

**1487**

## Site Allocations DPD: Regulation 19 Consultation Response

**Policy:** SA11

**ID:** 1487

**Response Ref:** Reg19/1487/5

**Respondent:** Mr A Fennell

**Organisation:**

**On Behalf Of:**

**Category:** Resident

**Appear at Examination?** x

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

Date: 18<sup>th</sup> September 2020

Dear Sir/Madam

**Mid-Sussex Consultation for new Homes – East Grinstead and Surrounding Area**

I am writing to lodge my views in respect of the Mid Sussex consultation for the allocation of new homes at the following sites

*550 homes at Imberhorne Farm*

*200 homes at Felbridge*

*50 homes at Crawley Down*

*22 homes at East Grinstead Police Station.*

I have broken down my objections by category, as follows;

**Failure to Consult**

The National Planning Policy Framework [NPPF] requires councils to carry out public consultation on plans that is transparent and front-loaded (ie. at the earliest opportunity)

Paragraph 16 says that “Plans should be shaped by early, proportionate and effective engagement between plan makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees”

Mid Sussex’s own Statement of Community Involvement says that ...

*“... the community should be involved as early as possible in the decision making process when there is more potential to make a difference”* and that

*“... community involvement should be accessible to all those who wish to take part”*

*“It is important to seek input from the wider public, as the Plan will allocate sites for development in the district and include planning policies that will have an impact upon the existing and future communities”*

The district council leadership team at Haywards Heath claim to have met their obligation to consult with residents by ...

- Issuing a press release
- Email alerts (to the few people with prior knowledge of the consultation and registered their email address)
- Comments on the Council's social media channels
- Posts on the Council's website
- Exhibition boards in the public library (library staff knew nothing about it)

Evidence suggests that these communication channels have been ineffective and in no way extensive as is required by Mid Sussex own policies.

When asked about the press release to notify residents of the consultations, officers at Mid-Sussex say that they issued the press release to ...

2 TV outlets, 6 radio stations, 4 newspapers, 3 news agencies, 6 magazines (but not their own in-house magazine) and 3 websites

When challenged to confirm which outlets actually broadcast or published the press release, the council's communication team say only that they "*were aware that the Mid Sussex Times ran a story on 30th July regarding the consultation.*" A paper only servicing the towns of Burgess Hill and Haywards Heath

On the district council website, neither the main landing page nor main 'Planning and Building' page make reference to the consultation. The Council's dedicated 'Consultations' page advertises only a Public Spaces Protection Order – Dog Control Consultation'

The district council leadership decided not to advertise either of the site allocation consultations in their own Mid Sussex Matters magazine, which is distributed at taxpayer expense by the council's communication team 3 times a year to 73,000 homes in Burgess Hill, East Grinstead, Haywards Heath and Mid Sussex villages.

They say that "*Wherever possible, details of forthcoming consultations are included within the magazine, this is our preference as it reaches every household in the district. However publication dates and consultation dates do not always coincide.*"

The Spring 2020 edition failed to mention the site allocations consultation but did manage to alert readers to the review of the local plan not due to start until 2021.

The Summer edition was published on the 6th July but failed to mention the site allocations consultation but in the same month readers in Haywards Heath and Burgess Hill were alerted to it in their Mid Sussex Times.

The evidence clearly shows that there was no intention on the part of the district council leadership team in Haywards Heath to alert residents of East Grinstead to the site allocations consultation.

On the above basis I would submit there has been a failure to consult, in line with Mid-Sussex own policy requirement. Given this, it is difficult to envisage how this can be classified as a final consultation (when the first hasn't happened) and the second is inadequate. I request that the process is begun again.

### **Unsound Assessment of Sites Alternative sites unreasonably discarded**

Deliverable sites nearer to Crawley have been dismissed without proper regard for their overall sustainability and without being assessed against any of the planning considerations that the sites proposed for East Grinstead were.

National planning policy insists that development plans are prepared on the basis that all reasonable alternatives have been explored. The National Planning Policy Framework (NPPF) says at paragraph 35 that plans will only be found sound if they are ... *"Justified – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence"*

For example, the site put forward at Crabbett Park could provide up to 2,500 homes close to the Crawley Fastway public transport system; allowing future residents ready access to Crawley's extensive services, infrastructure and employment opportunities. It would also provide for future expansion for housing needs in the future.

The district council leadership say that all sites must conform to the 'contiguous with an existing settlement' rule set out in district plan policy DP6. This policy is insufficiently flexible and was not designed to take account of housing shortfalls in neighbouring authorities.

NPPF paragraph 81 says that *"planning policies should be flexible enough to accommodate needs not anticipated in the plan"*

District council planning officers confirm that the site at Crabbett Park was rejected due its lack of 'Connectivity with existing settlements'. They say that ...

*"The criteria established to assess the degree of separation is based on a distance of 150m from the built up area boundary (as defined on the Policies Maps). 150m represents a distance that the Council considers differentiates between being connected or remote from existing settlements."*

This is factually incorrect - the site at Crabbett Park is less than 100m from the Crawley built-up boundary, meaning that the selection process was unsound and the site rejected on spurious grounds.



For sites not rejected 'out of hand', the district council leadership approved a selection methodology based on sites being assessed using 17 different planning criteria and rated on a 5 tier traffic light grading system. The combined grading was then used to determine whether the proposed site was a "high performing site" or not.

All sites assessed in East Grinstead were evaluated as 'high performing sites' and therefore allocated in the draft development plan. However, the overall performance assessment did not adequately account for the widely reported traffic constraints or the relevant neighbourhood plan policies

Site Selection Criteria ID 196 – Crawley Down Road Felbridge

Site Selection Criteria ID 770 - Imberhorne Farm

The site assessment section on highways, arguably the most relevant to the sites in East Grinstead, was left blank. When challenged, district council officers say that they can only assess the traffic situation by looking at all the proposed sites together and claim that when they do that, the traffic model shows that congestion is not bad enough to count.

The neighbourhood plan policies were simply referenced without any comment on how they were assessed. Policies EG2 and EG11 weigh heavily against the proposed site allocations at Felbridge and Imberhorne Farm.

However, no evidence is presented to show that policies EG2 or EG11 were genuinely considered or that they played any role in the overall assessment of sites, despite district council officers highlighting their importance.

Therefore I would contend that Mid Sussex have breached their own policy and procedures and should begin the process again of evaluation to ensure these are met.

### **Unsustainable Traffic Congestion**

Mid Sussex and Tandridge jointly commissioned WSP to undertake a traffic study into the Felbridge A264/22 junction capacity. In October 2019 it confirmed what residents already know - the junction is already severely congested ...

*"The Felbridge junction has been identified as a constraint to development coming forward in Tandridge and the Felbridge/East Grinstead area. The junction currently operates above capacity leading to congestion during peak periods and at other times of the day."*

The congestion figures for the A264 approach arm were measured as ...

	AM Peak	PM Peak
Junction Capacity *	106.60%	101.40%
Vehicle Queue Length	48	33
Queuing Delay	3 mins 2 secs	1 min 55 secs

Despite this, there are a further 1,230 homes already approved in East Grinstead and another 835 already approved in the surrounding villages of Ashurst Wood, Copthorne, Crawley Down and Turners Hill.

The Mid Sussex strategic transport study by SYSTRA reports that most major junctions in East Grinstead and surrounding area will be over-capacity once all the approved homes have been built, but suggest that this isn't a reason to resist the extra 820 houses now being proposed.

The district council leadership at Haywards Heath say that there is no need to worry about the additional traffic from the extra 822 houses being proposed for East Grinstead and Crawley Down because once a junction reaches capacity drivers will redirect their journeys, in other words they will 'rat run' along residential roads and country lanes

*“Once the model reaches capacity at a location, delay will increase significantly, and extensive rerouting will occur if alternative faster routes are available”*

The SYSTRA transport model predicts that the 822 houses being proposed will significantly increase the current levels of 'rat running' along residential streets and country lanes. The district council leadership say that this isn't necessarily a cause for concern.

The SYSTRA transport model uses adjusted traffic data from 2008, which significantly understates the existing levels of congestion at the A264/A22 junction in Felbridge, compared with the more recent jointly commissioned WSP traffic model.

	SYSTRA Model		WSP Model	
	AM Peak	PM Peak	AM Peak	PM Peak
Junction Capacity	61%	65%	106.60%	101.40%
Vehicle Queue Length	2	3	48	33
Queuing Delay	15 secs	21 secs	3 mins 2 secs	1 min 55 secs

The district council leadership must be aware of the flaws in their SYSTRA model but choose not to publish the findings of the more recent WSP traffic study (which they themselves jointly commissioned). Material evidence which could undermine the

suitability of the proposed site allocations in East Grinstead has been withheld from the consultation process.

Notwithstanding the flaws in the SYSTRA transport model that understate the current traffic congestion, the district council leadership say that the 822 proposed houses on their own do not constitute a severe impact on our local roads.

Neither do they accept that the 822 proposed houses together with 1,230 houses already approved in East Grinstead plus the 835 houses already approved in the surrounding villages constitutes a severe impact on local roads despite their own SYSTRA model saying that committed housing will result in the following junctions being over capacity;

- A264/A22 Felbridge
- A22/Imberhorne Lane
- B2110/B2028 Crossroads Turners Hill
- B2028 Turners Hill Road/Wallage Lane
- A264/A2220 Copthorne

The district council leadership say that they can only assess the highways impact for the each proposed site allocation by looking at them all together (ie. the ones in East Grinstead, Burgess Hill, Haywards Heath and other towns and villages in the district) in accordance with the national planning policy.

The National Planning Policy Framework (NPPF) says at paragraph 109 that *“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.”*

The SYSTRA transport model clearly demonstrates that the cumulative impact of the houses already approved (but not yet built) taken together with the proposed housing allocations is severe.

