitigation new residential development would be visible within the site. The degree of visibility would depend on the depth / composition and height of boundary landscape treatment and the location of the new buildings and their height / materials. Breach in hedgerow to achieve site access would be visible in the centre right mid-distance, together with the engineering of the access. The extent of change in this view would be Local.	Medium	Medium. There is land in close proximity to the site / view that accommodates existing residential development and highways infrastructure.	Short term. It is assumed that the construction period for a development of this size and nature would be less than 3 years.	Permanent.	Adverse	Selection of appropriate materials for elevations, roofs and fenestration. Mitigation planting along site's northern and eastern boundaries. Selection of appropriate native species trees and shrubs for proposed planting. Design of a street lighting system that would minimise light escape. Landscape management plan to ensure mitigation proposals are retained / secured in perpetuity.	Minor adverse

Approximate centre of site



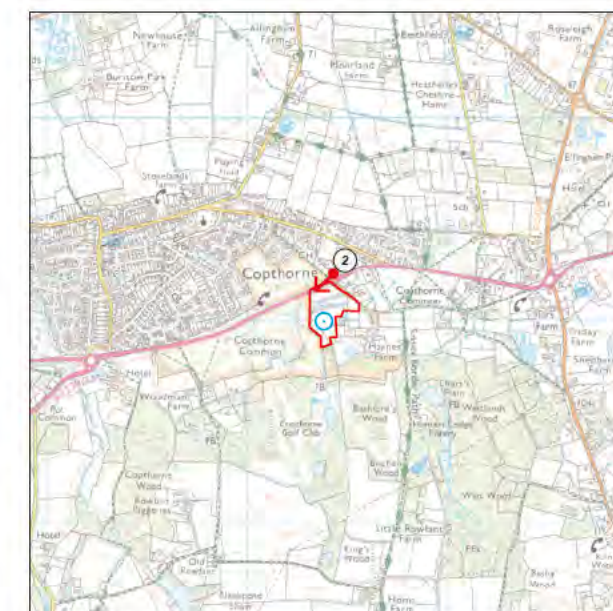
VIEW 2: VIEW SOUTH-WEST ALONG COPTHORNE COMMON ROAD

Receptors: Occupants of vehicles; other road users including pedestrians, travelling west (NB footway on north side of road only)

Sensitivity of Receptor: Medium (road users). Site is located on sensitive land between settlements, within countryside, but not in AONB or Green Belt.

Description	Nature of change, including geographical extent (Site, Local, District, Regional)	Magnitude of change: High Medium Low	Susceptibility: High Medium Low	Duration of construction impact; Short, Medium or Long Term	Duration / reversibility of operational impact: Permanent Temporary	Assessed effect: Adverse Neutral Beneficial	Opportunities for mitigation	Residual effect
<p>View along northern boundary of appraisal site.</p> <p>Broad roadside verge, fencing, footway. Vegetation characterised by non-native conifer trees.</p> <p>Highways infrastructure dominates the view.</p> <p>For occupants of vehicles this view is generally fleeting / gained at speed.</p>	<p>Without mitigation, new residential development may be visible within the site in the centre mid-distance of the view, depending on final design proposals. The degree of visibility would depend on the depth / composition and height of boundary landscape treatment and the location of the new buildings and their height / materials.</p> <p>Breach in hedgerow to achieve site access would just be visible in the centre mid-distance, together with the engineering of the access.</p> <p>The extent of change in this view would be Local.</p>	Low	Medium. There is land in close proximity to the site / view that accommodates existing residential development and highways infrastructure.	Short term. It is assumed that the construction period for a development of this size and nature would be less than 3 years.	Permanent	Minor adverse	<p>Selection of appropriate materials for elevations, roofs and fenestration.</p> <p>Mitigation planting along site's northern boundary.</p> <p>Selection of appropriate native species trees and shrubs for proposed planting.</p> <p>Design of a street lighting system that would minimise light escape.</p> <p>Landscape management plan to ensure mitigation proposals are retained / secured in perpetuity.</p>	Neutral

Approximate centre of site



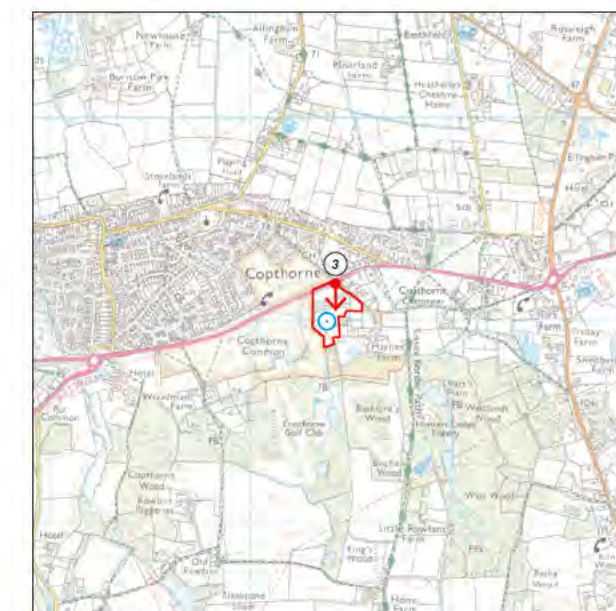
VIEW 3: VIEW SOUTH AT JUNCTION OF PROW 20W WITH COPTHORNE COMMON ROAD

Receptors: Users of PROW 20W travelling south.

Sensitivity of Receptor: High / Medium. Users of PROW would be sensitive receptors, but sensitivity reduced by nearby road and traffic. Site is located on sensitive land between settlements, within countryside, but not in AONB or Green Belt.

Description	Nature of change, including geographical extent (Site, Local, District, Regional)	Magnitude of change: High Medium Low	Susceptibility: High Medium Low	Duration of construction impact; Short, Medium or Long Term	Duration / reversibility of operational impact: Permanent Temporary	Assessed effect: Adverse Neutral Beneficial	Opportunities for mitigation	Residual effect
View towards north eastern boundary of appraisal site, emerging from PROW. This view can only be gained from close to the junction between the PROW and the road, as just to the north the view is obstructed by vegetation. Foreground vegetation either side of PROW. Footway, road and trees. Access track and grass surface to appraisal site. Highways infrastructure dominates the view.	Without mitigation new residential development would be visible within the site in the centre mid-distance of the view, depending on final design proposals. The degree of visibility would depend on the depth / composition and height of boundary landscape treatment and the location of the new buildings and their height / materials. Breach in hedgerow to achieve site access would just be visible in the centre mid-distance, together with the engineering of the access. The extent of change in this view would be Local.	Medium	Medium. There is land in close proximity to the site / view that accommodates existing residential development and highways infrastructure. Users of the PROW travelling south have passed developed land before reaching this position.	Short term. It is assumed that the construction period for a development of this size and nature would be less than 3 years.	Permanent	Adverse	Selection of appropriate materials for elevations, roofs and fenestration. Mitigation planting along site's northern and eastern boundaries. Selection of appropriate native species trees and shrubs for proposed planting. Design of a street lighting system that would minimise light escape. Landscape management plan to ensure mitigation proposals are retained / secured in perpetuity.	Minor adverse

Approximate centre of site



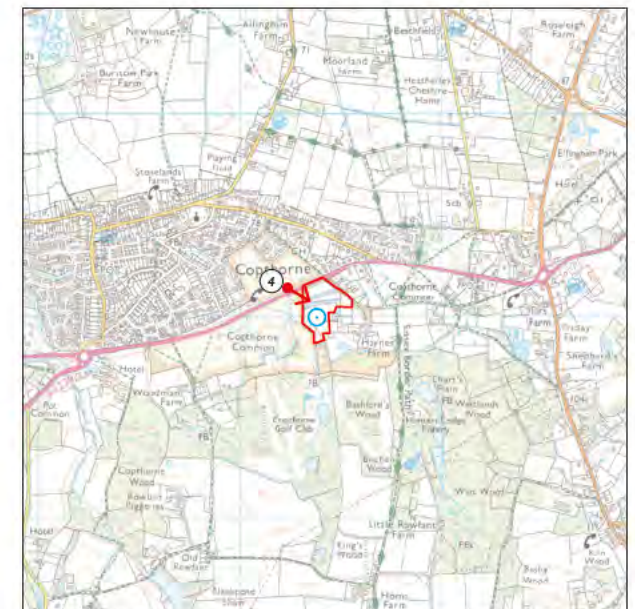
VIEW 4: VIEW EAST ALONG COPTHORNE COMMON ROAD AT GOLF COURSE CROSSING POINT

Receptors: Occupants of vehicles travelling east, other road users including pedestrians, (NB footway on north side of road only), pedestrians / golfers crossing south at the light-controlled crossing.

Sensitivity of Receptor: Medium (road users). Site is located on sensitive land between settlements, within countryside, but not in AONB or Green Belt.

Description	Nature of change, including geographical extent (Site, Local, District, Regional)	Magnitude of change: High Medium Low	Susceptibility: High Medium Low	Duration of construction impact; Short, Medium or Long Term	Duration / reversibility of operational impact: Permanent Temporary	Assessed effect: Adverse Neutral Beneficial	Opportunities for mitigation	Residual effect
<p>View towards northern and western part of appraisal site in mid-distance behind tree belt.</p> <p>Broad roadside verge and footway in left (north) of view. Roadside hedgerow and trees are prominent.</p> <p>Highways infrastructure, crossing, barriers, islands and lights dominate the view.</p> <p>Grass surfaces and trees (some evergreen) within golf course to right</p> <p>For occupants of vehicles this view is generally fleeting / gained at speed.</p> <p>For pedestrians / golfers crossing the road this is a more leisurely view, but time-controlled.</p>	<p>It is unlikely that new development (of traditional domestic scale and massing) would be visible even during winter months. There is a possibility that some elements of built form might be glimpsed in the distance between the trees, but only after leaf fall.</p> <p>There is a possibility that the new site access from Copthorne Common Road would be visible in the distant left of the view.</p> <p>The extent of change in this view would be Local.</p>	Low.	Medium. There is land in close proximity to the site / view that accommodates existing residential development and highways infrastructure, although to either side of the road the site is developed for leisure (golf) use.	Short term. It is assumed that the construction period for a development of this size and nature would be less than 3 years.	Permanent	Neutral	<p>Design of a street lighting system that would minimise light escape.</p> <p>Other mitigation not strictly required, but could include:</p> <p>Selection of appropriate materials for elevations, roofs and fenestration.</p> <p>Mitigation planting along site's northern and western boundaries.</p> <p>Selection of appropriate native species trees and shrubs for proposed planting.</p> <p>Landscape management plan to ensure mitigation proposals are retained / secured in perpetuity.</p>	Neutral

Approximate centre of site



VIEW 5: VIEW EAST FROM ENTRANCE TO GOLF COURSE (SOUTHERN SECTION)

Receptors: Private members of golf club.

Sensitivity of Receptor: Medium. Site is located on sensitive land between settlements, within countryside, but not in AONB or Green Belt.

Description	Nature of change, including geographical extent (Site, Local, District, Regional)	Magnitude of change: High Medium Low	Susceptibility: High Medium Low	Duration of construction impact; Short, Medium or Long Term	Duration / reversibility of operational impact: Permanent Temporary	Assessed effect: Adverse Neutral Beneficial	Opportunities for mitigation	Residual effect
View towards western part of appraisal site distance behind tree belt. Golf course track and scattered trees in grass, including pine. Roadside hedgerow and trees are prominent in the left of the view. Highways evident in the left of the view. Grass surfaces and trees (some evergreen) within golf course. For pedestrians / golfers this is a leisurely view.	Elements of new residential development may be glimpsed in the distance of the view, between the trees, but only during the winter months after leaf fall. The degree of visibility would be very small, and would depend on the depth / composition and height of western boundary landscape treatment and the location of the new buildings and their height / materials. The extent of change in this view would be Local.	Low	Medium. There is land in close proximity to the site / view that accommodates existing residential development and highways infrastructure, although to either side of the road the site is developed for leisure (golf) use.	Short term. It is assumed that the construction period for a development of this size and nature would be less than 3 years.	Permanent	Minor adverse	Design of a street lighting system that would minimise light escape. Other mitigation could include: Selection of appropriate materials for elevations, roofs and fenestration. Mitigation planting along site's northern and western boundaries. Selection of appropriate native species trees and shrubs for proposed planting. Landscape management plan to ensure mitigation proposals are retained / secured in perpetuity.	Neutral

Approximate centre of site

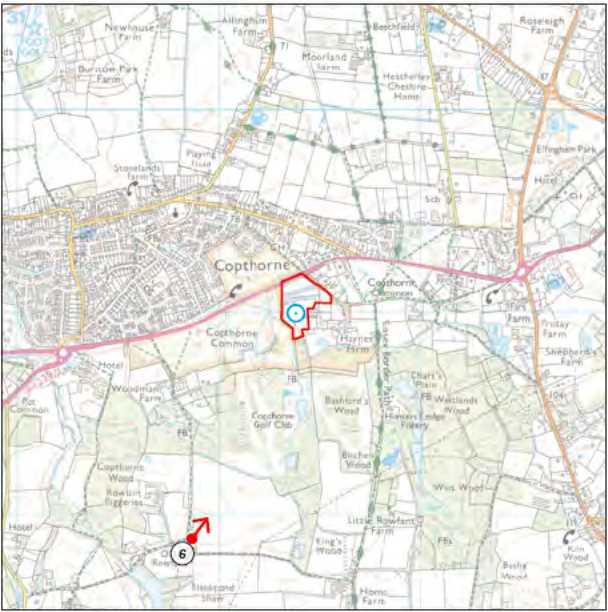


VIEW 6: VIEW NORTH EAST FROM PROW 10W AT OLD ROWFANT

Receptors: Users of PROW 10W

Sensitivity of Receptor: High (PROW users)

Description	Nature of change, including geographical extent (Site, Local, District, Regional)	Magnitude of change: High Medium Low	Susceptibility: High Medium Low	Duration of construction impact; Short, Medium or Long Term	Duration / reversibility of operational impact: Permanent Temporary	Assessed effect: Adverse Neutral Beneficial	Opportunities for mitigation	Residual effect
Rural view through foreground vegetation, across field towards distant tree belt. Metal barn structure in field (centre, mid-distance).	There would be no change in this view.	N/A	N/A	N/A	N/A	None	None required	N/A

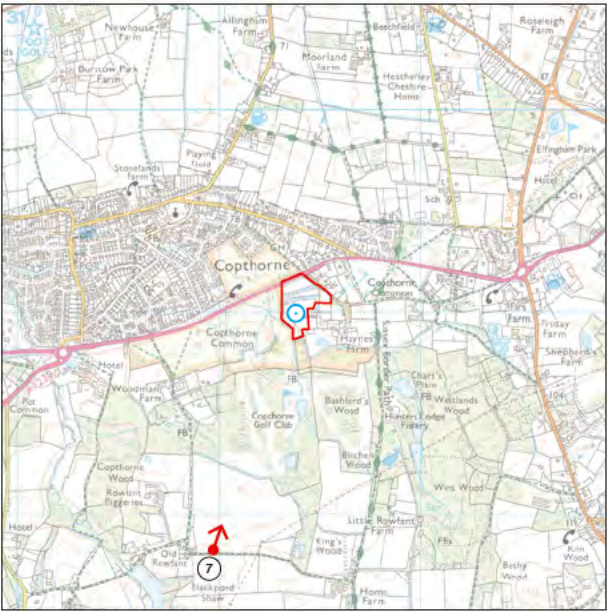


VIEW 7: VIEW NORTH EAST FROM PROW 13W

Receptors: Users of PROW 13W
Sensitivity of Receptor: High (PROW users)

Description	Nature of change, including geographical extent (Site, Local, District, Regional)	Magnitude of change: High Medium Low	Susceptibility: High Medium Low	Duration of construction impact; Short, Medium or Long Term	Duration / reversibility of operational impact: Permanent Temporary	Assessed effect: Adverse Neutral Beneficial	Opportunities for mitigation	Residual effect
Expansive rural view across field towards distant tree belt. Brambles and discontinuous stretches of hedgerow. Metal barn structure in field (centre left, mid-distance). PROW to right, passing under o/h transmission lines. Pylons.	There would be no change in this view.	N/A	N/A	N/A	N/A	None	None required	N/A

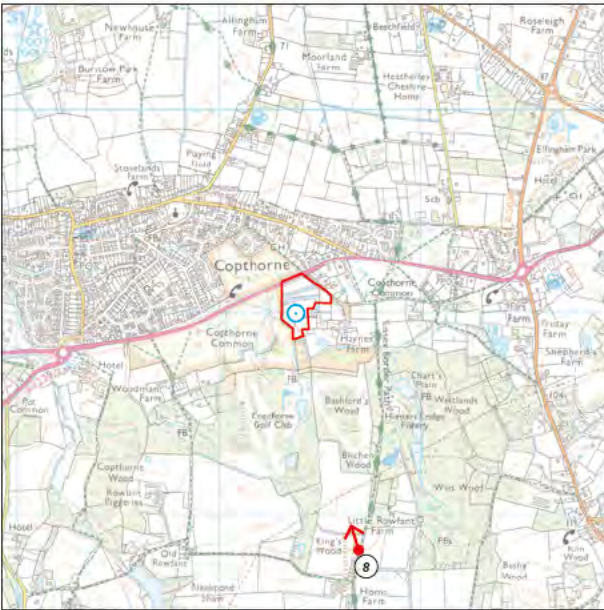
Approximate centre of site



VIEW 8: VIEW NORTH FROM SUSSEX BORDER PATH, PROW 28W NEAR HOME FARM

Receptors: Users of PROW 28W, local residents, viewing north
Sensitivity of Receptor: High (PROW users)

Description	Nature of change, including geographical extent (Site, Local, District, Regional)	Magnitude of change: High Medium Low	Susceptibility: High Medium Low	Duration of construction impact; Short, Medium or Long Term	Duration / reversibility of operational impact: Permanent Temporary	Assessed effect: Adverse Neutral Beneficial	Opportunities for mitigation	Residual effect
View north along long-distance footpath. Dwellings, track and parked vehicles. Unmanaged hedgerow, field and signage. Distant woodland.	There would be no change in this view.	N/A	N/A	N/A	N/A	None	None required	N/A



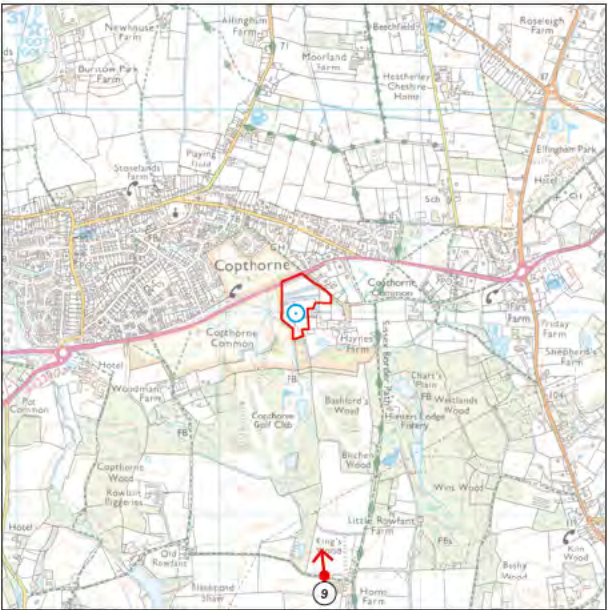
VIEW 9: VIEW NORTH FROM PROW 13W NEAR HOME FARM

Receptors: Occupants of vehicles; other road users including pedestrians (NB no footway; pedestrian traffic on roads likely to be infrequent).