In order to mitigate the impact of the additional traffic from the 822 proposed houses, the district council leadership make vague references to A264/A22 corridor improvements and an unspecified bus priority along the A22. They say that

*“The local highway network will be re-examined in more detail through any subsequent planning applications on the sites proposed for East Grinstead”*

*“Joint working between Surrey CC and West Sussex CC along with Mid Sussex and Tandridge District Council’s is ongoing to determine how best to improve capacity along the A22/A264 corridor”*

In other words, there are no firm proposals to resolve the current levels of congestion let alone the gridlock that is likely to result from the extra 2,065 houses already approve and yet we are expected to accept on trust that the unspecified roads

improvements will be so successful that they will be able to accommodate the traffic from the extra 822 houses now proposed.

The jointly commissioned WSP transport study to look into capacity issues for the A264/22 Felbridge junction has been running for nearly two years and has not identified a single option that promises to bring the junction back within capacity for the longer term.

Given the fact that a limit has been reached on approaching roads, and no viable alternative has been set out, I would recommend that the proposal is re-worked to take into consideration the traffic impact and viable alternatives proposed. Without this it can't realistically proceed.

### **Contrary to Neighbourhood Plan**

The town council spent considerable time and resources on its Neighbourhood Plan, it was approved by the district council leadership, found to be sound at the public examination and overwhelmingly supported by referendum.

A meeting on 3rd May 2018 attended by both the town and district councils reviewed the Neighbourhood Plan policies against the newly adopted District Plan. The town council's planning committee minutes dated 18th May confirms that apart from policy EG5 – Housing, "the other policies in the plan are not deemed to be in non-compliance"

People expect the town council to strongly defend its Neighbourhood Plan and not simply accept the district council leadership view that it's policies are 'trumped' by their own.

Policy EG2 was designed to resist development outside the built-up boundary and *"to ensure that development does not result in the gradual accretion of development at the urban fringe"*. This fully supports the district council's own policy DP12 which says ...

*"The primary objective of the District Plan with respect to the countryside is to secure its protection by minimising the amount of land taken for development and preventing development that does not need to be there."*

The proposed site allocations at Felbridge and Imberhorne Farm are outside the East Grinstead built-up boundary and are therefore against both neighbourhood and district plan policies. It is not clear why does the district council leadership believe the houses to meet the housing shortfall in Crawley need to be in the countryside just outside East Grinstead's urban boundary

The supporting text to policy EG2 (at paragraph 4.9) explicitly calls out for development to be refused in the areas of countryside at Imberhorne Farm and south of the Crawley Down Road.

The district council leadership do not accept the validity of the neighbourhood plan supporting text and brush-off the town council's assertion that it must be taken into account when considering potential site locations. They say that the *"Inclusion of supporting text may lead to potential for conflicting guidance."* This is clearly disingenuous as the district council leadership approved the content of the neighbourhood plan before it went to examination

Policy EG11 was designed to ensure that East Grinstead didn't have to take mass housing allocations like these without the necessary improvements to the local highways network ...

Proposals, which cause a severe cumulative impact in terms of road safety and increased congestion, which cannot be ameliorated through appropriate mitigation will be refused

Policy EG11 fully supports the district council's own policy DP21 which requires that ... *"development is accompanied by the necessary infrastructure in the right place at the right time that supports development and sustainable communities. This includes the provision of efficient and sustainable transport networks"*

Currently there are no detailed proposals to solve the existing traffic problems in East Grinstead. Unless and until such proposals are put forward which are shown to be both effective in resolving the junction capacity issues and deliverable, then the proposed site allocations at Felbridge and Imberhorne Farm are against both neighbourhood and district plan policies.

I will be making available a copy of this letter to my MP and would be grateful for a response to the issues I have raised.

Yours Sincerely

Anthony Fennell

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]



**1533**

## Site Allocations DPD: Regulation 19 Consultation Response

**Policy:** SA11

**ID:** 1533

**Response Ref:** Reg19/1533/1

**Respondent:** Ms A Cole

**Organisation:**

**On Behalf Of:**

**Category:** Resident

**Appear at Examination?** x

<b>Name</b>	Anne Cole
<b>Address</b>	[REDACTED]
<b>Phone</b>	[REDACTED]
<b>Email</b>	[REDACTED]
<b>Which document are you commenting on?</b>	Site Allocations DPD
<b>Do you consider the Site Allocations DPD is in accordance with legal and procedural requirements; including the duty to cooperate</b>	No
<b>(1) Positively prepared</b>	Unsound
<b>(2) Justified</b>	Unsound
<b>(3) Effective</b>	Unsound
<b>(4) Consistent with national policy</b>	Unsound
<b>Please outline why you either support or object (on legal or soundness grounds) to the Site Allocations DPD</b>	Massive traffic problems in roads around proposed development area. Public transport inadequate. Hospitals and schools already overcrowded.
<b>Please set out what change(s) you consider necessary to make the Site Allocations DPD legally compliant or sound, having regard to the reason you have identified at question 5 above where this relates to soundness.</b>	Not the right place for such development.
<b>If you wish to provide further documentation to support your response, you can upload it here</b>	
<b>If your representation is seeking a change, do you consider it necessary to attend and give evidence at the hearing part of the examination</b>	No, I do not wish to participate at the oral examination
<b>Please notify me when-The Plan has been submitted for Examination</b>	yes
<b>Please notify me when-The publication of the recommendations from the Examination</b>	yes
<b>Please notify me when-The Site Allocations DPD is adopted</b>	yes
<b>Date</b>	20/09/2020



1546

## Site Allocations DPD: Regulation 19 Consultation Response

**Policy:** SA11

**ID:** 1546

**Response Ref:** Reg19/1546/1

**Respondent:** Mr D Jones

**Organisation:**

**On Behalf Of:**

**Category:** Resident

**Appear at Examination?** x

<b>Name</b>	David Jones
<b>Job title</b>	retired
<b>Organisation</b>	Home
<b>Address</b>	[REDACTED]
<b>Email</b>	[REDACTED]
<b>Which document are you commenting on?</b>	Site Allocations DPD
<b>Sites DPD Policy Number (e.g. SA1 - SA38)</b>	all
<b>Do you consider the Site Allocations DPD is in accordance with legal and procedural requirements; including the duty to cooperate</b>	Yes
<b>(1) Positively prepared</b>	Unsound
<b>(2) Justified</b>	Unsound
<b>(3) Effective</b>	Unsound
<b>(4) Consistent with national policy</b>	Unsound
<b>Please outline why you either support or object (on legal or soundness grounds) to the Site Allocations DPD</b>	loss of habitat for wild life
<b>Please set out what change(s) you consider necessary to make the Site Allocations DPD legally compliant or sound, having regard to the reason you have identified at question 5 above where this relates to soundness.</b>	do not go ahead
<b>If you wish to provide further documentation to support your response, you can upload it here</b>	
<b>If your representation is seeking a change, do you consider it necessary to attend and give evidence at the hearing part of the examination</b>	No, I do not wish to participate at the oral examination
<b>Please notify me when-The Plan has been submitted for Examination</b>	yes
<b>Please notify me when-The publication of the recommendations from the Examination</b>	yes
<b>Please notify me when-The Site Allocations DPD is adopted</b>	yes
<b>Date</b>	20/09/2020

1547

## Site Allocations DPD: Regulation 19 Consultation Response

**Policy:** SA11

**ID:** 1547

**Response Ref:** Reg19/1547/1

**Respondent:** Ms P Wadsworth

**Organisation:**

**On Behalf Of:**

**Category:** Resident

**Appear at Examination?** x

<b>Name</b>	David Jones
<b>Job title</b>	retired
<b>Organisation</b>	Home
<b>Address</b>	`8 Clayton Avenue [REDACTED]
<b>Email</b>	[REDACTED]
<b>Which document are you commenting on?</b>	Site Allocations DPD
<b>Sites DPD Policy Number (e.g. SA1 - SA38)</b>	all
<b>Do you consider the Site Allocations DPD is in accordance with legal and procedural requirements; including the duty to cooperate</b>	Yes
<b>(1) Positively prepared</b>	Unsound
<b>(2) Justified</b>	Unsound
<b>(3) Effective</b>	Unsound
<b>(4) Consistent with national policy</b>	Unsound
<b>Please outline why you either support or object (on legal or soundness grounds) to the Site Allocations DPD</b>	loss of habitat for wild life
<b>Please set out what change(s) you consider necessary to make the Site Allocations DPD legally compliant or sound, having regard to the reason you have identified at question 5 above where this relates to soundness.</b>	do not go ahead
<b>If you wish to provide further documentation to support your response, you can upload it here</b>	
<b>If your representation is seeking a change, do you consider it necessary to attend and give evidence at the hearing part of the examination</b>	No, I do not wish to participate at the oral examination
<b>Please notify me when-The Plan has been submitted for Examination</b>	yes
<b>Please notify me when-The publication of the recommendations from the Examination</b>	yes
<b>Please notify me when-The Site Allocations DPD is adopted</b>	yes
<b>Date</b>	20/09/2020

**1616**

## Site Allocations DPD: Regulation 19 Consultation Response

**Policy:** SA11

**ID:** 1616

**Response Ref:** Reg19/1616/1

**Respondent:** Mrs Pauline Bailey

**Organisation:**

**On Behalf Of:**

**Category:** Resident

**Appear at Examination?** x

[REDACTED]

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**From:** pauline bailey [REDACTED]  
**Sent:** 22 September 2020 14:07  
**To:** ldfconsultation  
**Subject:** Response

Hello

I feel I have to say that I am absolutely dismayed by the sheer amount of house building going on everywhere in the county. Everywhere you go there is more and more building and I feel with population increases it will just go on and on. I feel the planning department is going to wreck Sussex and destroy its rural quality, with all the extra people, infrastructure, traffic etc. I have noticed a huge increase in traffic. The plans for Burgess Hill are a nightmare. Despite government pressure, it says that it is up to local councils to decide what is appropriate for their area.

The North of England needs to be developed more with the plans for the Northern Powerhouse. I will be very surprised if people are going to be able to afford all these houses with the huge recession forecast soon.

I would urge a stop to all this development.