Sensitivity of Receptor: Medium (road users)

Description	Nature of change, including geographical extent (Site, Local, District, Regional)	Magnitude of change: High Medium Low	Susceptibility: High Medium Low	Duration of construction impact; Short, Medium or Long Term	Duration / reversibility of operational impact: Permanent Temporary	Assessed effect: Adverse Neutral Beneficial	Opportunities for mitigation	Residual effect
View north from PROW 13W Open storage of materials, farm plant / equipment. Conifers, unmanaged hedgerow, track, field and distant woodland.	There would be no change in this view.	N/A	N/A	N/A	N/A	None	None required	N/A

Approximate centre of site



6. EFFECTS UPON LANDSCAPE

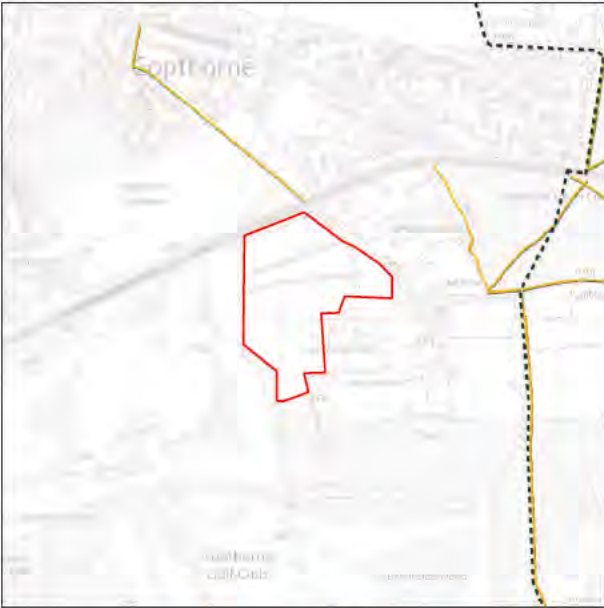
Receptors: LAND COVER / LAND USE

Description	Nature of change, including geographical extent (Site, Local, District, Regional)	Magnitude of change: High Medium Low	Susceptibility: High Medium Low	Duration of construction impact; Short, Medium or Long Term	Duration / reversibility of operational impact: Permanent Temporary	Assessed effect: Adverse Neutral Beneficial	Opportunities for mitigation	Residual effect
Mixed land use with settlement, woodland, golf course and infrastructure dominating.	<p>Loss of agricultural land and corresponding increase in land developed for residential use.</p> <p>Change from agricultural grassland to developed residential site, with associated access and landscape treatment.</p> <p>The extent of change would be Local.</p>	Medium	<p>Medium. There is land in close proximity to the site / view that accommodates existing residential development and highways infrastructure.</p> <p>Land to north, west and south is developed to golf course use and is not rural / agricultural in character.</p>	Short term. It is assumed that the construction period for a development of this size and nature would be less than 3 years.	Permanent.	Adverse	Design of an attractive new development, responding to local architectural style and materials, including substantial integrated green space to mitigate impact on land use / land cover patterns.	Minor adverse



Receptors: PUBLIC RIGHTS OF WAY

Description	Nature of change, including geographical extent (Site, Local, District, Regional)	Magnitude of change: High Medium Low	Susceptibility: High Medium Low	Duration of construction impact; Short, Medium or Long Term	Duration / reversibility of operational impact: Permanent Temporary	Assessed effect: Adverse Neutral Beneficial	Opportunities for mitigation	Residual effect
Sparse network of PROW with none crossing or adjacent to the appraisal site. Long distance footpath to the east.	There would be no physical change to PROW network. There would be a minor change in view from one PROW (see visual effects section). The extent of change would be Local.	N/A	N/A	N/A	N/A	None	None required	N/A



Receptors: SETTLEMENT PATTERN; SEPARATION OF SETTLEMENTS

Description	Nature of change, including geographical extent (Site, Local, District, Regional)	Magnitude of change: High Medium Low	Susceptibility: High Medium Low	Duration of construction impact; Short, Medium or Long Term	Duration / reversibility of operational impact: Permanent Temporary	Assessed effect: Adverse Neutral Beneficial	Opportunities for mitigation	Residual effect
Dense settlement to north of Copthorne Common Rd (except golf course); more sparse settlement pattern to the south.	Extension of settlement envelope to the south of Copthorne Common Rd Increase in quantum of development between Crawley and East Grinstead, although this is in a location where, north of Copthorne Common Rd, developed land is continuous. Development of this site would therefore not reduce the gap between settlements.	Low. Extent of site occupies a low proportion of land between settlements.	Low. Development is already present here, to the north of Copthorne Common Rd. Development of the appraisal site would not reduce the gap between settlements or cause coalescence.	Short term	Permanent	Adverse	Appropriate landscape treatment, especially along Copthorne Common Rd, to mitigate perception of new development between Crawley and East Grinstead,	Minor adverse



Receptors: NATIONAL LANDSCAPE CHARACTER AREA 122 HIGH WEALD

Description	Nature of change, including geographical extent (Site, Local, District, Regional)	Magnitude of change: High Medium Low	Susceptibility: High Medium Low	Duration of construction impact; Short, Medium or Long Term	Duration / reversibility of operational impact: Permanent Temporary	Assessed effect: Adverse Neutral Beneficial	Opportunities for mitigation	Residual effect
Refer to NCA 'Key Characteristics'	Site. The geographic extent of the site is very small compared to the national scale NCA. Development of the site in the manner proposed would have no noticeable impact on key characteristics at NCA level.	Low	Low. Residential development / land use is a characteristic of this part of the NCA and is represented locally.	Short term	Permanent	Neutral	Design of an attractive new development, responding to local architectural style and materials, including substantial integrated green space to respond to key NCA characteristics.	Neutral



Receptors: *DISTRICT LANDSCAPE CHARACTER AREA HIGH WEALD (AREA 6)*

Description	Nature of change, including geographical extent (Site, Local, District, Regional)	Magnitude of change: High Medium Low	Susceptibility: High Medium Low	Duration of construction impact; Short, Medium or Long Term	Duration / reversibility of operational impact: Permanent Temporary	Assessed effect: Adverse Neutral Beneficial	Opportunities for mitigation	Residual effect
Refer to Mis Sussex LCA 'Key Characteristics'	<p>Site. The geographic extent of the site is very small compared to the district scale LCA. Development of the site in the manner proposed would have no noticeable impact on key characteristics at district-wide level.</p> <p>The appraisal site is not located on the Forest Ridge and due to proximity of main road cannot be described as secluded, tranquil or (with surrounding golf course) classically rural in character. There are no long views.</p>	Low	Low. Residential development / land use is a characteristic of this part of the LCA and is represented locally, most notably to the north of Copthorne Common Rd.	Short term	Permanent	Adverse	Design of an attractive new development, responding to local architectural style and materials, including substantial integrated green space to respond to key LCA characteristics.	Minor adverse



Receptors: METROPOLITAN GREEN BELT

Description	Nature of change, including geographical extent (Site, Local, District, Regional)	Magnitude of change: High Medium Low	Susceptibility: High Medium Low	Duration of construction impact; Short, Medium or Long Term	Duration / reversibility of operational impact: Permanent Temporary	Assessed effect: Adverse Neutral Beneficial	Opportunities for mitigation	Residual effect
Refer to Gren Belt policy as expressed through NPPF and local plan.	Site is not within Green Belt. Policy does not act as a constraint on development.	N/A	N/A	N/A	N/A	None	None required	N/A



Receptors:

POLICY DP12: PROTECTION AND ENHANCEMENT OF THE COUNTRYSIDE

Description	Nature of change, including geographical extent (Site, Local, District, Regional)	Magnitude of change: High Medium Low	Susceptibility: High Medium Low	Duration of construction impact; Short, Medium or Long Term	Duration / reversibility of operational impact: Permanent Temporary	Assessed effect: Adverse Neutral Beneficial	Opportunities for mitigation	Residual effect
<p>Site is located in countryside which this policy protects in recognition of its intrinsic character and beauty.</p> <p>Policy does not preclude development, but requires it to enhance the quality of the rural and landscape character of the District, and it is necessary for the purposes of agriculture; or is supported by a specific policy reference in a local / neighbourhood plan document.</p> <p>As a call for sites response the aim is for the site to be included in the local plan. The degree to which the proposal enhances the District's rural and landscape character will depend on detailed design.</p>	Local. Although this is a district-wide policy, the impacts / implications for the district's rural and landscape character would be local, and confined to the site and the immediate area around it.	Low. The appraisal site occupies a very small proportion of the policy area.	Medium. Although the site's character is strongly influenced by the busy main road and golf course landscape, it is technically within the countryside and therefore protected by policy DP12.	Short term	Permanent	Adverse	Design of an attractive new development, responding to local architectural style and materials, including substantial integrated green space to enhance the District's rural and landscape character.	Minor adverse



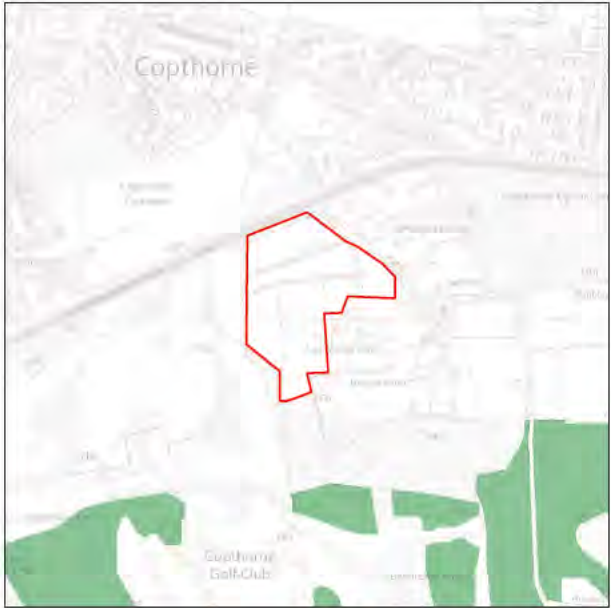
Receptors: *POLICY DP38: BIODIVERSITY / SNCI*

Description	Nature of change, including geographical extent (Site, Local, District, Regional)	Magnitude of change: High Medium Low	Susceptibility: High Medium Low	Duration of construction impact; Short, Medium or Long Term	Duration / reversibility of operational impact: Permanent Temporary	Assessed effect: Adverse Neutral Beneficial	Opportunities for mitigation	Residual effect
Site adjacent to but not within designation / policy area. A PEA has been undertaken for the site which makes recommendations for further ecological survey work as well as avoidance, mitigation, compensation and enhancement measures.	The nature of the site's habitats would change from heavily grazed semi-improved grassland to a developed site with gardens and enhanced habitat areas, the design of which would be informed by ecological survey and recommendation. Possible opportunities for biodiversity net gain.	Medium.	Medium. Adjacent LWS and policy designation increases sensitivity, although adjacent heathland LWS is a heavily used golf course.	Short term	Permanent	Adverse	Habitat enhancement as advised by project ecologist.	Neutral



Receptors: **ANCIENT WOODLAND**

Description	Nature of change, including geographical extent (Site, Local, District, Regional)	Magnitude of change: High Medium Low	Susceptibility: High Medium Low	Duration of construction impact; Short, Medium or Long Term	Duration / reversibility of operational impact: Permanent Temporary	Assessed effect: Adverse Neutral Beneficial	Opportunities for mitigation	Residual effect
Blocks of ancient woodland to the south of the appraisal site.	There would be no change in ancient woodland. All elements of the proposed development would be substantially in excess of 15m from ancient woodland designation boundaries.	N/A	N/A	N/A	N/A	None	None required	N/A



Receptors: **TREE PRESERVATION ORDERS**

Description	Nature of change, including geographical extent (Site, Local, District, Regional)	Magnitude of change: High Medium Low	Susceptibility: High Medium Low	Duration of construction impact; Short, Medium or Long Term	Duration / reversibility of operational impact: Permanent Temporary	Assessed effect: Adverse Neutral Beneficial	Opportunities for mitigation	Residual effect
There are several Tree Preservation Orders within the Copthorne area. The closest group to the appraisal site (WP/06/TPO/88) lies approximately 30m beyond the site's north eastern boundary, within Owls Croft.	Development of the site would have no adverse effects on protected trees.	N/A	N/A	N/A	N/A	None	None required	N/A



SUMMARY OF EFFECTS

V		
View 1	Adverse	Minor adverse
View 2	Minor adverse	Neutral
View 3	Adverse	Minor adverse
View 4	Neutral	Neutral
View 5	Minor adverse	Neutral
View 6	None	N/A
View 7	None	N/A
View 8	None	N/A
View 9	None	N/A

Land cover / Land use	Adverse	Minor adverse
PRoW	None	N/A
Settlement Pattern & Separation of Settlements	Adverse	Minor adverse
National LCA	Neutral	Neutral
District LCA	Adverse	Minor adverse
Metropolitan Green Belt	None	N/A
DP12 Countryside	Adverse	Minor adverse
DP38 Biodiversity / SNCI	Adverse	Neutral
Ancient Woodland	None	N/A
Tree Preservation Order	None	N/A