Regards

Pauline Bailey, Haywards Heath

**1715**

## Site Allocations DPD: Regulation 19 Consultation Response

**Policy:** SA11

**ID:** 1715

**Response Ref:** Reg19/1715/2

**Respondent:** Ms T Thom

**Organisation:** Parker Dann

**On Behalf Of:** Fairfax Ltd

**Category:** Promoter

**Appear at Examination?** ✓

**From:** Tondra Thom <tondra@parkerdann.co.uk>  
**Sent:** 24 September 2020 10:21  
**To:** ldfconsultation  
**Subject:** Regulation 19 Representation to Site Allocations DPD  
**Attachments:** Regulation 19 Submission Report to MSDC - Clearwaters Farm.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**Categories:** SiteDPD

Dear Planning Policy,

Please find attached a representation to the Regulation 19 Site Allocations DPD Consultation on behalf of Fairfax Ltd.

On behalf of Fairfax Ltd, the Planning Consultant requests to participate at the oral Examination and to be kept notified of when the Plan has been submitted for Examination and the publication of the recommendations from the Examination.

Kind regards,

**Tondra Thom BSc (Hons) MSc AssocRTPI**  
**Senior Planning Consultant**

Parker Dann Chartered Town Planning Consultants  
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*Sussex Heritage Trust Award winners – Commercial: 2012 and 2015, Small Scale Residential: 2015, 2016 and 2017*





# **Representation on the Mid Sussex Site Allocations DPD Regulation 19 Consultation**

## **Representation Statement**



**On behalf of Fairfax Ltd.**

**September 2020**



## **Contents**

	Page
1.0 Introduction	3
2.0 Context	4
3.0 The Proposal	7
4.0 Justification	10
5.0 Legal Compliance	13
6.0 NPPF Tests of Soundness	17
7.0 Conclusion	21

### Appendices

Appendix A – Lewes District Council Cabinet Report 9<sup>th</sup> July 2020

## 1.0 Introduction

1.1 This representation has been prepared on behalf of Fairfax Ltd and relates to a proposal for a Reserve Site Allocation at Clearwaters Farm, Haywards Heath. It will set out that the Site Allocations DPD is not considered sound or legally compliant and it is seeking modifications to the Plan to address these issues.

1.2 The reasons the Site Allocations DPD is not considered sound and legally compliant are summarised as follows:

- The scope of the plan does not have an appropriate timescale, i.e. 15 years from adoption
- Strategic matters that can be dealt with now are being deferred
- Duty to Cooperate has not covered the relevant strategic matters
- The Strategic Environmental Assessment is incomplete in its appraisal of reasonable alternatives and cross boundary impacts

1.3 To overcome these failings the following modifications and updates are sought :

- A revised plan period to 2036
- A Reserve Site Allocation at Clearwaters Farm, Haywards Heath
- Updated Duty to Cooperate Statements
- An update to the Strategic Environmental Assessment

1.4 The remainder of this representation will set out the context (Section 2) for the plan failings and modifications sought; the proposed Reserve Site Allocation (Section 3, The Proposal); and provide the justification for its inclusion within the Site Allocations DPD (Section 4, Justification). It will also provide evidence that the Duty to Cooperate has not been met in relation particularly to Lewes District Council (LDC) (Section 5, Legal Compliance) and that consequently the Site Allocations DPD as it currently stands, fails to meet the tests of soundness in respect of whether it has been positively prepared (Section 6, NPPF Tests of Soundness).

1.5 The other tests of soundness; the issue of consistency with national policy and whether the plan is justified and effective will also be addressed in Section 6.

## 2.0 Context

- 2.1 The inclusion of a Reserve Site Allocation is within the scope of Aim iv) of the Site Allocations DPD, which is *"to set out additional Strategic Policies necessary to deliver sustainable development"*. However, this presents something of a paradox because Aim iv) and the Strategic Policies that flow from it are not consistent with the NPPF, which requires strategic policies to have at least 15 years from adoption.

*"Strategic policies should look ahead over a minimum 15 year period from adoption, to anticipate and respond to long-term requirements and opportunities, such as those arising from major improvements in infrastructure."* NPPF Para 22.

- 2.2 The Strategic Policies in this plan would, at best, have 10 years from adoption. Para 1.2 of the Sustainability Appraisal incorporating Strategic Environmental Assessment (SA/SEA) and 1.1 of the Duty to Cooperate Statement (August 2020) describe the Site Allocations DPD as a 'daughter document' of the District Plan, which implies it is subservient in hierarchy to the District Plan; however Aim iv) and the Strategic Policies that flow from it appear at odds with this statement because the stated aim is for the Strategic Policies to complement (add to or make complete) the District Plan.

- 2.3 There is discord between the SA/SEA and the Site Allocations DPD where the SA/SEA does not refer to Policies SA34-38 as Strategic Policies, rather it refers to them as 'Generic Policies' and so it is not clear the SA/SEA has given their strategic nature due weight. It is not disputed that Policies SA34-38 are strategic in nature, in fact it is intended that SA38 replaces District Plan Policy DP29 in relation to air quality. The Inspector in his Report on the Examination of the Mid Sussex District Plan (12<sup>th</sup> March 2018) at para 43, confirms that the District Plan *"is a strategic plan only,"* further at para 63 *"..because this is a strategic plan with a long time period."* Therefore, we would not argue that DP29 and therefore SA38 are not strategic in nature. SA37 Burgess Hill / Haywards Heath Multifunctional Network has cross-boundary (and therefore strategic) implications for Lewes District and LDC and the SA/SEA states on p85: *"There is nothing in the current Development Plan which provides a specific policy for Burgess Hill/ Haywards Heath Multifunctional Network."* Figure 2 in this representation shows the cross-boundary linkages, this is therefore a new Strategic Policy.

- 2.4 Consequently, this representation is disputing that there is an appropriate timeframe for this DPD. We would suggest that the plan end date should be extended beyond 2031 to

2036 to facilitate consistency with the NPPF and the appropriate timeframe for strategic policies.

- 2.5 The Council has not demonstrated that it is meeting the Duty to Cooperate in respect of having due regard to the changing circumstances in relation to housing need and plan-making in Lewes district. In response to this failing the Reserve Site Allocation modification could be delivered within the scope of this plan. Site Allocations DPD Aim i) is seeking to deliver the residual housing requirement albeit the Plan has made a modest over-supply, which is all located in Burgess Hill. The District Plan housing requirements are expressed as 'minimums' and so they are not viewed as a cap on growth. The proposed Reserve Site Allocation could deliver up to 200 new dwellings on the edge of Haywards Heath in Mid Sussex (and facilitate a further 250 new dwellings in Lewes district); this would provide additional flexibility in the delivery of housing over the plan period and importantly would assist the highly constrained neighbouring authority unlock a sustainable development site within its district.
- 2.6 The land associated with the proposed Reserve Site Allocation spans the administrative boundary of Mid Sussex and Lewes districts and is sustainably located at the edge of Haywards Heath. The site is considered to conform to the District Plan Spatial Strategy and its conditional allocation would assist the Council in demonstrating it has met the Duty to Cooperate by providing a clear framework for ongoing constructive engagement and an unambiguous outcome that is not deferred.
- 2.7 The current lack of clarity over the scope of the plan and the strategic policies plan period, the overreliance on one settlement in respect of any oversupply and flexibility in the plan and the failings to fulfil *a//* the requirements under the Duty to Cooperate, should be set within the context of the pressing housing need and poor recent delivery rates within the two districts.

**Table 1.** Housing Targets, Need and delivery Rates in Mid Sussex and Lewes District<sup>1</sup>

	Current Local Plan	Objectively Assessed Need (OAN)	Average Delivery (last 3 years)	Current Standard Methodology	Proposed New Standard Methodology
LDC	345	510	290	483	800
MSDC	964	876	760	1,114	1,305

<sup>1</sup> Figures from the Lichfields published data set, except for the OAN which is from the Local Plan Examinations. <https://lichfields.uk/grow-renew-protect-planning-for-the-future/how-many-homes-the-new-standard-method/#section16>

2.8 As can be seen from the above table the housing need is rising sharply in this area and the delivery of housing in both authorities is falling short of the current plan targets, which themselves lag somewhat behind the need. It is likely that the impacts of Covid-19 will add to the continuing under-delivery and therefore increased flexibility of housing site options may be one way to address this impact.

### 3.0 The Proposal

- 3.1 A Reserve Site Allocation that provides a practical mechanism to enable cross-boundary cooperation regarding the delivery of sustainable development (Aim iv). This is a cross-boundary residential development site with potential to make a significant contribution towards unmet housing need in the local area. The policy might be worded as follows:

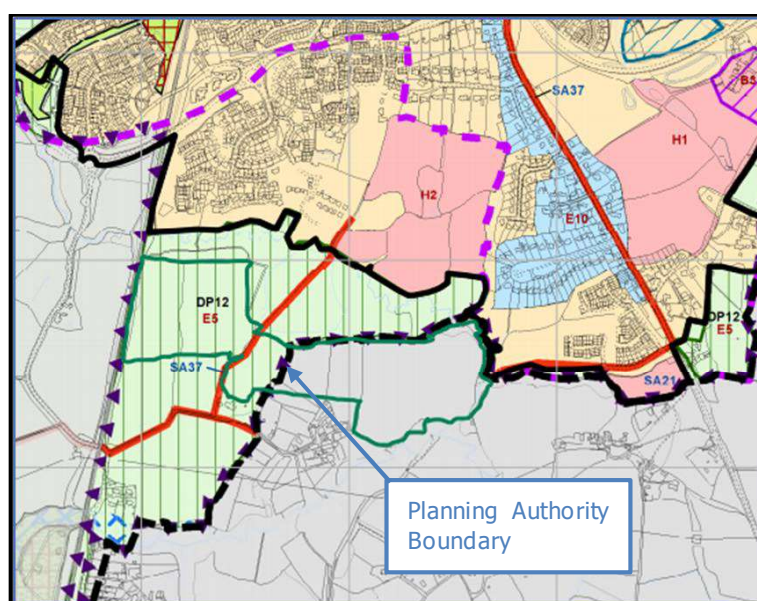
#### **SA\*\* Clearwaters Farm, Haywards Heath, Reserve Site Allocation**

In recognition of the Council's role to assist a neighbouring planning authority deliver sustainable development, the Council identifies land at Clearwaters Farm as a Reserve Site that will be released for the development of housing and public open space if the following parameters are met:

- Land at Clearwaters Farm is allocated for housing in a DPD produced by Lewes District Council
- An agreed mechanism to deliver cross-boundary infrastructure arising from the allocation is identified within a DPD produced by Lewes District Council.