7. CONTEXT - PREVIOUSLY UNDERTAKEN CAPACITY STUDIES

<i>Mid-Sussex district wide landscape character assessment 2005</i>		
7.1	Mid-Sussex's district wide landscape character assessment was carried out in November 2005. This characterised the landscape of Mid Sussex District in three regional character areas, relating to national landscape character zones: Low Weald (121), High Weald (122) and South Downs (125).	
7.2	The 2005 assessment sub-divided the regional character areas into ten landscape character areas, each related to the geology of the Wealden Basin. The northern area included the High Weald Forest Ridge, a wooded landscape of ridgelines and valleys, together with the wooded plateaus of the Worth Forest and High Weald Plateau around Copthorne. Woodland limits the visual sensitivity of the landscape to long views along ridgelines and valley features. These are highly distinctive rural landscapes of high landscape quality, AONB status of a substantial proportion of the area.	
<i>Mid Sussex Landscape Capacity Study 2007</i>		
7.3	In July 2007 the Mid Sussex Landscape Capacity Study, prepared for Mid Sussex District Council by Hankinson Duckett Associates, placed the appraisal site within Zone 2 'LAND BETWEEN CRAWLEY AND EAST GRINSTEAD, INCLUDING COPTHORNE, CRAWLEY DOWN, TURNERS HILL, WEST HOATHLY AND SHARPTHORNE'	
7.4	Zone 2 is described as comprising 'the large villages of Copthorne and Crawley Down, as well as the smaller villages of Turners Hill, West Hoathly and Sharpthorne. With the exception of Copthorne, all the villages are located on areas of local high ground within the High Weald.	
7.5	Copthorne is located on a lower plateau within the High Weald, at the north western corner of the study area. The large village is bounded along its southern edge by the busy A264 running east-west between Crawley and East Grinstead. Gill and mixed woodland helps separate the settlement from the M23 and Crawley, to the west. To the south is a mixture of woodland and recreation.'	
7.6	In the Mid Sussex Landscape Capacity Study the appraisal site at Court House Farm is located within character area 01 – the East Crawley-Copthorne Settled Woodland Matrix. This is described as a:	
7.7	'Settled woodland matrix stretching from Crawley east towards East Grinstead. Provides wooded setting and separation between Crawley and Copthorne.'	
7.8	In terms of landscape sensitivity, the 2007 capacity study (Table 1) concluded the following:	
7.9	East Crawley – Copthorne Settled Woodland Matrix <ul style="list-style-type: none">• Inherent landscape qualities: Moderate hedge network. Area of designed landscape.• Contribution to distinctive settlement setting: Wooded setting to Crawley and Copthorne.• Inconsistency with existing settlement form / pattern: High Weald plateau.• Contribution to rurality of surrounding landscape: Contains large amount of scattered settlement, but perception of rurality aided by containing vegetation.• Contribution to separation between settlements: Provides separation between Crawley and Copthorne.	
7.10	This LCA was awarded a sensitivity score of 20 out of a maximum of 25 equating to a Final Assessment Landscape Sensitivity of 'substantial.'	
7.11	In reaching this conclusion, the study stressed the importance of this LCA in providing separation between Crawley and Copthorne, and a wooded setting to both. It also noted that the LCA contains large amount of scattered settlement, but the perception of rurality is aided by containing vegetation.	
7.12	This is very much the case with regard to the appraisal site, which although located between Crawley and Copthorne, is visually contained by strong woodland boundaries, which contribute to its rural character and the landscape setting of the urban areas.	
7.13	The masterplan for the proposed development of the Court House Farm site indicates retention and reinforcement of existing wooded boundaries, whilst the management of this vegetation in perpetuity could be secured through normal planning mechanisms.	
7.14	Of the 75 Landscape Character , 45 were assessed as being of 'substantial' sensitivity, representing 60% of all LCAs. The East Crawley – Copthorne Settled Woodland Matrix achieved a sensitivity score of 16. A score just one point lower of 15 would have placed it in the lesser sensitivity rating	
		threshold of 'Moderate'. A maximum sensitivity score of 5 was allocated to this LCA by the study due to its contribution to separation between settlements, but within the same scoring system, its ability to retain a perception of rurality despite the presence of large amounts of scattered settlement, was also acknowledged.
7.15		The location of the appraisal site between Crawley and Copthorne cannot be changed, but the above scoring system used by the assessors in the 2007 study suggests that, in terms of sensitivity, it would be possible for the site to be developed successfully without damaging the perception of separation between the settlements.
7.16		With regard to Table 2 'Landscape Value' in the Mid Sussex Landscape Capacity Study, the East Crawley – Copthorne Settled Woodland Matrix achieved a score of 13. This placed it within the 'moderate' landscape value category, but 5 of those 13 scores were allocated due to the presence of Listed buildings, Scheduled Monuments, Ancient W interests. This may be the case with regard to the broad landscape character area as a whole, which extends for more than 6km from Crawley almost as far as East Grinstead, but this is not the case with regard to the appraisal site at Courthouse Farm. With the exception of the nearby LWS there are no such constraints, and potential impacts upon this are capable of satisfactory resolution through normal ecological survey and mitigation procedures.
		<i>Mid Sussex District SHLAA: Review of Landscape and Visual Aspects of Site Suitability 2015</i>
7.17		Until the Jan 2015 LUC study 'Mid Sussex District SHLAA: Review of Landscape and Visual Aspects of Site Suitability', the capacity appraisal for Mid Sussex had been based primarily on consideration of landscape character. This latter study introduced an additional assessment criterion; visual receptors.
7.18		referenced in the SHLAA methodology or the capacity studies, consideration of impact on visual receptors – i.e. those viewing the landscape as opposed to the landscape as a resource in its own right – forms an aspect of the assessment of development impact. <i>At landscape character area scale it is difficult to generalise about effects on visual receptors but at site level we can make a judgement.' (my emphasis).</i>

7.19

methodology to capacity studies, allows the unique visual qualities of individual sites to be tested against capacity criteria, and permits the

- 7.20 The local authority's SHLAA assessment provides a system of assessment for capacity, based on their 'Site Selection Paper 2 – Methodology for Site Selection'.

in terms of their impact. For sites not in the Area of Outstanding Natural Beauty this includes an assessment of each site's landscape capacity and suitability. Sites are ranked from low to high.

- 7.21 In applying this methodology to the Courthouse Farm site, (SHLAA ID ref. 990), the SHLAA notes that the site is remote from the High Weald

Ancient Woodland. There are no listed buildings that

All these criteria are given a 'green'

(yellow / amber light), indicating this is not a major concern, as this can be mitigated through design and management, as borne out by the masterplan layout for the site.

- 7.22 With regard to landscape, however, the local authority's SHLAA assessment of Courthouse Farm assesses the site as having a 'red' (low) capacity to accommodate development. This is at odds with the earlier landscape capacity studies from which it draws its evidence (see below).

Capacity of Mid Sussex District Council to accommodate development' 2014

- 7.23 Turning to the earlier LUC study, the 'Capacity of Mid Sussex District Council to accommodate development' Courthouse Farm site as being within the 'East Crawley-Copthorne Settled Woodland Matrix' landscape character area (LCA no. 1). This landscape character area's capacity to accommodate development is based on its sensitivity and value, and is found to have an 'orange' (Low/Medium) capacity to accommodate development, not 'red' as set out in the SHLAA ID ref. 990.

- 7.24 The Council' a low/medium landscape capacity (not low capacity). As before, the East Crawley Copthorne Settled Woodland Matrix covers a substantial area, and it is inevitable that there will be variations in sensitivity, and therefore capacity, within the LCA. For these reasons the capacity for this tract of landscape to accommodate new development should be considered on a site by site basis.

8. SUMMARY AND CONCLUSIONS

<p><i>NATURE OF POTENTIAL EFFECT</i></p> <p><i>Private visual amenity</i></p> <p>8.1 There is the potential for some limited local scale adverse impacts upon visual amenity from a small number of private residential properties located close to the site, predominantly to the east. These private properties were not visited as part of this appraisal, but aerial mapping suggests that views towards the site from these properties would be largely obstructed by mature vegetation.</p> <p>8.2 From the golf course the existing boundary vegetation on the appraisal site's western boundary provides a substantial screen already, even during the winter months. This could be reinforced if necessary.</p> <p>8.3 From private land to the south, views towards the site are obstructed by trees and larger areas of woodland.</p> <p><i>Public visual resource</i></p> <p>8.4 The site has limited scope to cause changes to general public visual amenity, as it is highly visually contained. It does not 'present' itself to the majority of receptors, who are travelling along Copthorne Common Road, or using the golf course, due to the boundary vegetation and embankment along the main road.</p> <p>8.5 The development would require the removal of some trees to achieve the site access, but this vegetation is not of high quality and</p> <p>and shrubs behind the sightlines, which would also provide good habitat connectivity with the LWS.</p> <p>8.6 Views from the wider landscape are obstructed by large blocks of woodland. There would be no impact upon views from any of the public rights of way within the study area, except for the single public footpath emerging onto Copthorne Common Road from the north.</p> <p>cultural or historically important views.</p>			<p>8.7 There would not be any inherent visual unpleasantness attached to the development proposals themselves, as it is assumed that the scheme will be designed sensitively, and to a high quality - both elements under the control of the local planning authority through normal planning mechanisms. Impacts would more likely derive from a change in visual character, from an undeveloped site (albeit not a very prominent one) to a developed site. The developed site need not be any more prominent than the undeveloped site if a substantial green swathe of trees and shrubs could be retained / created along the site's northern boundary.</p> <p>8.8 discussed below.</p> <p><i>Landscape Resource</i></p> <p>8.9 development are limited and relate almost exclusively to the following:</p> <ul style="list-style-type: none">• a change in land use• a change in the settlement envelope of Copthorne, resulting in an increase in the quantum of development between Crawley and East Grinstead• development in the countryside (policy DP12).• policy DP38: biodiversity / SNCI <p>8.10 In terms of land use, although the development would inevitably change the appearance and nature of the site, this would not cause a measurable change in the wider landscape character at district or national scales.</p> <p>adversely by the proximity of the A264 corridor and the development of the golf course which wraps around three sides of the site, to the extent that the key characteristics of the LCA have been eroded locally here.</p> <p>8.11 Regarding separation of settlements, development of the appraisal site would not erode the separation of settlements or cause coalescence. It would increased the amount of developed land between East Grinstead and Crawley, but there would be extensive undeveloped land retained of over 1km along the southern side of Copthorne Common Rd between the appraisal site's western boundary and the Copthorne Hotel Gatwick roundabout.</p>	<p>8.12 Turning to DP38, envelope its proximity to the urban fringe, the A264 corridor, and the golf course, combined with its visual separation form the wider</p> <p>by the adjacent developed landscape than the undeveloped rural landscape to the south. The site occupies part of the urban / rural fringe rather than being part of the wider agricultural landscape. The normal attributes associated with 'countryside', such as tranquillity and intrinsic beauty have been eroded to a degree.</p> <p>8.13 Regarding policy DP38: biodiversity / SNCI, although this has been</p> <p>been undertaken which has established a baseline for further survey work, design, mitigation, enhancement and management. This is a routine methodology adopted for all development sites, and</p> <p>enhancement will be delivered.</p> <p><i>Mitigation</i></p> <p>8.14 number of potential mitigation opportunities:</p> <ul style="list-style-type: none">• Planting of a substantial green swathe along the site's northern boundary.• Reinforcement of existing vegetation along the site's western boundary (with the golf course).• Use of native species for all structural landscape work, using species appropriate to the site's proximity to the LWS• Use of ecologically-designed SUDS features.• Architectural design, scale, massing and choice of materials to be responsive to local landscape / townscape character and visual sensitivity.• Create connectivity of habitats within the site and on its boundaries.• Acheive a net gain in the number of native trees on the site, to respond to the character of nearby woodland and wooded settlements.
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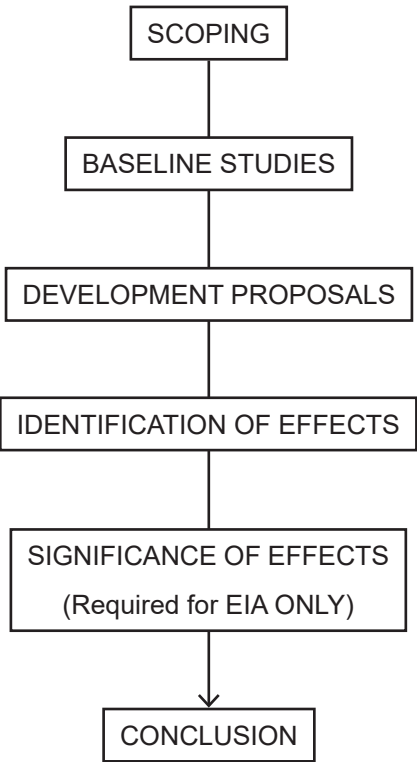
CONCLUSION - ABILITY TO ACCOMMODATE DEVELOPMENT

- 8.15 If there is to be development located in this area, this is potentially a good candidate site as it can accommodate residential development in an accessible location without damaging key landscape and visual characteristics. Furthermore, predicted impacts can be easily mitigated on this site as it possesses a strong landscape structure of boundary hedgerows and trees, that can be retained, reinforced and protected.
- 8.16 The work undertaken above, although by necessity high level at this stage in the planning process, considers the suitability and capacity of this individual site to accommodate development, based on its own (landscape and visual) merits, rather than judgements based on the much broader characteristics of an entire landscape character area.
- 8.17 The creation of a well-designed development within a substantially wooded setting would not appear uncharacteristic or out of keeping with the surrounding landscape.
- 8.18 The development would not result in the loss of or damage to key landscape resources or features, would not introduce uncharacteristic or detracting features into the landscape. It would result in a minor extension of the settlement envelope to the south.
- 8.19 The proposed development would not be uncharacteristic of its setting, and would not be of a scale, massing, location or nature that would result in any notable impacts upon the landscape resources that combine to create the prevailing landscape character at a local, regional or national scale.

9. APPENDIX 1: METHODOLOGY

ASSESSMENT METHODOLOGY

9.1 The diagram below indicates the usual process followed in undertaking landscape and visual appraisal work.
section is only undertaken for assessments requiring a Landscape and Visual Impact Assessment (LVIA) for the purposes of Environmental Impact Assessment (EIA).



ASSESSMENT TABLES & MATRICES

9.2 To assist with the assessment process a number of standard tables and matrices are provided in **Tables A to I** within this methodology.

9.3 These tables are intended as an initial guide to enable the assessor to consistently identify a common starting point or value against which the assessment can be formulated. They contain

9.4 There are often instances where dynamic values can fall between categories set out in the tables / matrices, requiring the assessor to use professional judgement in reaching a conclusion, supported by explanatory text.

SCOPING

9.5 The purpose of the preliminary scoping exercise is to:

- Identify the relevant sources of landscape and visual information.
- Identify the nature of possible impacts, in particular those which are considered likely to occur and to be relevant to this assessment.
- Identify the main receptors of the potential landscape and visual impacts.
- Establish the extent and appropriate level of detail required for the baseline studies, including identifying those issues which can be 'scoped out' from further assessment.

9.6 The scoping exercise is completed by undertaking a preliminary desktop study of the site, its immediate surroundings and the wider landscape context.

Establishing the Study Area

9.7 In determining an appropriate study area for assessment, it is important to distinguish between the study of the physical landscape and the study of visual amenity. The study area required for analysis of the physical landscape is focused on the immediate locality of the wider landscape context.

9.8 The study area for the visual assessment extends to the whole of the area from which the site is visible and/or the proposed development would be visible.

Scoping Out

9.9 Directive 2014/52/EU states that the emphasis of LVIA should be the need for an approach that is appropriate and proportional to the scale of the project being assessed.

9.10 Only topics and issues which are relevant should be included within the assessment. This approach is also considered to remain appropriate for non EIA projects.

9.11 It may therefore be appropriate to 'scope out' certain topics and issues which are disproportionate for the following reasons:

- it can be readily accepted that there would be no potential for any impact or change to occur.
- Although the proposal would result in an impact or change upon the landscape, the scale compared to the size and scale of the topic being assessed is negligible.
- development might have on a National Character Area.

BASELINE STUDIES

9.12 The purpose of baseline studies is to establish the existing landscape and visual conditions against which the proposal will be assessed, and to develop an understanding of landscape and visual context.

9.13 In terms of visual amenity, the baseline study will establish the area of the site and its immediate surroundings, and the location and nature of existing views.

Desktop Study

9.14 available background information relating to the site and its surroundings.

9.15 Principal sources of such information include:

- The local planning authority, including the local plan / policy context.
- Existing National, Regional, District and Local Landscape Character Area Assessments.
- Statutory consultants including Historic England and the Environment Agency.
- Online national and regional mapping resources.

9.16 Typical baseline information may include:

- Aerial imagery.
- Topography.
- Land cover / land use
- Landscape protection and policy designations.
- Historic context and features.
- Land use.
- Public rights of way.
- Existing evaluation and assessment studies.

Field Study

9.17 Information collated in the desktop study is then checked and urban fringe areas where maps and aerial data can be out of date, or

The role of existing Landscape Character Area Assessments

9.18 Landscape character assessments have been carried out by a number of authorities at a range of scales, from National and Regional, down to District and Local levels.

9.19 Existing assessments provide useful background material for landscape assessment work. It is important that these are reviewed critically before use, to ensure that they are accurate, current and relevant to the assessment process in hand. Many national and regional landscape character assessments are at too large a scale

by the more general, prevailing characteristics of a given landscape character area.

9.20 It may sometimes be necessary to rule out or otherwise interpret the content of existing landscape character assessments and their

Visual Amenity Assessment

9.21 Baseline analysis of visual conditions provides a description of the prevailing visual characteristics and visual amenity of the study area landscape.

9.22 may experience views of the development, the locations where these views will be experienced, and the nature of the existing view at these points.

Zone of Theoretical Visibility

9.23 For some projects, where a precise layout and building designs are by identifying the area from which a proposal, theoretically, will be visible. This can be established by producing a 'Zone of Theoretical Visibility' (ZTV) using specialist software packages and survey data, or through traditional manual mapping.

9.24 In many situations, however, it is not possible to establish a reliable ZTV on these methods alone, due to anomalies caused by the presence of existing built development and vegetation cover within the study area, or due to the fact that development proposals for a example, or for a call for sites exercise). In these circumstances establish representative viewpoints.

Height of the Observer

9.25 For the purposes of the production of ZTVs, site surveys and baseline photography, it has been assumed that (unless stated otherwise) the observer eye height is between 1.5 to 1.7m above ground level, based upon the mid-point of average heights for men and women.

Identifying Potential Visual Receptors

9.26 If the physical nature, dimensions and location of the proposed development has been established, it is possible to identify the type This could be a wide range of people including those living in the area, those who work destination. and locations, or those engaged in a recreational activity.

9.27 ways, depending on the context (location, time of day, season, degree of exposure), and the purpose of the activity they are undertaking (recreation, residence, employment or journey).

9.28 Visual receptors can be described in terms of their relative sensitivity to change. Receptors who experience views from public rights of way, or from within Areas of Outstanding Natural Beauty, are more likely to be sensitive to changes in that view than people experiencing a view from, say, within a moving vehicle.

9.29 Similarly, sensitivity of the receptor might be reduced if the visual amenity of the available view is low. This might be due to the nature of activity being undertaken at the location, or by the receptor (such as views from, or in close proximity to, areas of active recreation, major transport interchanges, major roads and railway lines and places of work or employment). This may also be due to the nature or quality of the available view and its setting (such as views from locations in close proximity to major detracting visual features, such as damaged or derelict land or buildings).

9.30 The least sensitive receptors are locations with very low, or no existing visual amenity, due to lack of available publicly accessible by detracting visual features within the landscape.

9.31 These also include long distance views where the introduction of new development into the view is unlikely to alter its overall nature, character or emphasis.

Selecting Key Viewpoint Locations

9.32 From the preliminary desktop studies it is possible to identify key locations within the study area, which have the potential to provide views of the proposed development.

9.33 of the proposed development and those which are of particular relevance in terms of their location or with particular features of importance or sensitivity, are selected.

Representative views

9.34 The approach to visual assessment requires that assessed views are representative of the wider general viewing experience. It is not necessary to select views from all positions from where the site / proposed development would be visible.

9.35 therefore been given to:

- Public accessibility.
- Number and sensitivity of viewers.
- Viewing direction, distance and elevation.

- Nature of the viewing experience (static, moving).
- Type of view (panoramic, vista, glimpsed).

Baseline Photography

9.36 The camera used was a digital Panasonic Lumix DMC-TZ30. The images include panoramic iamges and single frame views. The photography is intended to provide a representation of the view from selected viewpoints. It is not intended to represent what the human eye actually sees, and is therefore not a substitute for visiting the site and experiencing the view in person.

Panoramic Photography & Stitching

9.37 the images is provided. Therefore a 1/2 overlap of each picture was allowed for. The panoramic images were taken using the camera's built in guidelines on the display. The guidelines divide the picture into thirds, both vertically, horizontally and diagonally to clearly identify the centre point of the image.

9.38 Panoramic images were stitched together using the automated 'photomerge' facility in Adobe Photoshop (Creative Cloud). The 'cylindrical' setting was used, so that the software initially aligns the images by comparing the duplicated elements between them, and then allows for focal distortion associated with single frame 50mm photographs. The 'auto blend' setting was selected to enable the production of a seamless single image. During this process the software determines the best line for the join between the separate images and adjusts the overall brightness of the individual images to produce a consistent appearance.

IDENTIFICATION OF EFFECTS	
9.39	The purpose of this section of the report is to describe the potential landscape and visual resources.
9.40	<p>This process takes systematic analysis of the range of possible interactions between components of the proposed development throughout its lifecycle, and the baseline landscape and visual resource.</p> <p>Nature of Change (Magnitude of Impact)</p> <p>9.41 baseline situation of individual landscape or visual receptors resulting</p> <p>These can include the following:</p> <ul style="list-style-type: none">A change in and / or partial, or complete loss of elements, features or aesthetic aspects that contribute to the landscape or visual character.character.. <p>9.42 it is:</p> <ul style="list-style-type: none">Direct / Indirect or Secondary.Short / Medium or Long-term in duration.Permanent or Temporary.Adverse, or Neutral. <p>Establishing Magnitude</p> <p>9.43 The consideration of the 'magnitude' include:</p> <ul style="list-style-type: none">Size / scale.Geographic extent.Duration / reversibility. <p>Size / Scale</p> <p>9.44 A judgement is made on the size or scale of the change that will occur. It is expressed on a four-point scale of Major, Moderate, Minor or Negligible, and takes into account:</p>

<ul style="list-style-type: none">The extent of existing landscape elements that will be lost, the proportion of the total extent that these represent and the contribution this makes to the character of the landscape or view.The extent of the view that would be occupied by the proposed development (glimpsed, partial or full) and the proportion of the proposed development that would be visible.The degree to which the aesthetic or perceptual aspects of the landscape or view are altered by the removal, or addition of certain features. A judgement is also made as to whether the proposed development contrasts in form or character with its surroundings, and / or whether the development appears as an extension or addition to the original context of the view.Whether or not the impact changes the key characteristics of the receiving landscape.The rapidity of the process of change in the landscape or view. <p>Geographic Extent</p> <p>9.45 scale of:</p> <ul style="list-style-type: none">Site. Within the development itself.Local. Within the immediate setting of the site.District. Within the landscape type / character area in which the proposal lies.Regional. Within the immediate landscape type / character area in which the proposal lies, and those immediately adjoining it. <p>Duration & Reversibility</p> <p>9.46 using a three point scale of:</p> <ul style="list-style-type: none">Short-term (0-5yrs).Medium-term (6-10yrs).Long-term (11+ years).	
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9.47	<ul style="list-style-type: none">Permanent (change cannot be reversed, or there is no intention that it will be reversed).Temporary reversed on cessation). <p>Factors which influence Visual Magnitude</p> <p>9.48 In relation to visual amenity and when determining size / scale, geographic extent and duration, it is also necessary to consider the be perceived or observed:</p> <ul style="list-style-type: none">Elevation and distance. The distance and angle of view of the viewpoint from the proposed development, and how this may 's ability to identify the development within the view.Exposure. The duration and nature of the view (fragmented, glimpsed, intermittent or continuous).Prominence. Whether or not the view would focus on the proposed development. For example, where a building would building by the landscape framework, or the development forms one element in a panoramic view.Weather conditions / aspect. weather conditions at a given location, the clarity of the atmosphere or the angle and direction of the sun and how this impacts upon visibility.Seasonal variation. Changes in seasonal weather conditions and vegetation cover will alter the extent of visibility of a development within a given view. factors such as the perceived size, scale, exposure and prominence.
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Magnitude of Change

9.49 'magnitude' of change, using a three point scale of High, Medium or Low, as set out in **Table A**.

Table A: Magnitude of Change.

Value	
High	A change of high magnitude will be generally consistent with the following criteria for a given development proposal: <ul style="list-style-type: none">- It would be of a major size / scale,- It would be prominent / dominant,- It would be of a District to Regional extent,
Medium	A change of medium magnitude will be generally consistent with the following criteria for a given development proposal; <ul style="list-style-type: none">- It would be of a moderate size / scale,- It would be noticeable / recognisable- It would be of a Local to District extent,
Low	A change of low magnitude will generally consistent with the following criteria for a given development proposal; <ul style="list-style-type: none">- It would be of a minor size / scale,- It would be obscure / inconspicuous,

9.50 The reversibility and degree of permanence of a proposal will also
A reversible or temporary proposal
is more likely to be within the 'medium' or 'low' categories than a
permanent proposal, although this is not always the case.

Note on assessment judgements: Beneficial, Adverse or Neutral

- 9.51 LVA methodology requires the assessor to make a judgement as to whether a change is 'adverse,' 'neutral'
- 9.52 Predicted impacts on landscape character are equally important as visual impacts. Some assessors consider landscape impacts to be more important than visual.
- 9.53 This process considers a range of criteria that might include:
- The degree to which the proposed development is considered to be characteristic, or uncharacteristic of the receiving landscape or view.
 - The contribution that the development itself may make to the quality, condition and character of the landscape or visual resource.
- 9.54 This can be a challenging exercise, and the judgement will be based largely upon an individual's perception and experience. There is a natural tendency for people to resist change in a landscape or townscape with which they are familiar, irrespective of the prevailing quality or condition of that environment. It is special to them as individuals and as part of a community, and in this respect it is valued. As a result it is quite commonplace for any change, including change brought about by a development proposal, to be considered adverse, whatever its nature or scale. Whilst the landscape assessor's role is to adopt a professional / impartial stance, it is important to be mindful of this natural conservatism.
- 9.55 Quite often this is an 'on balance' judgement, where there are some
necessary to qualify these, adding 'major' or 'minor' to 'adverse' or
This may occur when an adverse impact is predicted,

DEFINITIONS AND TERMINOLOGY		
9.56	used throughout this document and the supporting methodology. Quotes in italic are extracts from GLVIA 3.	
Impact & Effect		
9.57	GLVIA 3 refers to the distinction made generally under European Union <i>the action being taken</i> <i>the change resulting from that action</i> .	
Landscape		
9.58	The term 'landscape' within this report is taken to mean <i>'an area, as perceived by people, whose character is the result of the action and interaction of natural, cultural and/or human factors... It does not just mean special or designated landscapes nor only the rural countryside, but covers all natural, rural, urban and peri-urban areas including land, inland water and marine areas, and includes areas which are considered outstanding, everyday and degraded in condition'</i> .	
Landscape Resource & Visual Amenity		
9.59	Landscape and visual assessments are independent but related issues; <ul style="list-style-type: none">resource.Visual assessment analyses general visual amenity experienced by people.	
Landscape Resource (Character)		
9.60	Landscape character results from the <i>'interplay of the physical, natural and cultural components of our surroundings. Different combinations of these elements and their spatial distribution create the distinctive character of landscape in different places, allowing different landscapes to be mapped analysed and described'</i> . This process enables the establishment of discrete 'Landscape Character Areas'.	
Visual Amenity		
9.61	Refers to the overall pleasantness (or otherwise) of views experienced by people, providing a visual setting for a range of activities being undertaken.	
Landscape Value		
9.62	Refers to the relative value placed upon a resource by society. It is arrived at by combining judgements on the importance of the resource with its condition and quality.	
9.63	'Landscape quality (condition)' <i>'a measure of the physical state of the landscape. It may include the extent to which typical character is represented in individual areas, the intactness of the landscape and the condition of individual elements'</i> .	
Landscape Effects		
9.64	the landscape, which may lead to changes in its character and how it is the inherently dynamic nature of the landscape, physical changes may	
Visual Effects		
9.65	V available views from visual receptors, to people's response to these	
Receptors		
9.66	'Landscape Receptors' are <i>'defined aspects of the landscape resource that have the potential to be affected by a proposal'</i> .	
9.67	'Visual Receptors' are <i>'individuals and / or defined groups of people who have the potential to be affected by a proposal'</i> ,	
Susceptibility		
9.68	Refers to the ability of a landscape or visual receptor to accommodate change brought about by a development of a given type.	
Sensitivity (Nature of Receptor)		
9.69	'Sensitivity' <i>'a term applied to specific receptors, combining judgements of the susceptibility of the receptor to the specific type of change or development proposed and the value related to that receptor'</i> .	
Magnitude of Effect (Nature of Change)		
9.70	Refers to the combined judgement about the size and scale of reversible or irreversible and its duration.	
Beneficial (Positive) Effect		
9.71	enhancement in the baseline condition of a landscape resource or view, which might derive from: <ul style="list-style-type: none">Removal of a detracting feature, component or view.component or view.The introduction of a new component which reinforces, protects or promotes the existing valued landscape character or visual amenity.	
Adverse (Negative) Effect		
9.72	degradation of the baseline condition of a landscape resource or view, which might derive from: <ul style="list-style-type: none">Expansion or enlargement of an existing adverse feature, component or view.The introduction of a new, uncharacteristic and adverse feature or component which weakens, damages or changes the existing valued landscape character or visual amenity.	
Neutral Effect		
9.73	Some impacts may result in a combination of positive and negative	
9.74	A a magnitude and / or nature that would be negligible, or of an in scale / magnitude in relation to the baseline condition of a landscape resource	
Direct Effect		
9.75	A <i>'an effect that is directly attributable to the proposed development'</i> .	
Indirect Effect		
9.76	<i>'result indirectly from the proposed project as a consequence of the direct effects, often occurring away from the site, or as a result of a sequence of inter-relationships or a complex pathway. They may be separated by distance or in time from the sources of the effects'</i> .	

Mitigation

9.77 Refers to features or components of a proposal which have been

Enhancement

9.78 *‘Proposals that seek to improve the landscape resource and the visual; amenity of the proposed development site and its wider setting, over and above its baseline condition’.*

Compensation

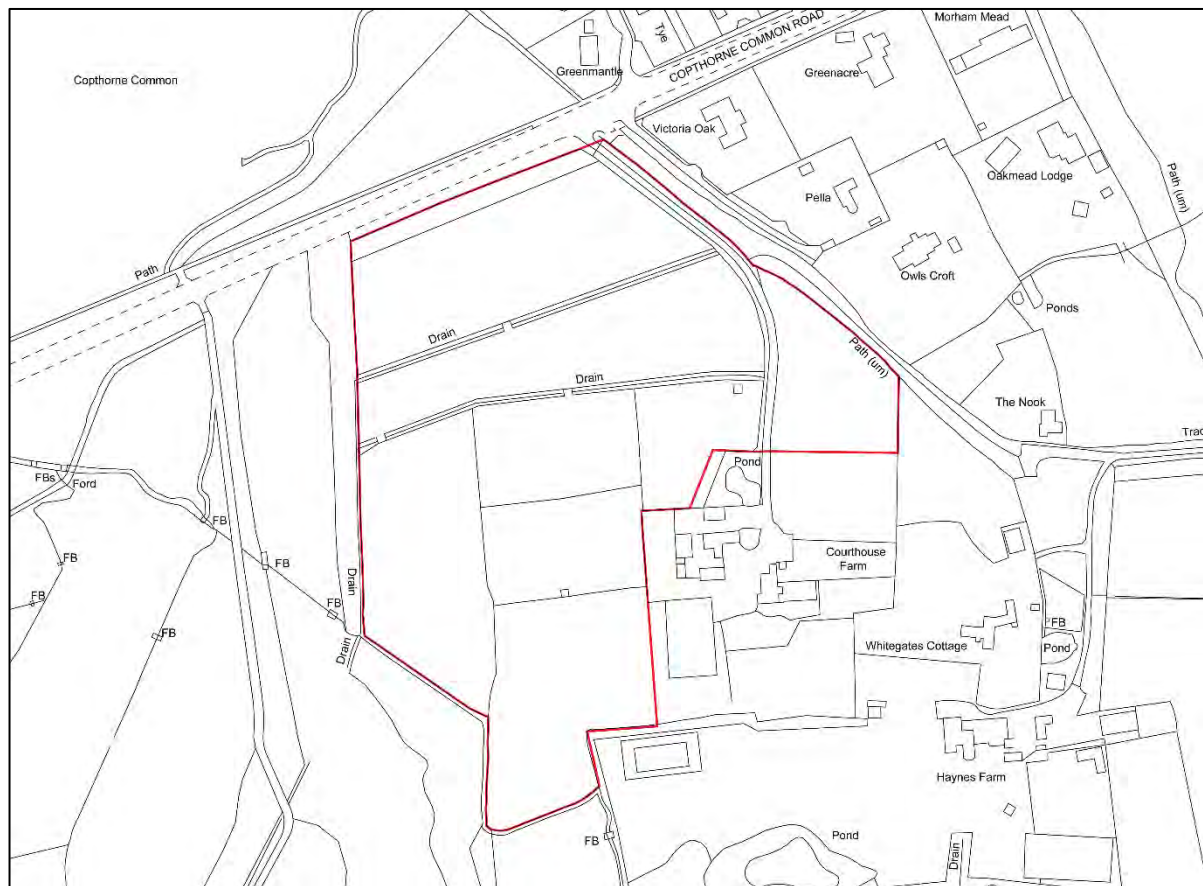
9.79 Refers to *‘measures devised to offset or compensate for residual adverse effects which cannot be prevented / avoided or further reduced’.*

APPENDIX

8



Courthouse Farm, Copthorne Common Road, Copthorne



Site Area (Hectares): 4.3

Indicative Capacity: 100

Part 1 – Planning Constraints		
AONB	N/A	The site is remote from the AONB.
Flood Risk	None	The site lies entirely within Flood Zone 1.
Ancient Woodland	None	The site is not affected by ancient woodland. The nearest is Coomers Wood (north), which is circa 130m south of the application site at its closest point.
SSSI/SNCI/LNR	Local Wildlife Site (LWS) – Mitigation	<p>The site is adjacent to the Copthorne Common Local Wildlife Site.</p> <p>The Preliminary Ecological Appraisal prepared by Llyod Bore Ltd concludes that whilst</p>

		development is likely to result in an increase in footfall within the Copthorne Common LWS, the impact can be mitigated by providing informal open space and semi-natural grassland within the site to reduce recreational impacts.
Listed Buildings	None	There are no listed buildings within or adjacent to the site.
Conservation Area	None	The site is not located within a Conservation Area
Archaeology	None	The site is not located in an area with archaeological potential.
Landscape (for sites not in AONB)	Low/Medium	The site forms part of the East Crawley-Copthorne Settled Woodland Matrix. The evidence document titled 'Capacity of Mid Sussex District to accommodate development (LUC, 2014)' states that site has a low/medium landscape capacity.
Trees/ Tree Preservation Orders	Low Medium	There are no TPOs within or adjacent to the site. Existing trees can be retained as part of the proposal and development cited a sufficient distance away to mitigate harmful impacts during construction.

Part 2 – Deliverability Considerations		
Highways / Strategic Road Network	None	No known transport constraints caused by the development.
Local Road / Access	Minor – Improve	The Transport Overview prepared by TPA concludes that the proposal would unlikely result in a severe impact on the local highway network, in particular considering the network has experienced higher flows in the past.

		<p>It is also considered that safe and suitable vehicle access to the site can be achieved.</p> <p>There is an existing pedestrian footway along the A264 to the east of the site. An additional section of footway can be provided to the west to link up with the existing traffic light controlled pedestrian crossing.</p>
Deliverability	Developable	The site is under single ownership, available and deliverable within the plan period.
Infrastructure	Potential to improve infrastructure	Improvements to on-site/off-site infrastructure (physical, community, green infrastructure) required but can be provided from the development.