Alternatively, the site will be released for the development of housing and public open space upon resolution to grant planning permission by Lewes District Council, subject to appropriate provisions for cross-boundary infrastructure contributions.

#### **Box 1** Proposed Strategic Policy



**Figure 1** Clearwaters Farm site (outlined in green) on an Extract from Draft Policies Map

### Sustainability of the site

3.2 The site is located outside of any landscape designations, such as AONB or National Park, and is well contained within the landscape; it is entirely within the Environment Agency's Flood Mapping Zone 1; and could facilitate and promote modes of transport other than the car for travel to Haywards Heath and for linkages to Wivelsfield Train Station and Burgess Hill beyond. The site has the potential to contribute towards the delivery of SA37 *Burgess Hill/Haywards Heath Multifunctional Network* insofar as connecting sections, identified both within Mid Sussex and within Lewes District (see Figure 2), could be directly delivered by this cross-boundary site using the S106 legal mechanism.

3.3 The site is in an area currently identified as Green Corridor in the Haywards Heath Neighbourhood Plan (HHNP) (2016). Development of this site would not conflict with the aims of the Green Corridor definition:

*"Green spaces that provide avenues for wildlife movement, often along streams, rivers, hedgerows or other natural features. They connect green spaces together, and often provide pleasant walks for the public away from main road."* P65 HHNP

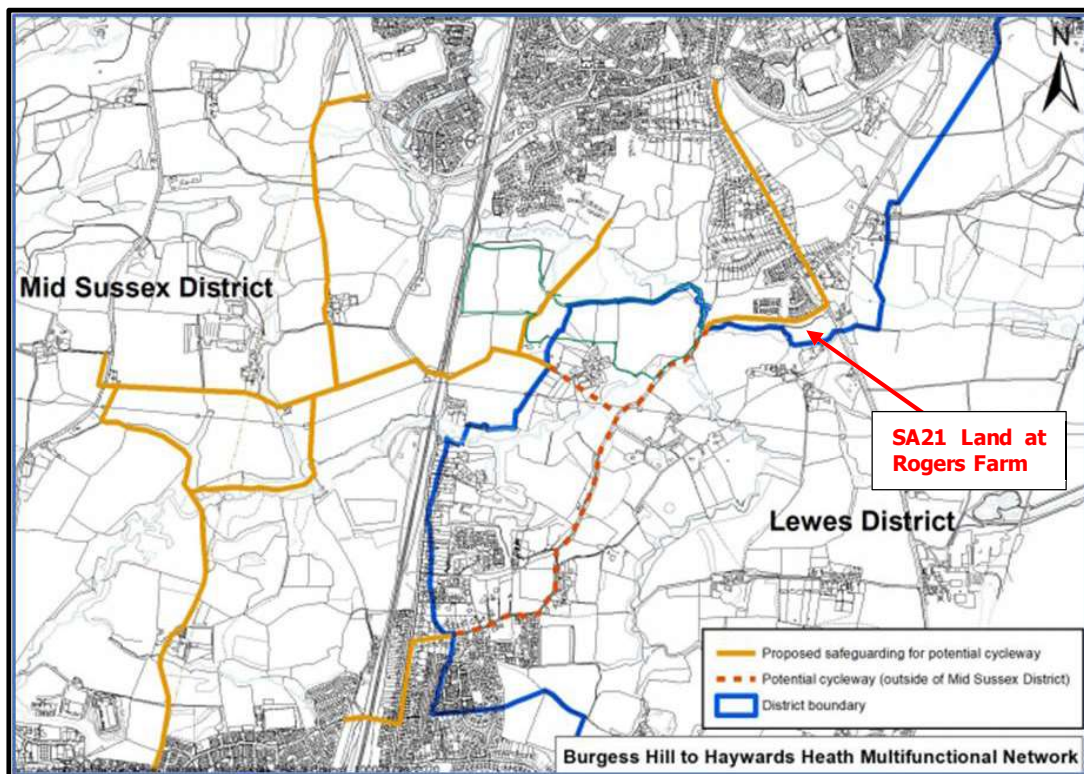
3.4 The site has ample facility to retain the significant majority of hedgerow and wildlife corridors, create enhanced publicly accessible green spaces and pleasant walks connecting existing Public Rights of Way. There is precedent within the Site Allocations DPD for the proposed policies to supersede green space policies within a neighbourhood plan; for example: SA15 is a housing site allocation on a Local Green Space (LGS) designated in the Burgess Hill Neighbourhood Plan (BHNP). Strategic Policy SA36 *Wivelsfield Railway Station* safeguards land for expansion and upgrade that is currently designated as LGS in the BHNP. Para 3.19 of the Site Allocations DPD states:

*"Improvements to the station would not be deliverable without using the land in question, which adjoins the existing railway station; it is therefore proposed that the areas covered by Policy SA36 would supersede the LGS designation."*

3.5 A Reserve Site Allocation would supersede non-strategic policies in an earlier plan, in accordance with NPPF para 30, however the allocation could still deliver the aims of the Green Corridor Policy.



- 3.6 The site could deliver between 400-450 new dwellings in the local area (across the two authorities), providing additional flexibility in the land supply in Mid Sussex and making a significant contribution towards housing land supply and delivery within the highly constrained Lewes District Local Plan area. The Lewes Local Plan area suffers serious constraints including coastal erosion and flood risk and severe traffic constraints within its coastal belt, which is tightly bound by the South Downs National Park (SDNP) to the north. Therefore, the relatively unconstrained area of the district to the north of the SDNP, where this site lies, will be a key area of search for housing growth in the new Lewes Local Plan.
- 3.7 To further set the site into its sustainability context, Figure 2 below shows the location of the site alongside the only proposed housing site allocation in Haywards Heath within the Plan, Policy SA21 Land at Rogers Farm and the Multifunctional Network Strategic Policy SA37. From the context figure below the ability of the site to help deliver the multifunctional network (SA37) measures and contribute to sustainable development is quite apparent. This is further amplified by the ownership arrangements and control over the woodland to the north of the site.



**Figure 2** Clearwaters Farm Site (outline in green) in context with SA37 and SA21

## 4.0 Justification

### Strategic Environmental Assessment

- 4.1 The site (SHELAA ref 841) was assessed as suitable, available, and achievable at Stage 1 in the SHELAA, being summarised as relatively unconstrained with reasonable prospect that the site could be developed within the Plan period. At Stage 2 it was sifted out. The specific reason is not given, however upon review of the methodology it is likely that it falls into the following category of sites: *"However, there are a small minority of sites within 150m of the built up area which have been assessed as clearly detached from the settlement due to their access or constraints (such as ancient woodland) separating the site from the settlement."* Para 4.2 (p6) Site Selection Paper 1.
- 4.2 The site has been incorrectly sifted. The site is within 150m of the settlement built up area and is separated by woodland however not all the woodland is ancient. In fact, a sizeable area of woodland to the northeast of the site is not ancient and currently has a dedicated footpath linking the site to the built up area. Access, therefore, is not detached from the settlement: access by sustainable modes of transport, e.g. by foot, cycle and electric scooter is directly connected to the settlement. Furthermore, the woodland is owned by Fairfax Ltd and so connectivity linkages and 'modal shift' access to Haywards Heath from this site, including through the delivery of Strategic Policy SA37 Multifunctional Network, can be readily delivered. A suitable vehicular access is achievable, and this facilitates the allocation for development of that part of the site that lies within Lewes district.
- 4.3 Due to incorrect sifting, the merits of the site have not been properly considered through the Strategic Environmental Assessment, which requires the assessment of reasonable alternatives. The site's inclusion within the plan, including the substantial opportunity as part of an allocation to deliver the modal shift aspirations of Strategic Policy SA37 is a reasonable alternative under Aim iv) of the Site Allocations DPD and has not been assessed.
- 4.4 This is a legal compliance failing that is challengeable if left unchecked. The SEA Regulations (The Environmental Assessment of Plans and Programmes Regulations 2004 (as Amended)) requires the preparation of an environmental report that describes and evaluates the likely significant effects on the environment of implementing the plan and reasonable alternatives taking into account the objectives and the geographical scope of the plan or programme.

- 4.5 There is a further failing in the SA/SEA in that it states on p85 in the assessment of SA37 that there are no cross-border impacts likely to arise. This is simply not true; the eastern route identified can only be delivered with the linkages in Lewes District and with the cooperation of LDC and East Sussex County Council (ESCC). Inevitably with the delivery of the eastern part of the SA37 network, linking Haywards Heath and Burgess Hill, there will be likely significant effects of a beneficial nature within Lewes District.

#### Lewes District Housing Need

- 4.6 Lewes District Council (LDC) recently published a new local housing need figure of 808 dwellings per annum and approved a revised Local Development Scheme (20<sup>th</sup> July 2020) to produce a new Local Plan. This figure is a rise in published housing need of approximately 300 dwellings per annum (dpa) over and above the previous Objectively Assessed Housing Need (OAHN). The adopted Lewes Local Plan even now falls short of the previous OAHN by 3,300 dwellings. The Lewes Local Plan, adopted in 2016, provides for 276 dpa to be delivered within the area of the district outside the SDNP; the new Lewes Local Plan is currently looking at ~800 dpa, which is an increase of over 500 dpa.