Part 3 – Sustainability/ Access to Services		
Education – Distance to Primary Schools	10-15 minute walk	Site is between 10-15 minute walk from the nearest primary school.
Health – Distance to GP Surgery	10-15 Minute Walk	Site is between 10-15 minute walk from the nearest GP surgery.
Services – Distance to Town/ Village Centre	10-15 minute walk	The site does not have a dedicated village centre. However, assuming that it is centred on 'Cophorne Bank' to the east of Church Road, the site is a 10-15 minute walk from the nearest village centre.
Public Transport	Fair	The closest bus stops are located in Cophorne Common Road, circa 400m from the site (Abergavenny Gardens and New Town). The stops are served by eight bus routes including: 272, 281,

		<p>291, 400, 624, 638, 642 and 648.</p> <p>The bus services provide links to Brighton, Crawley, East Grinstead and Tunbridge Wells as well as the Three Bridges Railway Station and Horley Train Station. There are more than 4 services an hour.</p> <p>The bus service is therefore considered excellent according to the Councils matrix.</p> <p>The nearest train station is Three Bridges in Crawley, which is 2.5 miles from the site. This is considered poor according to the council's matrix.</p> <p>The overall assessment of the site is therefore 'fair'.</p> <p>Notwithstanding this, the transport overview document provides a detailed breakdown on public transport access, which is considered to be good.</p>
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APPENDIX

5



Bristol
Cambridge
London
Manchester
Oxford
Welwyn Garden City

1810-17/SMK/02
19 March 2019



25 Southampton Buildings
London
WC2A 1AL

020 3709 9405
london@tpa.uk.com
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Mr Matt Etheridge

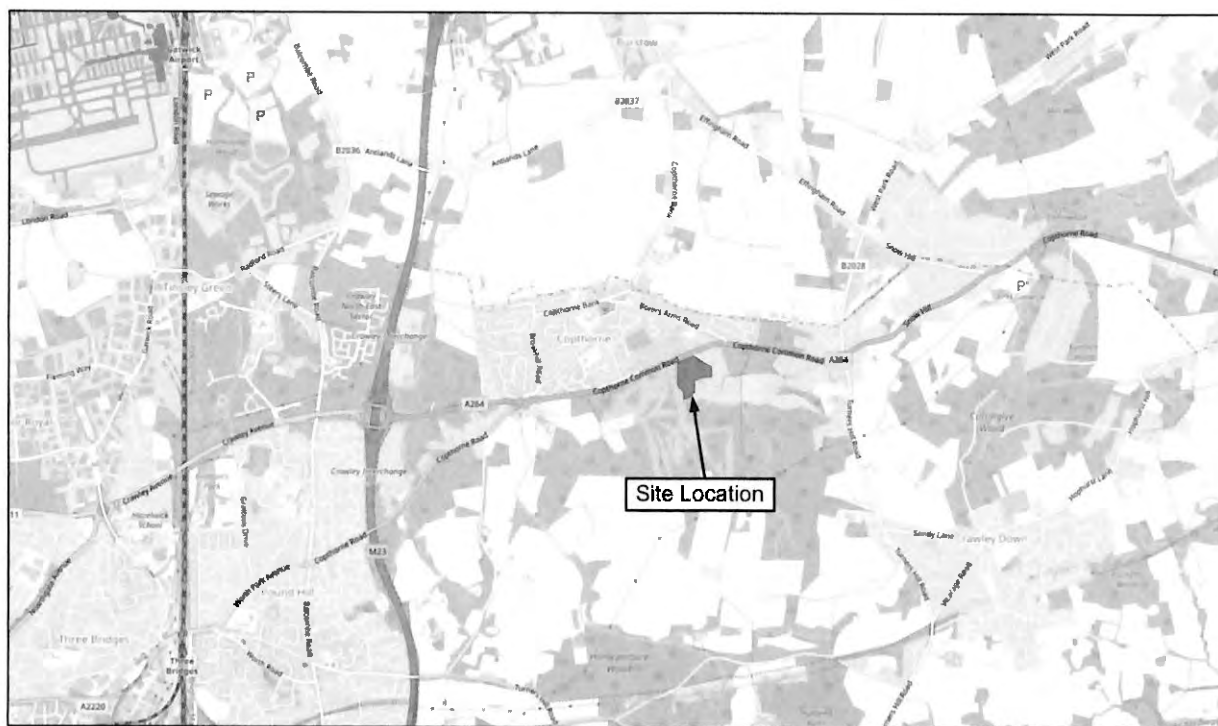


Dear Matt,

Copthorne Common Road, Copthorne, West Sussex

Transport review

I write to you further to the proposals for your site in Copthorne. The site is located on the south side of Copthorne and is bound by Copthorne Common Road (A264) to the north, Copthorne Common to the west and residential properties to the east and south. The location is illustrated below. This letter provides a transport review of the site which I understand is being considered for 100 residential dwellings.



Source: © OpenStreetMap contributors

Sustainable Access

A desktop review of access to the site by sustainable modes of transport has been undertaken and summarised below.

Pedestrian Access

A pedestrian footway is provided on the north side of Copthorne Road opposite the site, with a pedestrian footway on the south side of the road terminating circa 120m away to the east. Sufficient width is available within the public highway to extend this footway to and past the site, and a formal crossing point can be provided.

The local amenities and facilities outlined below are considered to be within walking distance of the site:

- Fairway Infant School (circa 1km)
- Copthorne local centre (circa 1km)
- Copthorne Junior School (circa 1km)
- Copthorne Golf Club (circa 600m)

Public Transport Access

- The closest bus stops are located in Copthorne Common Road circa 400m to the east. These stops are served by eight routes including: 272, 281, 291, 400, 624, 638, 642 and 648.

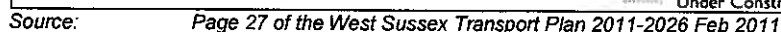
The bus services above provide links to Brighton, Crawley, East Grinstead and Tunbridge Wells as well as the Three Bridges Railway Station and Horley Train Station which provides train services as follows:

- 4 trains per hour to Brighton via Haywards Heath
- 2 trains per hour to London Victoria
- 2 trains per hour to Bedford
- 1 trains per hour to Cambridge via Stevenage
- 2 trains per hour to Horsham
- 2 trains per hour to Peterborough via Redhill
- 1 trains per hour to Southampton Central and Bognor Regis, running via and splitting at Horsham
- 1 trains per hour to Portsmouth Harbour and Bognor Regis, running via and splitting at Horsham

It is considered that whilst there is not a railway station within walking distance of the site, sufficient bus services are provided to make it well connected by public transport.

Vehicular Access

Copthorne Common Road is subject to a 50mph speed limit and is considered to be a "strategic road" by West Sussex Council as shown below.



- longer distance traffic
- traffic passing completely through the County without stopping
- traffic travelling between the main urban centres in the County
- traffic from urban centres to more distant places outside West Sussex
- the main Heavy Goods Vehicle (HGV) flows

Junction Form

Given the scale of the development it is anticipated that a ghost island priority junction may be required to provide vehicular access.

As identified above, the site is located on Copthorne Common Road (A264) with the current access taken from a private driveway into a former farm. Future access to the site would be designed in accordance with the relevant section of the Design Manual for Roads and Bridges (DMRB); the current edition of which suggests that a minimum offset of 70m stagger would be required (DMRB TD42/95 Table 7/7). This will be achieved as the scheme proposes a newly formed junction towards the middle of the site and retaining the existing access for emergency use only.

The proposed vehicular access will provide suitable visibility splays related to the current speed limit on Copthorne Common Road in accordance with the DMRB. Based on a 50mph speed limit the required visibility splay would be 160m in either direction. Should the visibility not be achievable with the ghost island priority junction a signal controlled arrangement could be provided effectively removing the need for 160m of visibility from the minor arm.

In any event it is our opinion that vehicular access can be achieved to the site given the width of the highway and the land ownership.

Parking Standards

With regard to parking standards, any development would be required to meet the parking standards set out within **Table 1** below. It is considered that the proposals can easily accommodate the minimum indicative standards and as such will be policy compliant.

Table 1 Residential Parking Standards

Dwelling type - (Flats and Houses)	Minimum Indicative Standard
1 bed dwellings	1 car space* per dwelling and 1 cycle space per dwelling**
2/3 bed dwellings	2 spaces per dwelling and 2 cycle spaces per dwelling**
4 bed dwellings	3 spaces per dwelling and 2 cycle spaces per dwelling**
5+ bed dwellings	Car and cycle parking to be assessed individually

Notes: * A residential parking space is defined as a garage, spaces on driveway within the curtilage of property or designated parking outside the curtilage of the property such as parking courts and laybys.

** No cycle parking is required if a garage is provided and the garage is of sufficient size. On larger developments (8 dwellings or more) cycle parking for visitors should be provided at a ratio of 1 cycle space per 8 dwellings.

Source: Appendix 1 of the Mid Sussex Development Infrastructure and Contributions Supplementary Planning Document (2018)

1810/17/SMK/02
19 March 2019

Highway Impact

Whilst detailed assessment and traffic surveys will be required to identify the potential impact of the development proposals, an initial high level review has been undertaken. Based upon an assumption of 0.6 two way vehicular movements in a peak hour the proposed development could generate approximately 60 two way vehicular trips.

A review of data obtained from the Department for Transport's count point 57661 suggests that since 2000 the Annual Average Daily Flow on Copthorne Common Road at the site access has reduced from 27,193 to 25,071 trips. Further review of the data suggests that in 2017 (latest available year) Copthorne Common Road had 2,004 two-way trips in the morning peak hour and 2,290 in the evening peak hour.

Assuming a distribution 50:50 from development it is anticipated that the development proposals would generate circa 30 two way trips in either direction. As such it is considered that the proposals would unlikely result in a severe impact on the local highway network, in particular considering the network has experienced higher flows in the past.

Conclusion

Having undertaken a review of the site we are of the opinion it is in a sustainable location with good access to public transport and the wider transport network. The scheme illustrates a newly proposed pedestrian footway providing a sustainable connection to the local community. In addition, we have assessed the deliverability of the site and conclude the site is deliverable, not requiring any third-party land to provide suitable means of access. A review of the data from the Department of Transport has identified the location as having seen a 7.8% reduction of traffic since 2000, indicating the local road network has sufficient capacity to accommodate this development.

In summary we are of the opinion the proposed development is sustainable, not constrained and represents a highly deliverable from a transport perspective.

Yours sincerely



Stephen Kemp
Senior Transport Planner

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA11

ID: 664

Response Ref: Reg19/664/1

Respondent: Mr G Giles

Organisation: Whaleback

On Behalf Of: Landowner

Category: Organisation

Appear at Examination? x

[REDACTED]

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

Good Afternoon,

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

Kind regards

Kai Penny MSc
Town Planner
Whaleback

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c/o Mid Sussex Planning Policy Team

21 September 2020
Ref: W1874-1

Dear Planning Inspector,

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

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

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

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

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

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

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

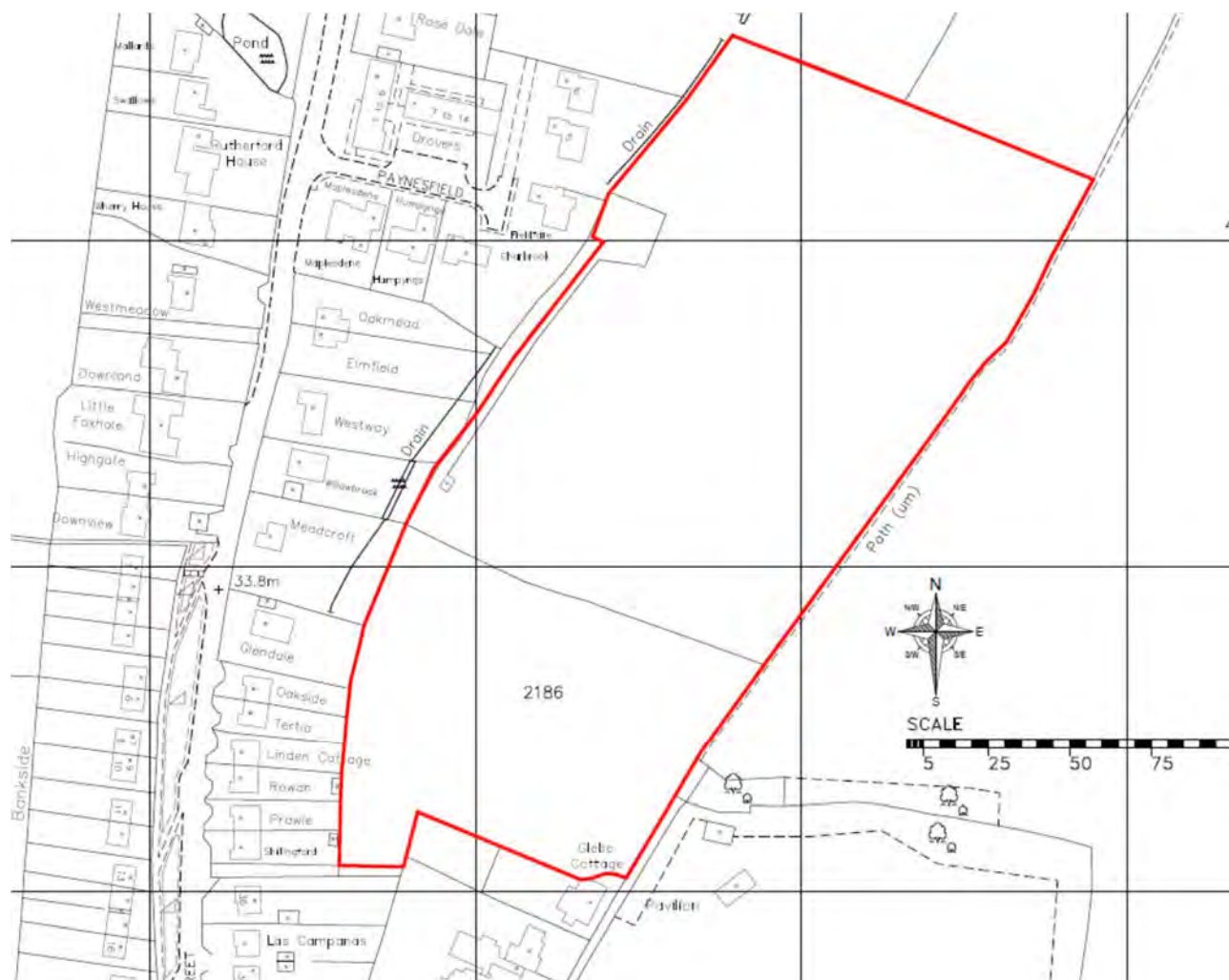
With all of the above in mind, we believe that the site should be included in the final Site Allocations DPD and we respectfully ask that you consider this.

Kind Regards,



Gareth Giles FRTPI
Director

WHALEBACK LTD

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

A WHALEBACK
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W www.whaleback.co.uk

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

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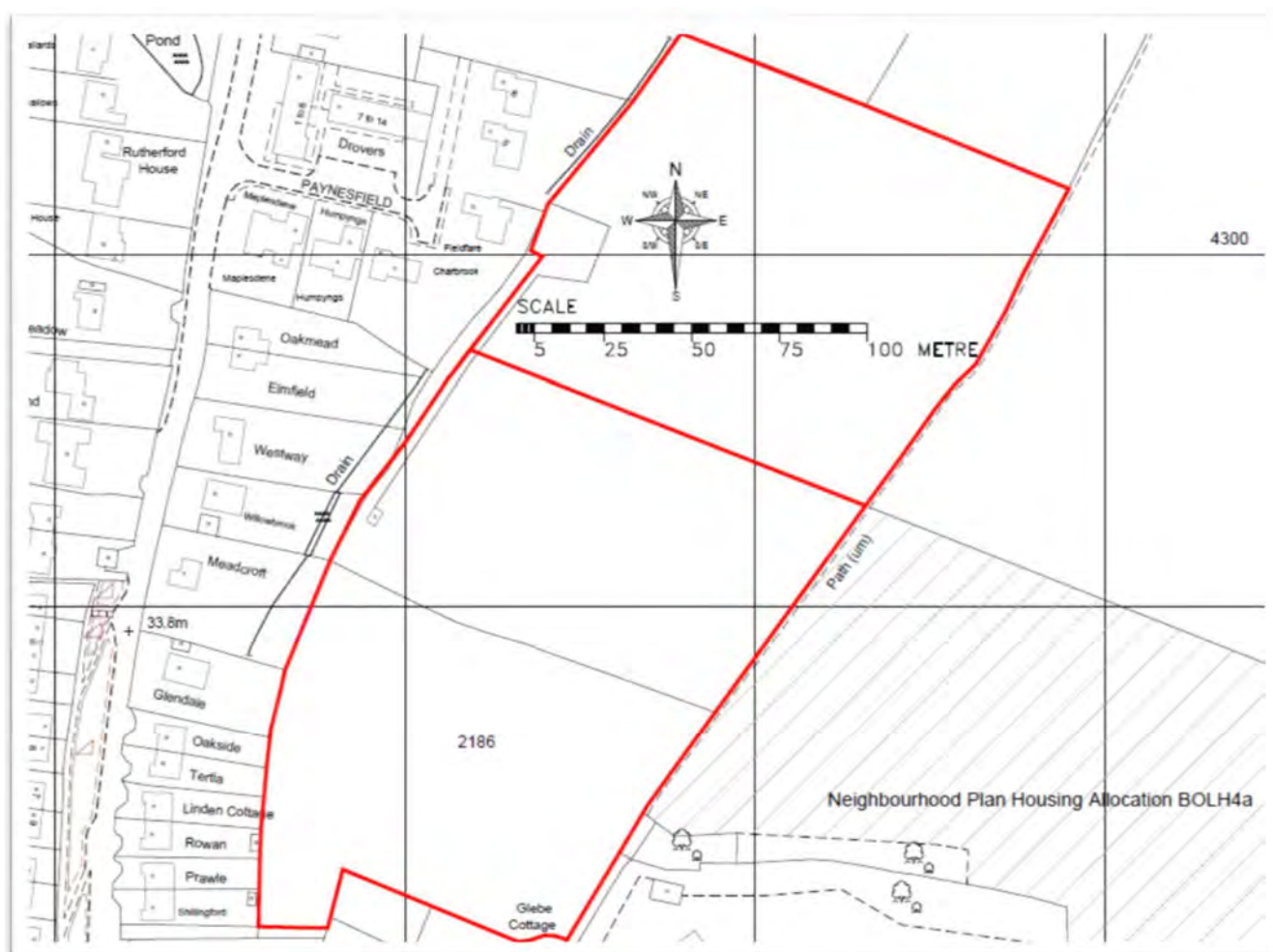
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Introduction

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

Site and Surroundings

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



Planning Constraints

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

Access

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



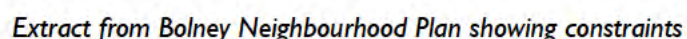
Potential access point onto The Street adjacent to Shillingford



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

12. There are no rights of way across the site at present; Footpath 18Bo runs along the eastern boundary of the site from north to south on the opposite side of a mature hedge.

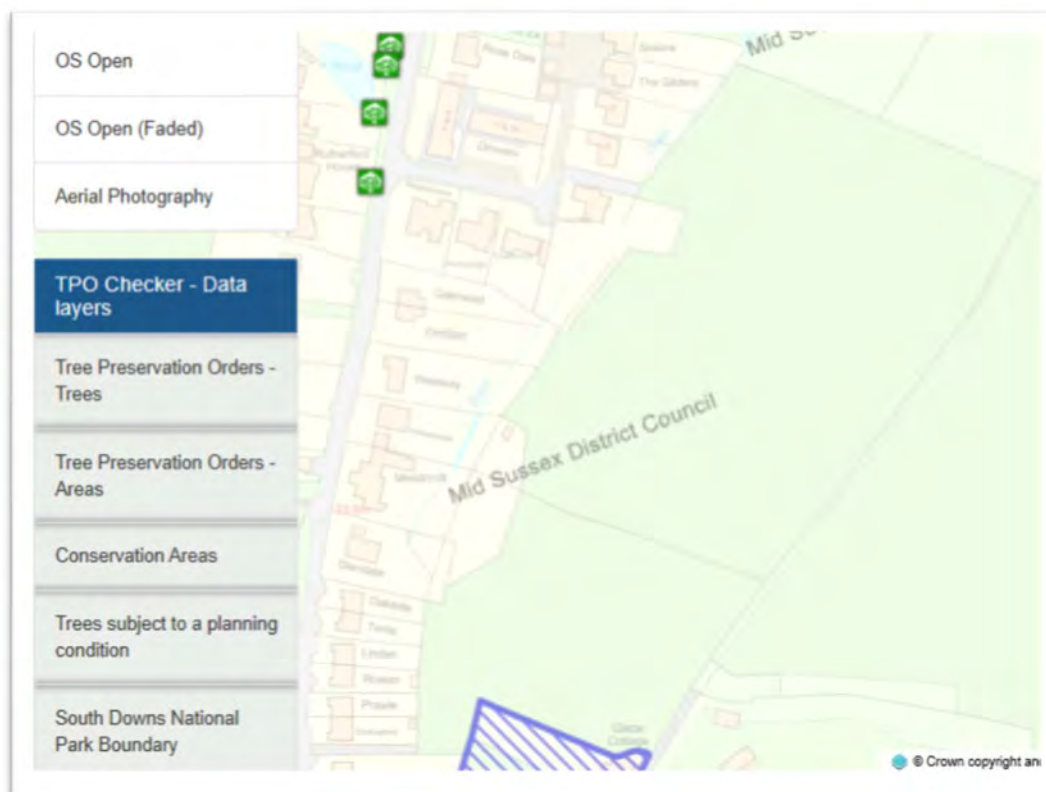
13. Bolney South Conservation Area borders the southern boundary of the site as shown in the plan extract below. The Grade I Listed Building St Mary Magdalene Church is located further to the south of the southern boundary within the conservation area. Potential impacts on these designated heritage assets are considered in the Planning Appraisal section below.



14. The site is in Environment Agency Flood Zone I, an area with a low probability of flooding. An Environment Agency Flood Report is appended to this submission for reference.

Trees and Ancient Woodland

15. There are no Tree Preservation Orders related to this site and no ancient woodland within or adjacent to it. A mature oak tree stands in the southern part which would be retained in any future development proposals.



Search of MSDC TPO Checker

Infrastructure

16. There are no known infrastructure issues related to this site.

Contamination / other hazards

17. No known risks.

Development Proposal

18. The 3.095 hectare site is submitted to the SHELAA on the basis that it would be sub-divided to provide one or two parcels.
19. The southern parcel would be a logical development envelope, being lower in height than the northern half and therefore with least landscape impact; it also relates well to the development of 30 dwellings at the adjacent 'Land North And East Of Bolney Cricket Club' proposed in application DM/17/4392.
20. However, the Mid Sussex District SHLAA: Review of Landscape and Visual Aspects of Site Suitability report by Land Use Consultants Ltd (January 2015) concluded that the northwestern area adjacent to Paynesfield would be the most appropriate parcel to develop in light of that assessment.
21. The Council is invited to assess either/or scenarios and determine which is most suitable.
22. Nominally 30 dwellings are proposed for one of the parcels with the following mix, compliant with Bolney Neighbourhood Plan Policy BOLHI - Residential Development Mix:
 - 14 x 1 & 2 Bed (46.7%);
 - 12 x 3 Bed (40%)
 - 4 x 4 Bed (13.3%)
23. A detailed breakdown of the proposed dwelling sizes is as follows:
 - 4 x 1 Bed Flat (13.3% of total)
 - 4 x 2 Bed Flat (13.3% of total)
 - 6 x 2 Bed House (20% of total)
 - 12 x 3 Bed House (40% of total)
 - 4 x 4 Bed House (13.3% of total)

Existing Evidence Relating to the Site (SHLAA ref. 526)**SHLAA/SHELAA**

24. The land east of Paynesfield, Bolney was considered in previous versions of the Council's SHELAA, or 'SHLAA' as it was at the time, as Site Reference 526.



Extract from 2012-13 Mid Sussex SHLAA

25. The Bolney Neighbourhood Development Plan Core Team wrote to the landowner in 2014 to seek an expression of interest for potential inclusion within the (at the time) emerging Bolney Neighbourhood Plan. As no response was returned, the site failed to be considered any further in the Neighbourhood Plan process and in later years subsequently fell out of the District Council's SHLAA and SHELAA databases presumably due to a lack of confirmation that the site was available.
26. The 2009 SHLAA assessed the site as suitable for 70 dwellings in the 6-10 year period:

SHLAA ID	526	Site Reference	BK/07	Settlement	BK	Ward	Site location / address:	Land east of Paynesfield, Bolney
Gross site area (ha)	3.1	Net developable area (ha):	3.1	Proposed site density (dph):	1 Lower- 30	Grid Ref:	526257 122920	
Site Suitable:	✓	Site Available:	✓	Site Achievable:	✓			
Deliverability / Developability:		Not currently developable						
Deliverable (1-5 years)	No	Dwellings		Developable (6-10 years)	Yes	70 Dwellings	Developable (11 years +)	No Dwellings

27. The 2016 SHLAA assessed the site as suitable for 20 dwellings in the 11+ years period (detailed extract appended to this submission).

Net developable area (ha):	0.64	Proposed site density (dph):	1 Lower- 30
Deliverable (1-5 years)	x	0	Dwellings
Developable (6-10 years)	x	0	Dwellings
Developable (11 years +)	✓	20	Dwellings
Not Currently developable	x		

28. Regarding the *Suitability* of the site, the 2016 SHLAA considered the north western quarter of the site (immediately to the rear of Paynesfield) as having suitability for low-density housing, in keeping with the existing settlement. The upper slopes of the site and the southern end adjacent to the conservation area and Glebe Field were found to be more sensitive. Access was suggested from The Street or Paynesfield likely through the loss of an existing property.

29. The conclusion of the 2016 SHLAA found:

“Would require allocation through relevant Neighbourhood Plan or DPD. Provision of access would be required. Careful siting and design given location adjacent to Conservation Area and wider landscape impact. Affects and impact upon on Bolney South Conservation Area would need to be controlled. Retention and protection of trees, which contribute to landscape character. Some tree planting along the eastern hedgerow boundary would be desirable.

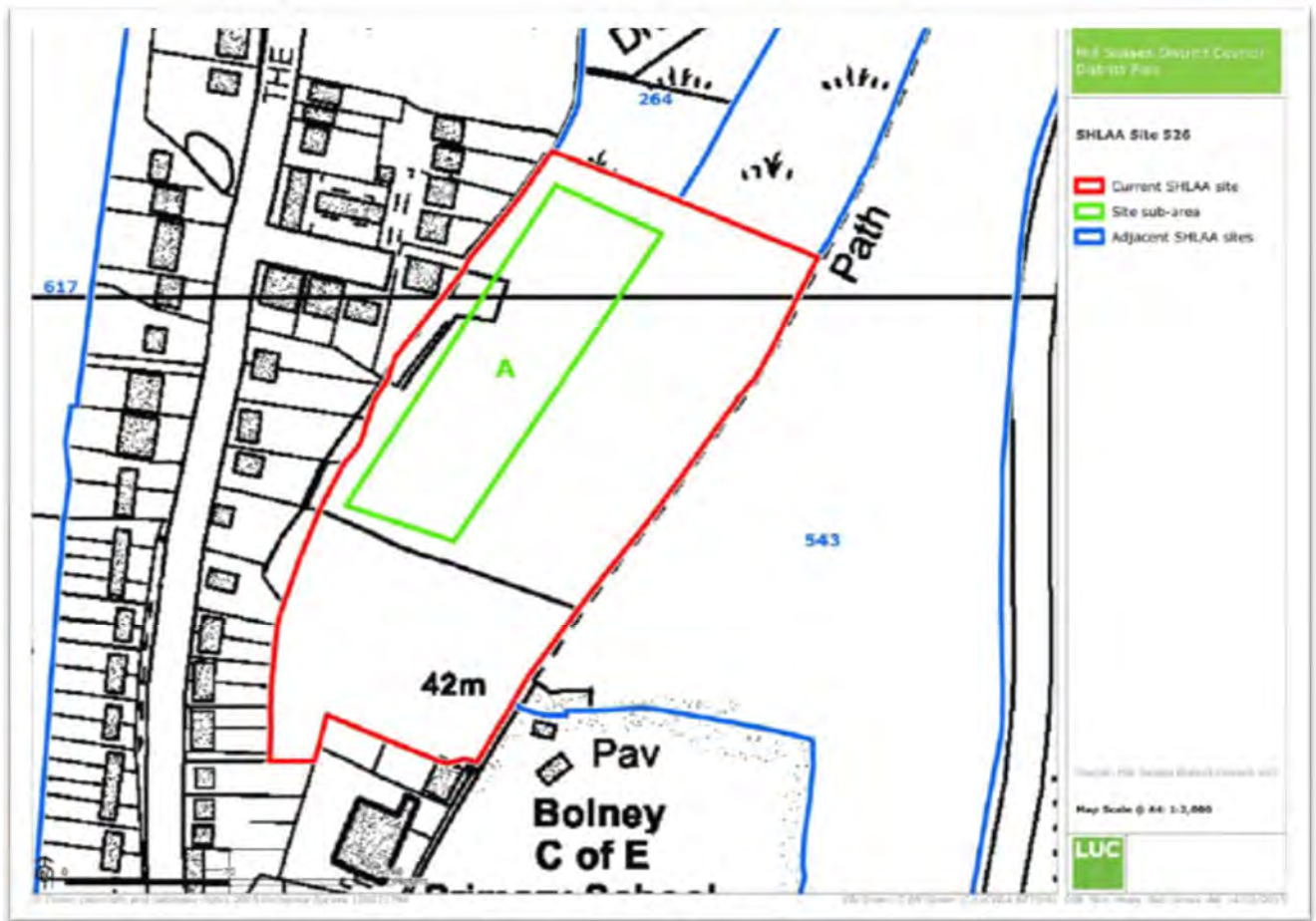
The upper slopes of the site are sensitive in landscape terms. Impacts on views from surrounding landscape (including historic conservation area and grade I listed Church) are a primary consideration. Impacts on existing properties on The Street would also need to be considered due to the topography of the site, including consideration to surface water drainage and overlooking. Whilst the north western part of the site is acceptable in landscape terms it is not clear how access to this part of the site can be achieved, and may require the loss of a property on The Street or Paynesfield.”

District Plan Examination in Public

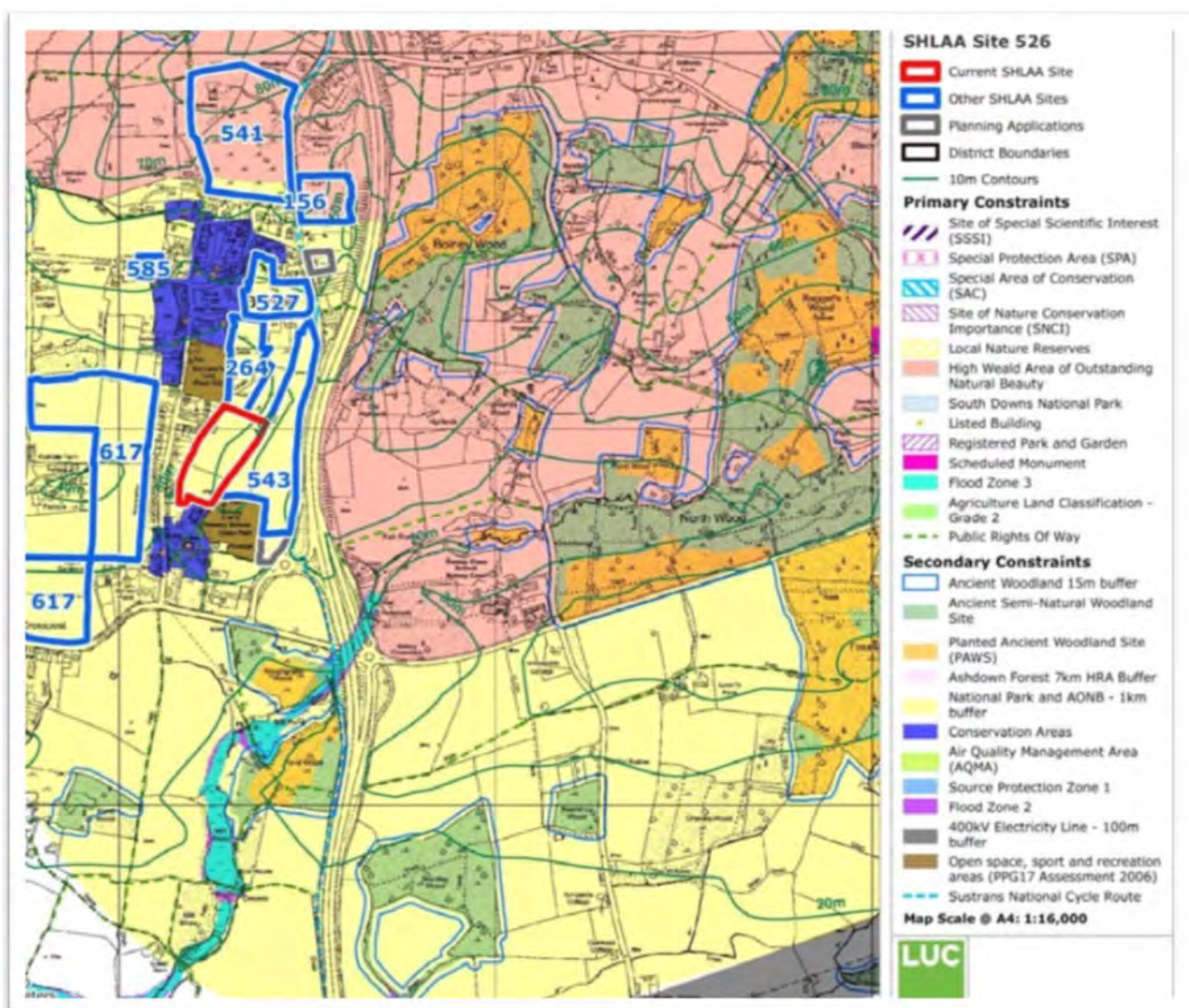
30. Examination Library Document “MSDC 5a: Sustainability Appraisal/SHLAA – Housing Provision – Implications” (2017) found that all SHLAA/SHLAA sites considered deliverable and developable will be required in order to meet the necessary housing requirements in the now adopted District Plan. SHLAA/SHLAA sites that are not currently allocated in the District Plan or Neighbourhood Plans will likely be required within the plan period in order to meet the housing requirements.
31. Site 526 was identified on page 46 of that evidence-base document as being relied upon to deliver 20 dwellings in pursuit of the housing requirements, demonstrating support for its development as recently as 2017.