- 4.7 To overcome the differences in timelines between the two authorities' plan-making processes, it is considered justified to make a Reserve Site Allocation within the Site Allocations DPD in line with Aim 4:

iv) to set out additional Strategic Policies necessary to deliver sustainable development

- 4.8 The Site Allocation Policies are seeking to deliver the residual quantum of growth necessary to meet the housing requirement for the district up to 2031 in accordance with the Spatial Strategy set out in the District Plan. Para 2.22 reiterates that future unmet need will be considered as part of the review of the District Plan. This provides no assurances that relevant policies would be updated to assist LDC; the primary focus of the District Plan is westward looking in respect of accommodating unmet need from the Northern West Sussex Housing Market Area.

- 4.9 There is, however, an opportunity to safeguard LDC's ability to allocate and deliver a sustainable site and the justification here is twofold:

1. The District Plan housing requirement is expressed as 'minimums' and the Site Allocations DPD is making an over-supply. The over-supply is currently all

proposed in Burgess Hill, this Reserve Site Allocation effectively rebalances the over-supply in favour of another Category 1 Settlement: and

2. The Site Allocations DPD introduces new Strategic Policies under the aim of delivering sustainable development as a whole, which therefore allows a site with strategic consequences and cross-boundary sustainability impacts to be considered.

- 4.10 Furthermore, and importantly, this proposal is not requesting that MSDC take any additional unmet housing need from LDC (although it will no doubt be a conversation LDC looks to have through the preparation of its revised Local Plan) and therefore the issue of unmet housing need is not being revisited in terms of the scope of the plan. Instead the proposal merely adds flexibility to the MSDC housing land supply, which may have an over-reliance on Burgess Hill (the District Plan (p36) shows no additional requirement for Burgess Hill and yet the Site Allocations DPD is allocating a further 612 dwellings to Burgess Hill and only 25 dwellings to Haywards Heath, which has a residual requirement of 127 dwellings), and facilitate LDC to get closer to meeting their own current unmet housing need.
- 4.11 On this basis, we are seeking a Reserve Site Allocation as a Strategic Policy and demonstration of a proactive regard to the activities of the neighbouring local planning authority, as well as a clear sign of ongoing constructive cooperation. This type of policy would fit well with the Strategic Policies of the Site Allocations DPD in that they appear focussed on safeguarding/reserving land for future opportunity that is strategic in nature.
- 4.12 An over reliance on a single settlement and large-scale complex strategic development sites may not sufficiently spread the risk in relation to housing delivery over the plan period (see NPPF paragraph 68) especially when considering the impacts of Covid-19, which will likely permeate commercial activity, including house-building for the foreseeable future.

## 5.0 Legal Compliance and the Duty to Cooperate

- 5.1 The Duty to Cooperate Statement (August 2020) at para 3.1 Housing Need, confirms that that in the context of the housing requirement for Mid Sussex the "*Site Allocations Document does not have the remit to revisit the issue of housing need and therefore it is not a strategic matter for this document*". To be really clear this representation is not seeking to re-visit the housing requirement or requesting that MSDC consider meeting further unmet need from outside the district. This representation does, however, consider that it is within the scope of the Site Allocations DPD and the adopted District Plan housing requirement to make a Reserve Site Allocation that would enable cross-boundary cooperation and sustainable development.
- 5.2 The Statement of Common Ground (SoCG) between MSDC and LDC, signed in May 2020, makes a commitment within Section 1 Housing Provision to "*continue working together on any cross boundary issues arising from the site allocations*". The proposed Reserve Site Allocation is a cross-boundary issue that has been drawn to the attention of both authorities; that part of the site lying in Lewes District has been submitted to the Lewes Land Availability Assessment (LAA) and LDC has been made aware of the cross boundary nature of the site and this representation to the MSDC Site Allocations DPD Regulation 19 Consultation. LDC will not be able to allocate that part of the site within its district without the cooperation of MSDC.
- 5.3 The current set of published SoCG does not appear to include a signed SoCG between MSDC, LDC and ESCC. This missing SoCG would cover traffic impacts manifesting within Lewes District arising from the site allocations close to the administrative boundary and also the delivery of Strategic Policy SA37 Multi-functional Network, insofar as there are interlinking sections with Lewes District (see Figure 2 above). The Duty to Cooperate Statement does not appear to include the delivery of Policy SA37 in its 'summary of strategic topics' or 'matters to agree' with either LDC or ESCC. The proposed Reserve Site Allocation can assist with the delivery of Strategic Policy SA37 in both districts and contribute to sustainable development in line with Aim iv) of the Site Allocations DPD.
- 5.4 In our view the addition of the Reserve Site Allocation Policy would demonstrate compliance with the requirements of Section 33A, the Duty to Cooperate, of the Planning and Compulsory Purchase Act 2004, as amended by the Localism Act 2011. Specifically, it has not been demonstrated that the Council has had regard to the activities of LDC that support plan-making and relate to a strategic matter. LDC published an updated local

housing need figure, identified that it had undertaken a review of the Local Plan Part 1, the Joint Core Strategy, and consequently identified that it required a full update for the following reasons:

- The adoption of the South Downs Local Plan in July 2019
- The publication of the revised NPPF in February 2019
- The introduction of Government's standard method for calculating local housing need results in a significant increase in the district's housing need from May 2021
- The adoption of a new Council Corporate Plan

5.5 The full Cabinet Report is appended to this submission; of particular note within paragraph 2.6 the Cabinet Report states:

*"Most importantly, the NPPF introduces a new standard method of calculating housing need and instructs local planning authorities to update their strategic policies at least once every five years if their local housing need figure has changed significantly. Applying the Government's standard methodology has resulted in the district's housing needs increasing to 808 dwellings per annum from May 2021. This figure is much higher than the housing requirement set out in the adopted LPP1 (345 dwellings per annum)."* Cabinet Paper 9<sup>th</sup> July 2020 (emphasis added)

5.6 The activities, under the Duty to Cooperate, that MSDC must have regard to include LDC's Local Plan Review and the outcomes of it, the sharp rise in LDC's housing need under the Government's Standard Methodology and LDC's programme to address these issues. There is no guarantee that MSDC will find a need to update the District Plan or that any specific update to policies would include additional site allocations. It is important that the requirements of the Duty are not deferred.

5.7 This proactive step to assist LDC unlock development potential within its district would demonstrate adherence to all criteria listed within the Duty to Cooperate legislation. The criteria of Section 33A, brought into force by the Localism Act 2011, that are less often cited are highlighted in the box below; we would contend that compliance with the Duty is more than demonstrating constructive ongoing engagement.

- (2) In particular, the duty imposed on a person by subsection (1) requires the person—
- (a) to engage constructively, actively and on an ongoing basis in any process by means of which activities within subsection (3) are undertaken, and
  - (b) to have regard to activities of a person within subsection (9) so far as they are relevant to activities within subsection (3).
- (3) The activities within this subsection are—
- (a) the preparation of development plan documents,
  - (b) the preparation of other local development documents,
  - (c) the preparation of marine plans under the Marine and Coastal Access Act 2009
  - (d) activities that can reasonably be considered to prepare the way for activities within any of paragraphs (a) to (c) that are, or could be, contemplated, and
  - (e) activities that support activities within any of paragraphs (a) to (c), so far as relating to a strategic matter.

**Box 2** Highlighted Extract from Section 33A Duty to Cooperate

- 5.8 The legislation is clear that there is more to be done than simply demonstrate constructive engagement, which may not alone produce practical outcomes. Regard must be had to activities that prepare the way for and support plan making. Making the proposed modification to the plan would clearly demonstrate regard has been had to the activities underway by and required of LDC in support of the preparation of their new Local Plan and set a clear framework for ongoing constructive engagement. This action would not obligate any particular outcome by LDC in respect of their own plan-making, but critically it would also not stymie their options for delivering sustainable development in a timely manner.
- 5.9 The proposal put forward by this submission would directly unlock a strategic scale prospective allocation site for LDC that could be delivered within the next 5 years and certainly within the next LDC plan period 2018-2038.
- 5.10 As this information has been brought to the attention of MSDC in time for a focussed amendment to be made to the Site Allocations DPD without critically affecting its timeline, we request an amendment is made and consulted upon prior to the submission of the Plan. The proposed reserve Site Allocation is considered to be entirely within the scope of the Duty to Cooperate implications of Aim iv) to set out additional Strategic Policies, whilst not

jeopardising the delivery of Aim i) to allocate sufficient housing sites to address the residual housing requirement of the District Plan. The Reserve Site Allocation would provide additional flexibility in the plan, through a modest over-supply in Haywards Heath considerably smaller than the over-supply proposed in Burgess Hill.

- 5.11 The inclusion of the Reserve Site Allocation would address the current failing in respect of the Duty to Cooperate.



## 6.0 NPPF Tests of Soundness

### Positively Prepared

- 6.1 The Site Allocations DPD is seeking to add to and amend the District Plan Strategy with new Strategic Policies, rather than to purely support and deliver the strategic objectives and spatial strategy through a suite of non-strategic (site allocations) policies. In this respect it is incorrectly termed a 'daughter document' within the Duty to Cooperate Statement. Paragraph 3.2 (p92) of the Site Allocations DPD sets out there are five additional Strategic Policies and refers to the purpose of them; it says: "*In addition to the Sites DPD policies relating to site allocations (Policies SA1 to SA33), the District Plan policies are complemented by five additional strategic policies that are set out in the following section. These policies help to ensure that the Development Plan supports the delivery of sustainable development when considered as a whole.*" (emphasis added)
- 6.2 The scope of the Site Allocations DPD consequently appears to enable input to/expansion of the District Plan Strategy. Clarity on the scope of the plan is paramount for assessing the soundness, this was established in the Court of Appeal Judgement in the Oxted Tandridge Case<sup>2</sup> as follows:
- "An inspector conducting an examination must establish the true scope of the development plan document he is dealing with and what it is setting out to do. Only then will he be able properly to judge "whether or not, within that scope and within what it has set out to do", it is sound".* Para 38
- "As the judge recognized, the scope of the local plan part 2 is plain from the text in its "Introduction", and from the policies it contains. It "supports" the core strategy. It does not substitute for the policies of the core strategy an amended or new strategy."* Para 39
- 6.3 It would certainly appear that the new Strategic Policies are intended to both add to and amend the District Plan Strategy. The issue of Strategic Policy SA38 replacing parts of District Plan Policy DP29 stands out as a particular case in point.
- 6.4 As the scope of the additional Strategic Policies is to support the delivery of sustainable development "as a whole" then this is sufficiently broad so as to enable the inclusion of a

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<sup>2</sup> Court of Appeal Judgment (CAJ): Oxted Residential Ltd v Tandridge District Council; 29 April (Ref 2016 EWCA Civ 414)

further strategic allocation of land in that pursuit. The NPPF at para 21 states that plans should make explicit which policies are strategic and that these should be limited to those necessary to address the strategic priorities of the area and any relevant cross-boundary issues.