Review of Landscape and Visual Aspects of Site Suitability

32. The ‘Mid Sussex District SHLAA: Review of Landscape and Visual Aspects of Site Suitability’ report by Land Use Consultants Ltd (January 2015) found Site 526 to have MEDIUM/HIGH landscape sensitivity, MEDIUM landscape value and LOW/MEDIUM overall landscape capacity. Extracts are appended to this submission.
33. Incidentally, this Site 526 scored higher in this assessment than the adjacent Site 543 (scoring HIGH landscape sensitivity, MEDIUM landscape value and LOW/MEDIUM respectively) which is pending planning permission under DM/17/4392.
34. This study found that there were no specific landscape designations; that development of the higher areas of the site would be more sensitive but subject to screening between the site and the conservation area to the south, lower areas could be successfully developed.
35. The study proposed a ‘sub-area’ that would be most suitable for development as set out in the following extract and found relatively few landscape designations or constraints in the strategic landscape appraisal plan which follows second below:



Extract from Review of Landscape and Visual Aspects of Site Suitability showing recommended 'sub-area' for development



Extract from Review of Landscape and Visual Aspects of Site Suitability showing relatively few landscape designations or constraints

Planning Appraisal

37. The site is currently outside of the settlement boundary of Bolney as established in the Neighbourhood Plan and District Plan. The District Plan, in line with the NPPF, sets a presumption in favour of development within settlement boundaries but the SHELAA allows the Council to take a view on sites without the constraint of current development plan policies, in order to objectively assess which sites may be deliverable and developable over the whole District Plan period, in order to deliver the Council's housing requirement.
38. The site is therefore submitted for consideration through the SHELAA in order that it might be allocated for housing to meet local needs through a future revision to the Neighbourhood Plan and/or Site Allocation Document (which will in effect bring it within the settlement boundary).
39. The site was most recently assessed in the 2016 SHLAA under reference 526 for 20 dwellings and the Landscape Appraisal submitted as evidence to the District Plan found this site to be suitable for housing if approached sensitively to protect the character of Bolney and wider landscape sensitivities.
40. The development proposed in this submission is nominally for 30 dwellings with a mix compliant with Bolney Neighbourhood Plan Policy BOLHI. This is higher than the previously assessed 20 dwellings but the landowner is confident that approximately 30 dwellings could be suitably accommodated on site.
41. The site is physically very well related to the village of Bolney and on land that slopes in towards the village protecting wider views in and out of the settlement from the more sensitive landscape of the AONB and beyond. The site has mature, defensible boundaries and has very limited intrinsic value nor beneficial purpose to the village (having no public access).
42. Benefits of development at this site would include:
 - New, high quality family and starter homes for the local community in line with local size-mix policy;
 - 10 affordable homes;
 - Public open space on land within the site boundary that is not considered suitable for housing (for example the higher, northeastern parts);
 - Improved / new connectivity between the village, Footpath 18Bo and the two new development sites to the east on London Road;
 - Improved landscaping and biodiversity measures;
 - Section 106 financial contributions.
43. The site is not subject to any planning designations itself as set out in the Planning Constraints section above. The main constraint on the site is access and the proximity of heritage assets in the Bolney South Conservation Area (bordering the site to the south) and the Grade I Listed Building St Mary Magdalene Church (located further to the south within the conservation area).
44. There are several options available to gain access to this site depending which parts of the site are developed. The most likely option is through the demolition of one or more properties on The Street and/or Paynesfield; whilst currently confidential, the landowner is able to achieve access through more than one property on these roads as may be required. Further options include a potential access point to The Street at the southwest corner of the site adjacent to Shillingford or via the proposed development on land to the east as indicated in the layout plan for application DM/17/4392.

45. Regarding the impact on heritage assets, the Council, in its Planning Committee report for the application for 30 dwelling (reference DM/17/4392) on the adjacent Land North And East Of Bolney Cricket Club, found that the proposal would cause harm to the setting of nearby heritage assets but *“This harm would, under paragraph 134 of the NPPF, stand to be weighed against any potential public benefits arising from the scheme which may include that it has been allocated for residential development in the Neighbourhood Plan”* and *“that the harm to the nearby heritage assets can properly be described as less than substantial.”*
46. The Committee Report for DM/17/4392 concluded that significant benefits of the scheme included the provision of new housing including affordable housing, economic benefits including construction jobs, additional spending in the locality and new homes bonus which collectively outweighed the less than substantial harm to the setting of the listed building which has been given 'considerable importance and weight' in accordance with the relevant provisions of the 1990 Act. Combined with mitigation in the form of tree planting and appropriate layout, the application was found to comply with the heritage protections offered in District Plan Policies, the NPPF and the 1990 Planning Acts.
47. It is therefore believed that the current site east of Paynesfield could similarly overcome the constraint of nearby heritage assets.
48. The site is *suitable, available now and achievable* for housing development subject to appropriate allocation in the development plan.

Conclusion

49. Former SHLAA site 526 is hereby submitted to the District Council for assessment in the next round of the SHELAA and the Issues and Options consultation of the Site Allocations Document in Summer 2019.
50. The site is free from designations and with limited constraints that can be overcome as demonstrated in this submission.
51. The site is *suitable, available now and achievable* for the development of 30 homes; the landowner is keen to understand the views of the Council through this process with regards to which parcel of the site would be most suitably brought forward.
52. Should officers have any queries relating to the site, the above submissions or any other matters, we are available to assist with the details below.

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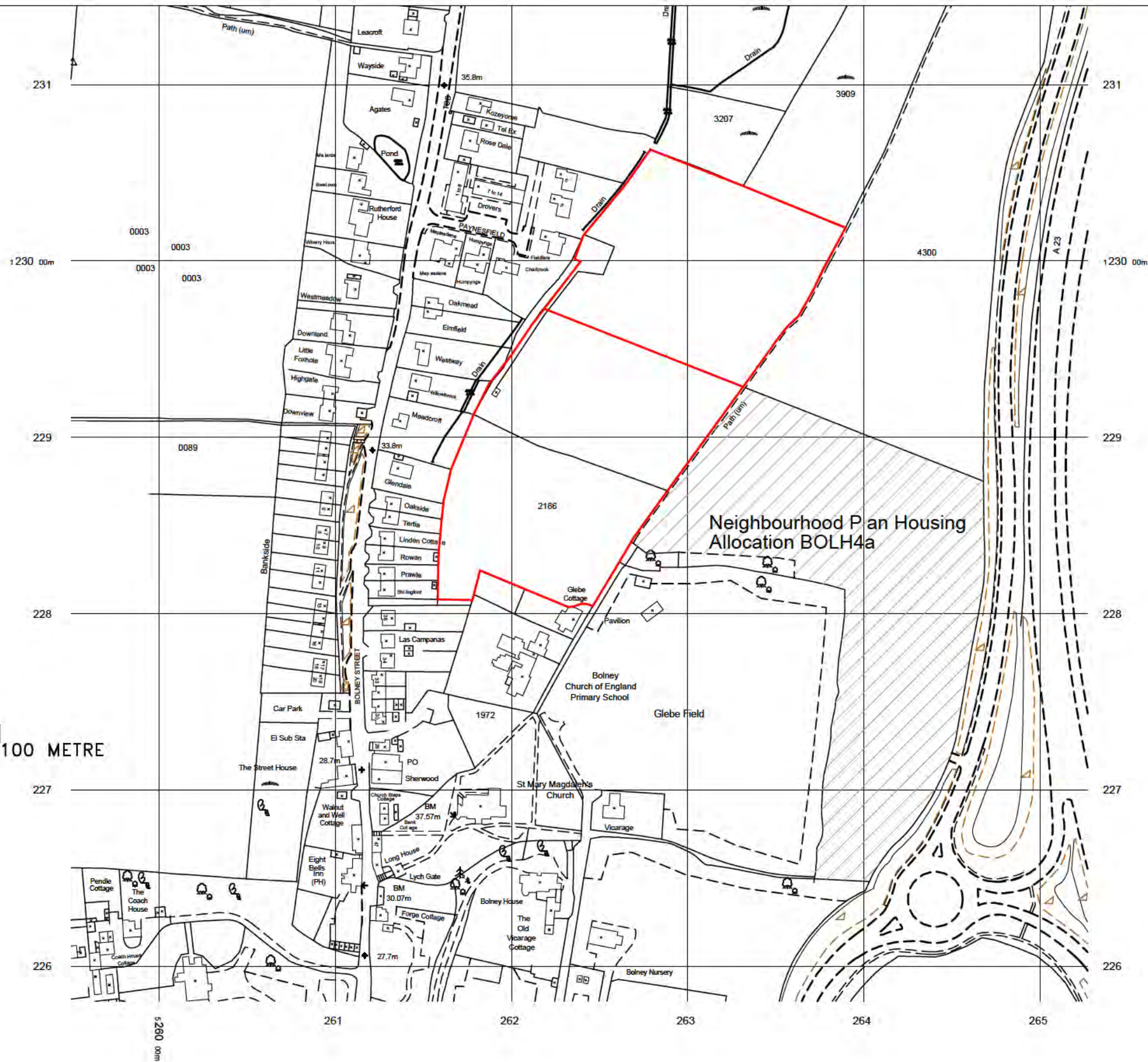
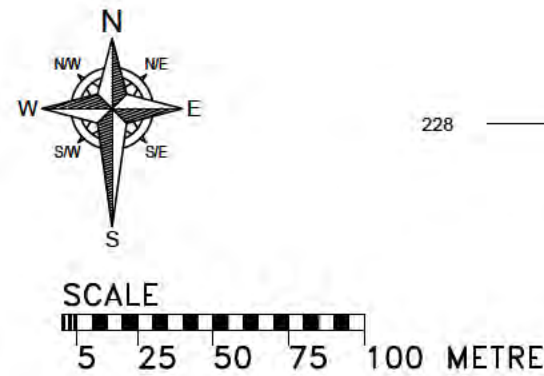
SITE LOCATION PLANS

1. Site Location Plan 1:2500
2. Site Plan 1:1250

APPENDICES

1. 2016 SHLAA Assessment
2. Environment Agency Flood Report
3. Review of Landscape and Visual Aspects of Site Suitability report by Land Use Consultants Ltd (January 2015) – Site 526

ORIGINAL SIZE OF THIS DRAWING IS A3



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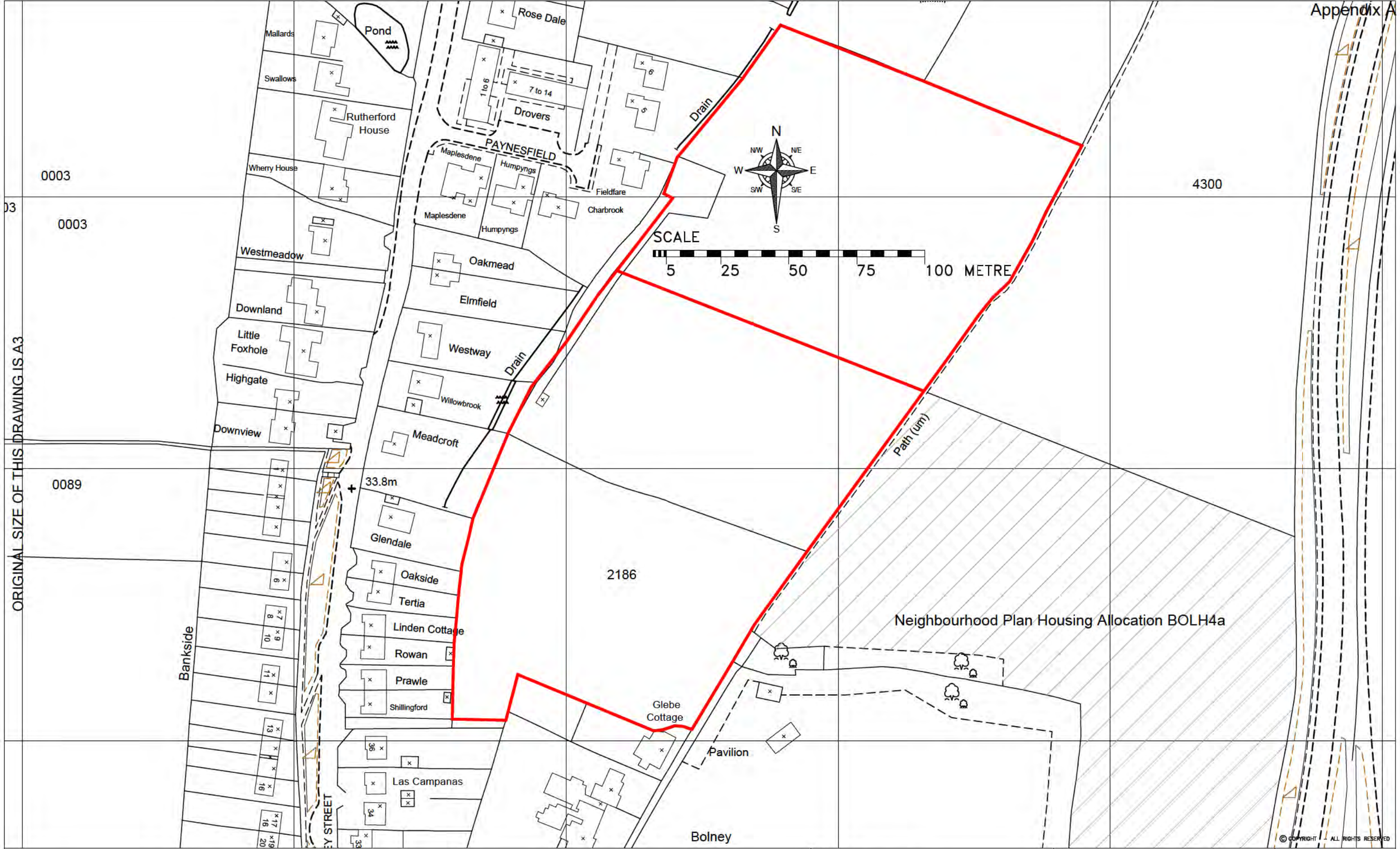
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E-mail michael@admarchitects.co.uk
web site www.admarchitects.co.uk

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DRAWING TITLE Location Map				COMPUTER FILE NAME DWG.DWG		
				ORIGINAL SIZE OF THIS DRAWING IS A3		
				DRAWING NUMBER		
DRAWN	CHECKED	DATE	SCALE - AS SCALE RODS	PROJECT NUMBER	ACTUAL DRAWING NUMBER	REVISION
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&
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A	12.11.18	Boundary updated
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PROJECT LOCAL SITE PLAN				CLIENT Rogers		
DRAWING TITLE Location Map				COMPUTER FILE NAME DWG.DWG		
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ARCHITECTS
DESIGN
&
MANAGEMENT



W H A L E B A C K

APPENDIX I

2016 SHLAA Assessment (Site 526)

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W www.whaleback.co.uk

Site Reference:	526 (BK/07)	Parish	BK	Ward	
Site location	Land east of Paynesfield, Bolney				
Site use(s):	U011 - Agriculture				
Gross site area	3.1 hectares				
Site Suitable:	✓	<p>The north western quarter of the site (immediately to the rear of Paynesfield) is considered to have a low - medium suitability for development. This would need to be low density housing, in keeping with existing development. The upper slopes of the site and the southern end adjacent to the conservation area and Glebe Field, are more sensitive and in landscape terms have low suitability for development. Development on higher ground would be intrusive on existing dwellings and would have a clear effect on the perceived extent of development in the village (LUC Assessment). The natural ridge line bordering the east of the site. The southern corner of the site slopes to the west which means development could have impact on existing properties on The Street in terms of surface water runoff. This would need to be addressed. It has been suggested that the site to the east (Site 543) could provide suitable access, however this would be unacceptable in landscape terms and it would cross the PRoW. Therefore an access from The Street/ Paynesfield would be required. This may involve the loss of a property and it is unclear if access can be achieved. The public footpath that runs along the eastern boundary would need to be retained. Although hidden from the A23, site would be exposed to views from across Bolney and to the west. Adjacent to northern boundary of Bolney South Conservation Area. Some road noise from A23 although not significant. Close to limited services and facilities, including bus stops although frequency of service is low and unlikely to encourage people to choose public transport over cars.</p>			
Site Available:	✓	Submitted to the Housing Supply Document by the site proponent.			
Site Achievable:	✓	The size of site and its attractive rural location that is likely to command good market price and demand. Exceptional works may be required to connect the site to existing road network, through third party land.			
Constraints / Action required:	Would require allocation through relevant Neighbourhood Plan or DPD. Provision of access would be required. Careful siting and design given location adjacent to Conservation Area and wider landscape impact. Affects and impact upon on Bolney South Conservation Area would need to be controlled. Retention and protection of trees, which contribute to landscape character. Some tree planting along the eastern hedgerow boundary would be desirable.				
Net developable area (ha): 0.64		Proposed site density (dph): 1 Lower- 30			
Deliverable (1-5 years)	✗	0	Dwellings		
Developable (6-10 years)	✗	0	Dwellings		
Developable (11 years +)	✓	20	Dwellings		
Not Currently developable	✗				
Overall Conclusion	<p>The upper slopes of the site are sensitive in landscape terms. Impacts on views from surrounding landscape (including historic conservation area and grade 1 listed Church) are a primary consideration. Impacts on existing properties on The Street would also need to be considered due to the topography of the site, including consideration to surface water drainage and overlooking. Whilst the north western part of the site is acceptable in landscape terms it is not clear how access to this part of the site can be achieved, and may require the loss of a property on The Street or Paynesfield.</p>				



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APPENDIX 2

Environment Agency Flood Report

A 51 Summerfield Road
Chichester PO20 8LX
T 01243 514 945
M 07736 298 938
W www.whaleback.co.uk



Flood map for planning

Your reference

Bolney

Location (easting/northing)

526288/122965

Created

29 Oct 2018 4:23

Your selected location is in flood zone 1, an area with a low probability of flooding.

This means:

- you don't need to do a flood risk assessment if your development is smaller than 1 hectare and not affected by other sources of flooding
- you may need to do a flood risk assessment if your development is larger than 1 hectare or affected by other sources of flooding or in an area with critical drainage problems

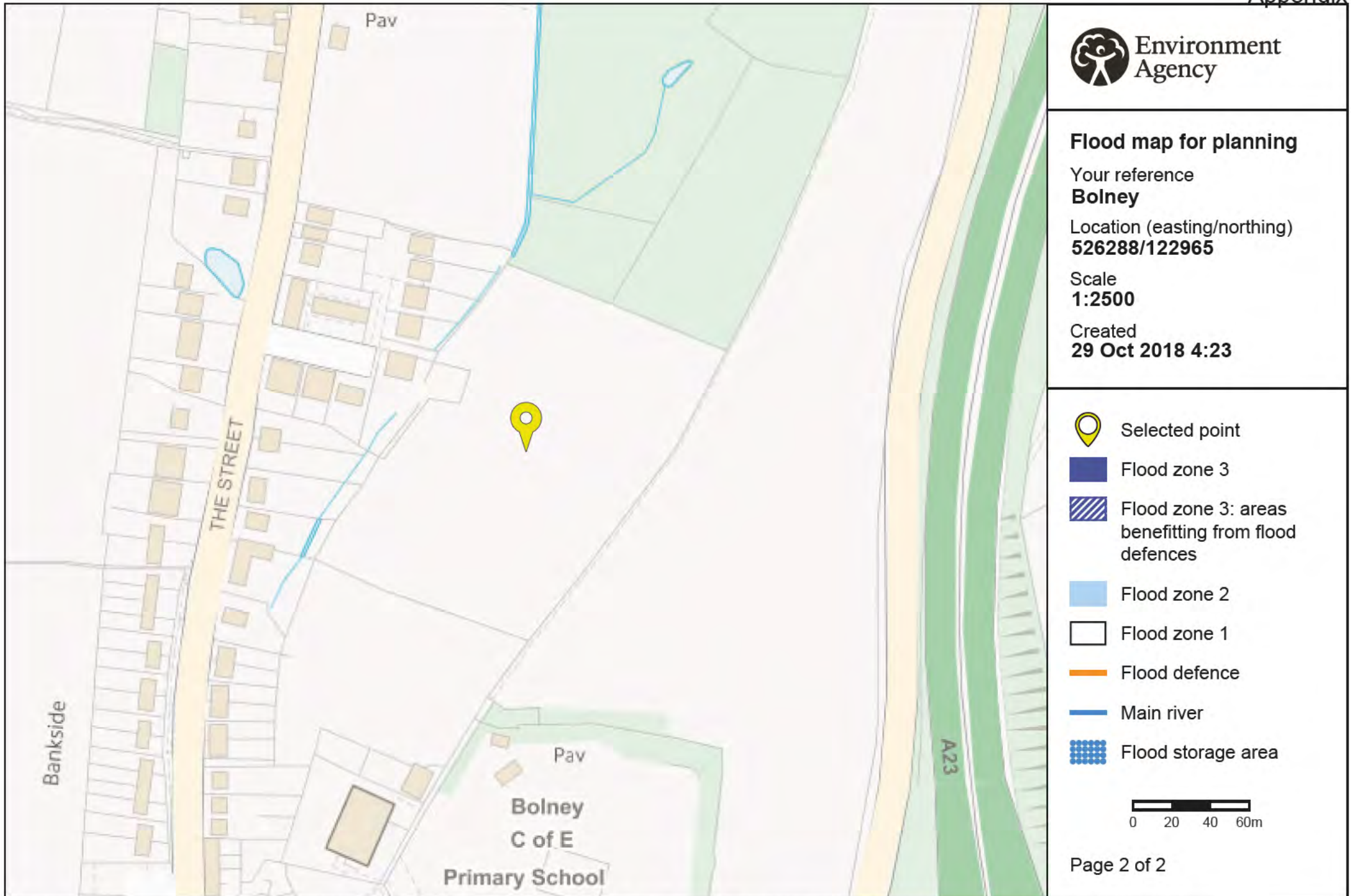
Notes

The flood map for planning shows river and sea flooding data only. It doesn't include other sources of flooding. It is for use in development planning and flood risk assessments.

This information relates to the selected location and is not specific to any property within it. The map is updated regularly and is correct at the time of printing.

The Open Government Licence sets out the terms and conditions for using government data.

<https://www.nationalarchives.gov.uk/doc/open-government-licence/version/3/>





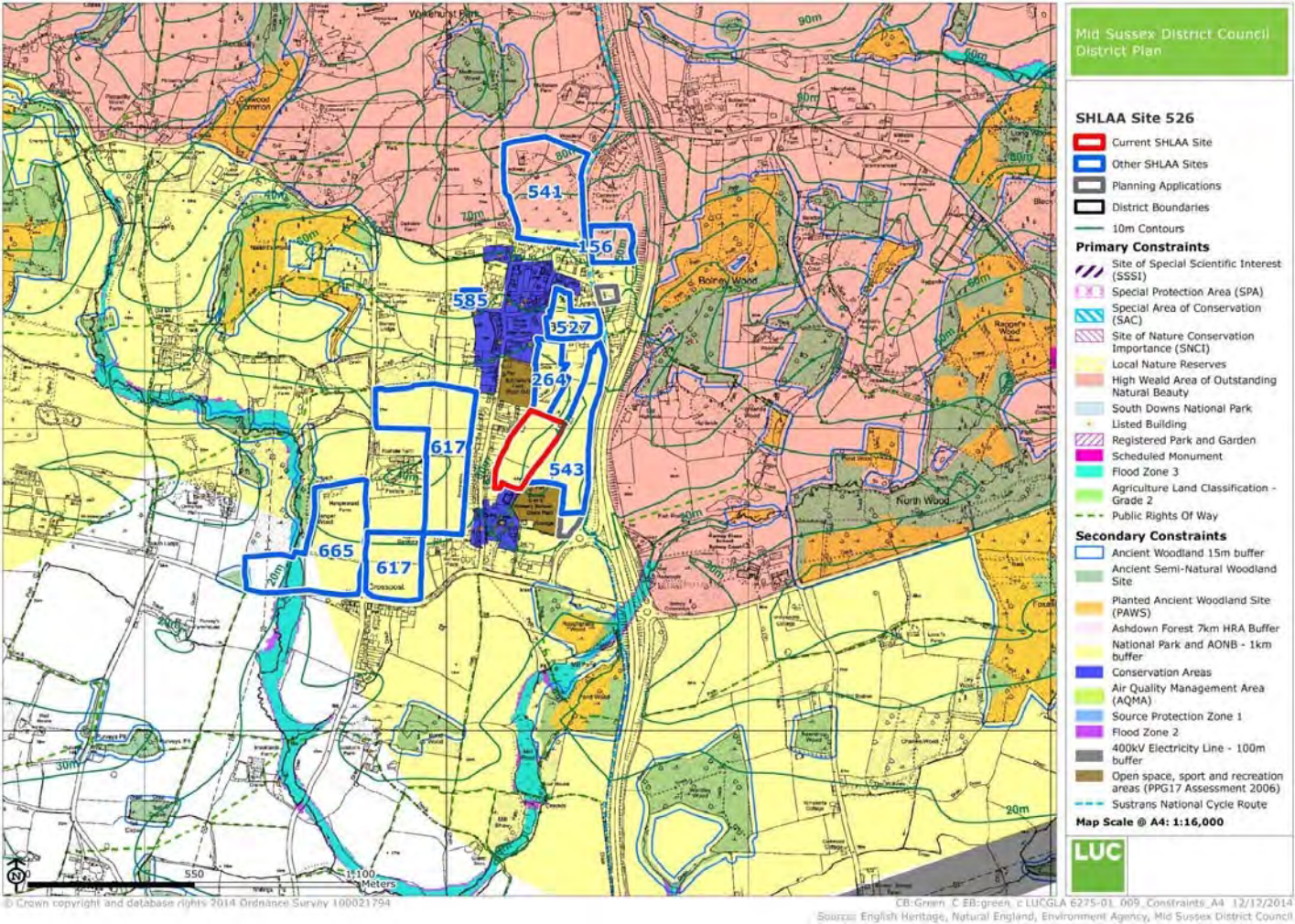
W H A L E B A C K

APPENDIX 3

Extract (Site 526) of “Review of Landscape and Visual Aspects of Site Suitability”:

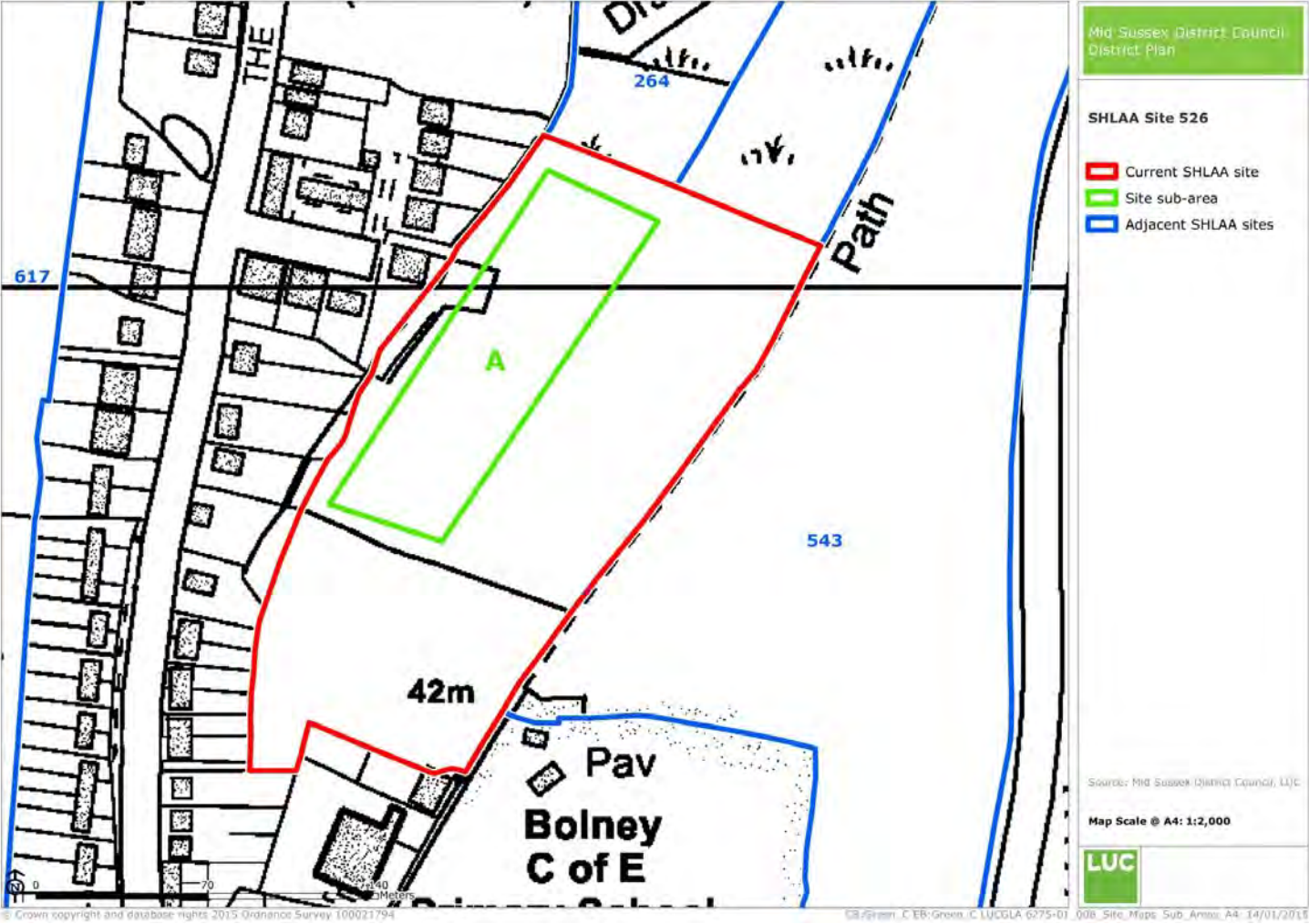
Land Use Consultants Ltd (January 2015)

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SHLAA Site:	Land east of Paynesfield, Bolney			SHLAA I	526	Landscape Character Area:	Bolney Sloping High Weald
Landscape Sensitivity		LCA Score	LCA Comments			Site Score	Site Comments
Landscape Condition		4	Significant vegetation and intact parkland. Generally moderate-low boundary loss.			3	Sloping pasture w th denuded internal field boundaries but some remaining mature former hedgerow trees. Woodland edge to north.
Settlement Setting		4	Distinctive wooded and parkland setting on slopes around settlement. Similar complex topography which settlement sits upon. Settlement largely linear form.			4	Sloping field forms backdrop to linear central part of settlement (The Street). Development on higher ground would be intrusive on existing dwellings and would have a clear effect on the perceived extent of development in the village.
Visual Receptors						4	PRoW with rural character (long views to South Downs) runs along eastern edge of s te. Development on higher parts of site would be visible above r dge top from AONB to east. Also views from east-west PRoW to west of The Street and from recreat on ground.
Sense of Rurality		3				3	Village-facing setting, with 20th century development on The Street, but with this newer development focused on valley floor and contribution of tree cover to backdrop the overall character is semi-rural.
Settlement Separation		2	Some wider contributon to separation with surrounding small groups of settlement.			2	Contributes some sense of separat on between originally separate settlements of Bolney and Bolney Common, but this is largely compromised by development along The Street.
Overall Landscape Sensitivity		3	MODERATE			4	MEDIUM-HIGH.
Landscape Value							
Landscape Designat ons		4	Partly AONB.			1	Near AONB but no relevant qual ties.
Other Environmental Designat ons		3	LBs, Ancient Woodland, RSI/PSI, Conservation Area.			1	None.
Setting of Valued Assets and Features		3	Setting to AONB.			4	Site adjoins southern conservat on area and is in view between the northern and southern conservation areas. Development appearing above ridge would affect setting of AONB. Rural character of Glebe Field sports ground could also be affected.
Cultural and Historical Associat ons		2	Wykehurst Park			1	HLC says planned, private enclosure but undated. No cultural her tage associat ons.
Perceptual Qualities		4	Pleasant wooded nature and parkland.			3	Pleasant, sloping grassland w th some n ce trees around edges, but exposed to modern housing.
Overall Landscape Value		4	SUBSTANTIAL			3	MEDIUM.
LCA Landscape Capacity			Site Landscape Suitability				
Low/Medium			Area A is considered to have a LOW-MEDIUM su tability for development. This would need to be low dens ty housing, in keeping w th existing development, and would need to allow for retent on and protection of trees, which contribute to landscape character, so yield would				

be LOW-MEDIUM. The upper slopes of the site and the southern end adjacent to the conservation area and Glebe Field, are more sensitive and in landscape terms have LOW suitability for development. Some tree planting along the eastern hedgerow boundary would be desirable.





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15 November 2019

Ref: W1874-I

Dear [REDACTED]

Thank you for the offer to make representations during the consultation period for Mid Sussex Council's draft Site Allocations Development Plan Document (DPD).

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

On review of the draft DPD we note that the land is not included and so we write to request this is reconsidered. The land east of Paynesfield, Bolney should be included in the finalised DPD, and these reasons are listed below:

- Site could nominally deliver 30 dwellings, 10 of which would be affordable, and would be compliant with the Bolney Neighbourhood Plan's residential development mix policy (BOLHI).
- No planning designations for the site, with limited planning constraints.
- Vehicular and pedestrian access is easily achievable with three options available.
- Site was previously deemed suitable for housing in the Council's previous SHELAA, or 'SHLAA' as it was known at the time, under site reference 526, if development was executed in a sensitive manner to protect the surrounding landscape and nearby conservation area.
- Development of this land would improve connectivity between Bolney village, Footpath 18Bo bordering the east of the site and the two new development sites to the east of London Road.

In accordance with paragraph 67 of the NPPF, “planning policies should identify a sufficient supply and mix of sites, taking into account their availability, suitability and likely economic viability” and the land east of Paynesfield, Bolney is *suitable, available* now and *achievable* for the development of 30 homes. Paragraph 72 also states that “the supply of large numbers of new homes can often be best achieved through planning for larger scale development, such as new settlements or significant extensions to existing villages and towns, provided they are well located and designed, and supported by the necessary infrastructure and facilities” and the development of this land would address this, by means of extending Bolney village, if designed well and sensitively.

With all of the above in mind, we believe that the site is suitable for inclusion in the final Site Allocations DPD and we ask that you consider this. If you would like to discuss any of the above matters in more detail, please do not hesitate to let us know.

Kind Regards,



Gareth Giles MRTPI
Director

WHALEBACK LTD