- 6.5 The Site Allocations DPD does set out which policies within the plan are strategic, Policies SA34-SA38. An additional policy within this set, safeguarding a neighbouring authority's ability to meet its housing need, is considered a relevant strategic priority for the Duty to Cooperate area that spans the administrative boundary. The Duty to Cooperate Area is concerned with the implications and delivery of Strategic Policy SA37 Multifunctional Network and the transport impacts in relation to SA21 Land at Rogers Farm, Haywards Heath and SA12 and SA13 near Folders Lane on the edge of Burgess Hill, a combined total of 365 new dwellings)
- 6.6 Sustainable development that would have an impact on two planning areas is defined as a strategic matter and considered to be within the scope of the Plan, which has the stated aim of providing strategic policies to support the delivery of sustainable development as a whole.
- 6.7 Until the Duty to Cooperate with LDC and ESCC has been complied with, and evidenced within an updated SoCG, and the Reserve Site is allocated within the Site Allocations DPD with an appropriate timescale, the plan cannot be said to have been positively prepared within the scope of what it has set out to do.
- 6.8 The Council cannot pick and choose, either it is not within the scope of the plan to update and amend strategic policies or it is, and the plan period must run for 15 years as per paragraph 22 of the NPPF.

#### Justified

- 6.9 Consideration has not been given to practical measures that can support a neighbouring authorities' housing delivery, therefore it is not considered at this time that the plan is justified without the proper consideration of the reasonable alternative of including a Reserve Site Allocation linked to the practical steps to be taken by its neighbouring authority.

### Effective

- 6.10 The plan could be made more effective and based on more targeted joint working if a policy is subsequently included (prior to submission) for a Reserve Site Allocation – this would have the effect of unlocking a strategic-scale site for prospective allocation within the forthcoming Lewes Local Plan 2018-2038. It is not considered appropriate to defer this cross-boundary matter; the Reserve Site Allocation is deliverable within the next five years and within the intended scope of the plan. The Statement of Common Ground between MSDC, LDC and ESCC has not yet been published to demonstrate that effective joint working has been achieved on delivering Strategic Policy SA37, which this site can help to deliver.

### Consistent with National Policy

- 6.11 The strategic policies (SA34-38) are not in accordance with NPPF para 22, which requires them to look ahead over a minimum 15-year period from adoption, to anticipate and respond to long-term requirements and opportunities. Once adopted the strategic policies will have at best 10 years until the end of the plan period. It would seem that the only way to overcome this inconsistency issue would be to lengthen the plan timeline and set an end date of 2036.
- 6.12 Extending the Site Allocations DPD plan period would not cause issues for housing and employment supply as the District Plan that sets the housing and employment requirements and strategic scale site allocations will be reviewed every five years. The Review of the District Plan would naturally roll forward the plan end-date to ensure there is always at least 15 years from adoption.
- 6.13 There would, however, be a requirement to update two key technical studies:
- Air Quality Modelling Report to change the Future Baseline date from 2031 to 2036 and assess an additional 450 dwellings (both the MSDC and LDC parts of the site) in combination
  - Transport Assessment to change the Future Baseline date to from 2031 to 2036 and assess an additional 450 dwellings (both the MSDC and LDC parts of the site) in combination
- 6.14 It would also be necessary to update the SA/SEA and consider whether any amendments are necessary to the Habitat Regulations Assessment. The SA/SEA update would need to

test the inclusion of the reasonable alternative proposed in this representation and assess the impact of extending the plan period in respect of the Strategic Policies; in respect of the latter point this should have some benefits as the NPPF requires the longer-time period for the delivery of Strategic Policies. The SA/SEA may need updating in any event to correctly identify cross-boundary impacts of SA37, to use the same terminology as the Site Allocations DPD in respect of the Strategic Policies (rather than Generic Policies) and to ensure that the assessment within the SA/SEA has considered policies SA34-38 within their appropriate, strategic, context.

- 6.15 The addition of the Reserve Site Allocation will enable the delivery of sustainable development in accordance with the policies in this Framework.

## 7.0 Conclusion

7.1 This representation has highlighted the importance of setting a clear scope for the plan and the assessment of legal compliance and soundness herein has been undertaken with reference to the limitations (or otherwise) of that scope. Aim iv) of the plan has provided a broad scope for the introduction of strategic policies. It is within this scope that our assessment of soundness and legal compliance has been undertaken and with respect to the opportunity presented by the proposed modification to the plan-making authority.

7.2 It is firmly considered that deferring the consideration of and action on this proposal would result in the plan failing the Duty to Cooperate and Tests of Soundness and risk legal compliance failure with regard to the requirements of the SEA Regulations (The Environmental Assessment of Plans and Programmes Regulations 2004 (As Amended)). In summary those failures are:

- An inappropriate plan period for strategic policies
- A failure of the Duty to Cooperate with LDC and ESCC
- Failings within the SEA to consider reasonable alternatives and identify cross boundary impacts

7.3 These failings can be overcome through:

- A revised plan period to 2036
- A Reserve Site Allocation at Clearwaters Farm, Haywards Heath
- Updated Duty to Cooperate Statements (LDC and ESCC)
- An update to the SEA

7.4 On behalf of Fairfax Ltd, the Planning Consultant requests to participate at the oral Examination and to be kept notified of when the Plan has been submitted for Examination and the publication of the recommendations from the Examination.

**By Tondra Thom BSc, MSc, AssocRTPI**

**For and on Behalf of Parker Dann Ltd on Behalf of Fairfax Ltd.**

## Appendix A

Lewes District Council Cabinet Report – Revised Local Development Scheme

<b>Report to:</b>	<b>Cabinet</b>
<b>Date:</b>	<b>9 July 2020</b>
<b>Title:</b>	<b>Approval of the Revised Local Development Scheme</b>
<b>Report of:</b>	<b>Ian Fitzpatrick, Director of Regeneration &amp; Planning</b>
<b>Cabinet member:</b>	<b>Councillor Emily O'Brien, Cabinet Member for Planning</b>
<b>Ward(s):</b>	<b>All wards in Lewes District that lie wholly or partially outside of the South Downs National Park</b>
<b>Purpose of report:</b>	<b>To seek Cabinet endorsement of the Revised Local Development Scheme for approval by Full Council on 20 July 2020</b>
<b>Decision type:</b>	<b>Budget and policy framework</b>
<b>Officer recommendation(s):</b>	<p><b>(1) That Cabinet endorses the Revised Local Development Scheme as set out in Appendix 1, and recommends its approval by Full Council as the Revised Local Development Scheme for that part of Lewes District outside of the South Downs National Park with effect from 20 July 2020;</b></p> <p><b>(2) That Cabinet recommends to Full Council that the approved Revised Local Development Scheme is published by Lewes District Council;</b></p> <p><b>(3) That Cabinet endorses, and recommends to Full Council, the revocation of the previous Local Development Scheme (approved by Lewes District Council on 26 November 2018).</b></p>
<b>Reasons for recommendations:</b>	<b>To update the current Local Development Scheme to ensure that it reflects the most up-to-date position regarding the preparation of the Lewes District Local Plan in accordance with the requirements of Section 15 of the Planning and Compulsory Purchase Act 2004 (as amended).</b>
<b>Contact Officer(s):</b>	<b>Name: Robert King</b> <b>Post title: Senior Planning Policy Officer</b> <b>E-mail: <a href="mailto:robert.king@lewes-eastbourne.gov.uk">robert.king@lewes-eastbourne.gov.uk</a></b> <b>Telephone number: 01273 085455 or 01323 415455</b>

## **1 Introduction**

- 1.1** A Local Development Scheme (LDS) is a requirement for every local planning authority under the Planning and Compulsory Purchase Act 2004 (as amended)

by the Localism Act 2011). It sets out a 3 year programme for preparing development plan documents (DPDs) by a local planning authority. An LDS must be made available to the public and kept up-to-date.

- 1.2 The Council's current LDS was approved in 2018. It contains programmes for preparing the Local Plan Part 1: Joint Core Strategy (LPP1) Review and the Local Plan Part 2: Site Allocations and Development Management Policies DPD (LPP2), setting out the key stages at which the community and relevant stakeholders will be consulted.
- 1.3 There have been two significant changes since the Council approved its current LDS. Firstly, the LPP2 was found 'sound' at examination and adopted by the Council in February 2020. Secondly, it has been necessary to amend the timescale for the LPP1 Review due to recent changes to the planning system at a national level. A revised and updated LDS is therefore required to cover the period from 2020 to 2023.

## **2 Amendments to the LDS**

- 2.1 The LPP1 was adopted in May 2016. It sets out the Council's strategy for the scale and distribution of housing growth and strategic policies to guide development and change over the period to 2030. It is a Government requirement that local plans are reviewed to assess whether their policies need updating at least once every five years. Reviews should be completed no later than five years from the adoption date of the plan.
- 2.2 Accordingly, the approved LDS includes a programme for reviewing and updating the LPP1. At the time, officers considered that the Council would only need to carry out a *partial update* of the LPP1 policies, primarily to take account of the fact that the South Downs Local Plan would eventually replace all the policies for that part of the district within the National Park. The approved LDS anticipated the adoption of a replacement LPP1 by winter 2023
- 2.3 Officers have subsequently reviewed the relevant evidence to identify and consider whether:
  - The vision, strategic objectives and spatial strategy of the LPP1 are being effectively delivered
  - The strategic policies meet current national planning policy requirements
  - There have been any changes to local circumstances with significant implications for the development strategy set out in the LPP1
- 2.4 This evidence included the new National Planning Policy Framework (NPPF) and Planning Practice Guidance, the outputs from the Government's standard methodology in relation to housing need, the Council's Authority Monitoring Report, the Housing Delivery Test results, the current 5 year housing land supply, the Infrastructure Delivery Plan, and changes to the Council's corporate priorities.
- 2.5 The Council currently has a 5 year supply of housing land and its adopted planning policies are on track to deliver the development strategy and other



strategic objectives over the remaining plan period. However, changing circumstances since the adoption of the LPP1 demonstrate the need to undertake a *full update* of the plan. These circumstances are:

- The adoption of the South Downs Local Plan in July 2019
- The publication of the revised NPPF in February 2019
- The introduction of Government's standard method for calculating local housing need results in a significant increase in the district's housing need from May 2021
- The adoption of a new Council Corporate Plan

- 2.6 Most importantly, the NPPF introduces a new standard method of calculating housing need, and instructs local planning authorities to update their strategic policies at least once every five years if their local housing need figure has changed significantly. Applying the Government's standard methodology has resulted in the district's housing needs increasing to 808 dwellings per annum from May 2021. This figure is much higher than the housing requirement set out in the adopted LPP1 (345 dwellings per annum). If there are any changes to the way the Government seeks to justify the Council housing requirement then updates including any revised housing numbers will be circulated.
- 2.7 It should be recognised that the district's identified housing need is only a starting point for determining the appropriate housing delivery requirement over the updated LPP1 period. The NPPF states that strategic policy-making authorities should establish a housing delivery requirement for their whole area, which shows the extent to which their identified housing need (and any needs that cannot be met in neighbouring areas) can be met over the plan period.
- 2.8 The housing delivery requirement will involve consideration of the capacity of the plan area for development growth, embracing both environmental capacities and the capacity of existing and planned infrastructure to serve such growth. It must also take into consideration the ability of the district to develop its economic base and provide the job opportunities that will support the sustainable growth and overall prosperity of the area.
- 2.9 It will require the Council to undertake a full re-appraisal of its strategy for growth, including a further exploration of the longer term options for meeting housing need. This work will need to be supported by relevant and up-to-date evidence, some of which will have to be specially commissioned. In view of the potential implications for local communities and stakeholders, there will also be a need for additional consultation and engagement in order to secure the effective representation of a range of interests.
- 2.10 Consequently, the timetable for the LPP1 Review set out in the existing LDS is no longer considered realistic or deliverable. The proposed programme has therefore been amended to allow sufficient time to:
- prepare an up-to-date and robust evidence base
  - undertake additional public consultation on the Council's preferred options for delivering new housing growth over the new plan period

- publish and consult on main modifications, if recommended by the Examination Inspector

2.11 The revised LDS is attached as Appendix 1 to this report. The initial community and stakeholder engagement on the LPP1 Review 'Issues and Options' is now proposed during spring 2021, rather than autumn 2020 as indicated in the approved LDS. The subsequent formal consultation stages have been amended accordingly, including the addition of a further 'Regulation 18' stage on a 'Preferred Options' document. Adoption of the new LPP1 is now anticipated by winter 2023. This revised timetable will meet the Government's deadline for the production of up-to-date plans by December 2023.

### **3 Next Steps**

3.1 Subject to approval by Full Council, the revised LDS will be published on the Councils' website. The LDS will be monitored by officers and progress towards the production of the new LPP1 will be published as part of the annual Authority Monitoring Report.

### **4 Consultation**

4.1 The proposed timetable for reviewing and updating the Local Plan Part 1 was reported to the Council's Local Plan Review Steering Group at its meeting on 12 May 2020. There is no requirement for public consultation prior to approving a revised LDS, which will be published on the Council's web site as soon as it comes into effect.

### **5 Corporate plan and council policies**

5.1 The Council's Corporate Plan aims to have the greenest Local Plan, put sustainability at the heart of local planning processes, identify housing needs, deliver new homes and stabilise local housing markets.

### **6 Business case and alternative option(s) considered**

6.1 No alternative options were considered. The publication of an up-to-date LDS is a requirement for every local planning authority under the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011).

### **7 Financial appraisal**

7.1 There are no additional financial implications as a result of this recommendation. The cost of producing the revised LDS has been met from existing budget revenues and the preparation of the LPP1 Review will continue to be undertaken by the Planning Policy Team, with additional specialist input from other officers or consultants where required, which will be funded within existing resources.

### **8 Legal implications**

8.1 The local planning authority is required to prepare and maintain a scheme to be

known as their local development scheme. To avoid challenge, upon the revision of the scheme, it is important for the Council to comply with S.15(8) Planning and Compulsory Purchase Act 2004 which provides that a local planning authority must revise their local development scheme at such time as they consider appropriate.

Subsection (9) sets out that the same statutory provisions apply to the revision of a scheme as they apply to the preparation of the scheme. Upon the revision of a scheme, the local planning authority must make the following available to the public-

- (a) the up-to-date text of the scheme,
- (b) a copy of any amendments made to the scheme, and
- (c) up-to-date information showing the state of the authority's compliance (or non-compliance) with the timetable

Legal Implications Provided 08/06/20 009232-LDC-JCS

## **9 Risk management implications**

- 9.1 If the recommendation is not implemented, the Council's approved LDS will be inaccurate and out of date. As all DPDs must be prepared in accordance with an approved LDS, the new LPP1 may be found not legally compliant by the Inspector conducting the examination in public. A DPD which is not legally compliant cannot be formally adopted by the Council.

## **10 Equality analysis**

- 10.1 It is assessed that an Equality Analysis is not required for this report. The revised LDS is the Council's programme for preparing DPDs, it has no equality impact on staff or on members of the public, nor will it affect the way services are organised, planned or delivered. An EaFA will be undertaken prior to the publication of any future DPD prepared by the Council.

## **11 Environmental sustainability implications**

- 11.1 There are no identified environmental sustainability implications to publishing the revised LDS. The LPP1 Review itself is subject to a Sustainability Appraisal incorporating the requirements of the Strategic Environmental Assessment Directive.

## **12 Appendices**

- Appendix 1 - Draft Local Development Scheme 2020

The background papers used in compiling this report were as follows:

- NPPF <https://www.gov.uk/government/publications/national-planning-policy-framework--2>
- Planning Practice Guidance <https://www.gov.uk/government/collections/planning-practice-guidance>
- Authority Monitoring Report <https://www.lewes-eastbourne.gov.uk/planning-policy/authority-monitoring-report-amr/>
- Housing Delivery Test <https://www.lewes-eastbourne.gov.uk/planning-policy/housing-delivery-test/>
- Infrastructure Delivery Plan <https://www.lewes-eastbourne.gov.uk/planning-policy/community-infrastructure-levy-cil/infrastructure-delivery-plan-and-regulation-123-list/>



Lewes District Council

# **Lewes District Council Revised Local Development Scheme (LDS)**

**July 2020**

# Lewes District Council Local Development Scheme July 2020

## Introduction

This Local Development Scheme (LDS) sets out the Council's programme for reviewing and updating its Local Plan, explaining its scope, area covered and timetable. This document replaces the LDS approved in 2018 and covers the period to 2023. It only applies to the area of the district for which the Council is local planning authority (i.e. Lewes District *excluding* the area within South Downs National Park).

A plain English guide to the terms and abbreviations used in the document is set out in Appendix 1 (Glossary).

## Purpose

The primary purpose of the LDS is to provide a publicly accessible, up-to-date reference document, so that the Council's current policy framework, its programme for plan-making and the opportunities for contributing to plans are clear to all interested parties. It has been prepared in accordance with Section 15 of the Planning and Compulsory Purchase Act 2004, as amended. The Council is committed to involving local communities and other stakeholders in plan preparation and its approach is set out in the Statement of Community Involvement, which is available on the Council's web site at: <https://www.lewes-eastbourne.gov.uk/planning-policy/statement-of-community-involvement/>

## Scope

This LDS focuses on the review and update of the Lewes District Local Plan Part 1: Joint Core Strategy, which forms part of the statutory '*development plan*' for the area. Legislation states that applications for planning permission should be determined in accordance with the development plan unless material considerations indicate otherwise.

The Lewes District Local Plan currently comprises two development plan documents (DPDs), as follows:

### Lewes District Local Plan Part 1: Joint Core Strategy

This document sets out the overall spatial vision, strategic objectives and development strategy for the whole district. It was adopted by Lewes District Council and the South Downs National Park Authority in May 2016. The planning policies for that part of the District within the National Park have now been superseded and replaced by South Downs Local Plan, adopted in July 2019

## Lewes District Local Plan Part 2: Site Allocations and Development Management Policies

This document supports and seeks to deliver the strategic objectives and spatial strategy of the Local Plan Part 1. It allocates additional sites for particular land-uses and sets out detailed (non-strategic) development management policies to guide development and change. It was adopted by Lewes District Council in February 2020.

Local planning authorities are required by Section 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012 to review their local plans within five years of their adoption date. The National Planning Policy Statement (NPPF) is also clear that policies in local plans should be reviewed to assess whether they need updating at least once every five years, and should then be updated as necessary.

As noted above, the Local Plan Part 1: Joint Core Strategy was adopted in May 2016 and will be five years old in May 2021. A review and update of its spatial strategy and strategic policies is therefore Council's priority in terms of its plan-making duties. This LDS sets out the programme for this work. The Local Plan Part 2: Site Allocations and Development Management Policies DPD was found 'sound' at examination and adopted in February 2020; an early review of these non-strategic policies is therefore unnecessary.

## **Context**

The development plan for the area covered by the Lewes District Planning Authority currently comprises:

- Lewes District Local Plan Part 1: Joint Core Strategy (2016)
- Lewes District Local Plan Part 2: Site Allocations and Development Management Policies (2020)
- 'Saved' policies of the Lewes District Local Plan (2003)
- Ditchling, Streat & Westmeston Neighbourhood Plan (2018)
- Hamsey Neighbourhood Plan (2016)
- Newhaven Neighbourhood Plan (2019)
- Newick Neighbourhood Plan (2015)
- Plumpton Neighbourhood Plan (2018)
- Ringmer Neighbourhood Plan (2016)
- Seaford Neighbourhood Plan (2020)
- Wivelsfield Neighbourhood Plan (2016)
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (2013)
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (2017)

## 'Saved' Policies

A number of policies in the Lewes District Local Plan (2003) have been 'saved' and will continue to form part of the development plan until replaced by the adoption of the Peacehaven and Telscombe Neighbourhood Plan. These policies are set out in Appendix 2.

### Neighbourhood Plans

Neighbourhood planning, introduced in the Localism Act 2011, allows town and parish councils to prepare neighbourhood plans for their area. Once adopted, these plans become part of the development plan and guide decision-making for the areas covered. In addition to the adopted plans above, further neighbourhood plans are being prepared. The timetables for preparing these plans are the responsibility of the relevant town or parish council and are therefore not addressed in this LDS. Further details can be found on the Council's website at:  
<http://www.lewes-eastbourne.gov.uk/planning-policy/neighbourhood-planning/>

### Waste and Minerals Plan

East Sussex County Council and the South Downs National Park Authority are responsible for waste and minerals development in Lewes District. Both authorities work in partnership with Brighton & Hove City Council to produce the Waste and Minerals Development Plan Documents covering East Sussex, the South Downs and Brighton & Hove. The timetables for preparing and reviewing these documents are not addressed in this LDS but can be viewed at:  
<https://www.eastsussex.gov.uk/environment/planning/development/mineralsandwaste/>

## **Local Plan Part 1 Review**

The adopted Local Plan Part 1 sets out the strategic policies to address the Council's priorities for the development and use of land in the district over the period to 2030. The previous version of this LDS (September 2018) included a commitment to reviewing and updating the adopted Local Plan Part 1 in order to ensure that the Council has an up-to-date local plan with a sufficiently forward-looking timescale. The programme set out for this work anticipated adoption of a new Local Plan Part 1 in autumn 2022.

Since the publication of the September 2018 version of the LDS, the Council has reviewed the relevant evidence to identify whether:

- The vision, strategic objectives and spatial strategy of the Local Plan Part 1 are being effectively delivered
- The strategic policies meet current national planning policy requirements



- There have been any local circumstances which have significant/material spatial implication for the development strategy set out in the plan

The evidence included the new NPPF, the Council's Annual Monitoring Report (AMR), the outputs from the Government's standard methodology in relation to housing need, the Council's Housing Delivery Test results, the current 5 year housing land supply, the Infrastructure Delivery Plan, and changes to the Council's corporate priorities.

Whilst the Council can currently demonstrate a 5 year supply of housing land and the adopted policies are on track to deliver the existing spatial strategy and other plan objectives over the remaining plan period, changing circumstances since the adoption of the Local Plan Part 1 demonstrate the need to undertake a full update of its strategic policies. These circumstances include:

- The adoption of the South Downs Local Plan in July 2019
- The publication of the new NPPF
- A significant increase in the district's local housing need from May 2021
- The adoption of a new Council Corporate Plan

Importantly, the NPPF (para.33) is clear that relevant strategic policies need updating at least once every five years if local housing need has changed significantly or is expected to change significantly in the near future. The new Local Plan Part 1 will therefore need to focus on a reappraisal of the district's housing delivery target, including a further exploration of the longer term options for meeting our overall housing needs over the new plan period.

As a consequence, it has been necessary to amend the programme set out in the September 2018 version of the LDS. This is required in order to factor in sufficient time to carry out the necessary evidence base studies and additional stages of plan preparation and public consultation and engagement.

The amendments to the programme include putting back the 'Issues and Options' (Regulation 18) consultation from autumn 2020 to spring 2021, the publication of a 'Preferred Options' document for public consultation (Regulation 18) in autumn 2021, the publication of any proposed main modifications for consultation, and the adoption of the new Local Plan Part 1 in winter 2023.

The strategic policies in the new Local Plan Part 1 will set out an overall strategy for the pattern, scale and quality of development and make sufficient provision for housing, employment, retail, leisure, and other commercial development, infrastructure, community facilities, conservation of the natural, built and historic environment, and planning measures to address climate change mitigation and adaptation.

The new Local Plan Part 1 will cover the period 2018 to 2038, which reflects the introduction of the Government's new standard method for calculating local housing need and allows the plan to look ahead over a minimum 15 year period from adoption, in accordance with the NPPF (para.22). Once adopted, the new Local Plan Part 1 will supersede and replace the strategic policies in the current Local Plan Part 1 for that area of the district outside of the South Downs National Park. N.B. it will not replace the non-strategic policies in the adopted Local Plan Part 2: Site Allocations and Development Management Policies DPD.

## Timetable

The table below shows the key stages for the preparation for the review and update of the Local Plan Part 1 over the period from 2020-2023. These timeframes are considered achievable based upon the current level of resources available and the context set by current legislation and national planning policy and guidance. The Town and Country Planning (Local Planning) (England ) (Amendment) Regulations 2012 sets out the procedures for preparing Development Plan Documents (DPDs) and it is these regulations that are referred to in the timetables below.

However, there will always be a level of uncertainty due to unknown factors, e.g. future changes to legislation or national policy, issues with staff retention and recruitment, budgetary limitations, securing the appropriate co-operation with neighbouring authorities, the length of the examination in public. Clear project management and reporting arrangements will help ensure that the Local Plan Part 1 update is progressed in a transparent manner and that any risks/problems are identified and considered as early as possible. Any significant amendment to the published timetable would require a further review of the LDS.

### Lewes District Local Plan Part 1 Review

<b>Role and content</b>	Statement of the vision, objectives, spatial strategy and strategic policies for Lewes District outside of the South Downs National Park in the period to 2038. It will replace the Local Plan Part 1: Joint Core Strategy adopted in 2016.
<b>Status</b>	Development Plan Document (DPD)
<b>Chain of conformity</b>	Must be consistent with the National Planning Policy Framework. Regard will also be had to the National Planning Practice Guidance and other relevant strategies.
<b>Geographic coverage</b>	The whole of Lewes District excluding the area within the South Downs National Park.
<b>Timetable and Milestones</b>	
Consulting statutory bodies on scope of the Sustainability Appraisal	<b>Autumn 2020</b>

Community and stakeholder engagement on 'Issues and Options' (Regulation 18)	<b>Spring 2021</b>
Consultation on the 'Preferred Options' document (Regulation 18)	<b>Autumn 2021</b>
Publication of the Proposed Submission Document (Regulation 19)	<b>Autumn 2022</b>
Public representations period on the Proposed Submission document (Regulation 20)	<b>Autumn/Winter 2022</b>
Submission to the Secretary of State (Regulation 22)	<b>By or before Winter 2023</b>
Independent Examination (Regulation 24)	<b>By or before Winter 2023</b>
Publication of Proposed Main Modifications	<b>By or before Winter 2023</b>
Publication of the Inspectors Report (Regulation 25)	<b>By or before Winter 2023</b>
Adoption of document and revisions to Proposals Map (Regulation 26)	<b>By or before Winter 2023</b>
<b>Arrangements for production and review</b>	
<b>Who is leading the production of the document?</b>	Lewes District Council
<b>Management arrangements</b>	To be managed by the Head of Planning in consultation with the Local Plan Review Steering Group. Cabinet and Full Council approval required at certain key milestones in accordance with the Council's Constitution and the <i>Statement of Community Involvement</i> .
<b>Resources</b>	The Planning Policy Team at Lewes District and Eastbourne Borough Councils, supported by other specialist officers when required. External consultants will be appointed where necessary to assist in producing technical background evidence studies.
<b>External community involvement</b>	Consultation and engagement in accordance with the <i>Statement of Community Involvement</i>
<b>Monitoring and review mechanisms</b>	The Authority Monitoring Report

## Other Local Development Documents

This LDS focusses on the review and update of the Lewes District Local Plan Part 1 that will be prepared over the next three years. It does not cover the

production of other local development documents, such as Supplementary Planning Documents (SPDs). The need to produce a new SPD, or review an existing one, will be undertaken through the Authority Monitoring Report. Details of any future SPDs will be provided on the District Council's website, with all relevant stakeholders and consultees informed of the timetable at the start of the process.

## **Monitoring and Review**

The Council's performance against the LDS timetables will be monitored through the Authority Monitoring Report (AMR). This will be published annually on the council's website and will be used to identify future work priorities, see: <http://www.lewes-eastbourne.gov.uk/planning-policy/authority-monitoring-report-amr/> The LDS will be reviewed where the need for further documents emerges and to ensure that a three year programme is maintained.

## Appendix 1: Glossary

**Authority Monitoring Report (AMR)** – a report prepared by a local authority that assesses the impact of policies and whether targets for these policies are being met. The report is prepared on at least an annual basis and is available on the local authority's website.

**Development Plan** – the development plan is the starting point in the consideration of planning applications for the development or use of land.

**Development Plan Documents (DPDs)** – Planning documents that are subject to independent examination and form part of the statutory development plan for an area.

**Joint Core Strategy** – This is the adopted Local Plan Part 1. It sets out the long-term vision for the district and the spatial objectives and strategic policies required to deliver that vision.

**Local Development Documents (LDDs)** – The collective term for all documents that are prepared in association with a Local Plan, including Development Plan Documents, Supplementary Planning Documents and the Statement of Community Involvement.

**Local Development Scheme (LDS)** – A document setting out the programme for the preparation of Development Plan Documents. It sets out a 3 year programme and includes information on consultation dates. The LDS can be revised whenever necessary.

**Local Housing Need** – The number of homes needed within a local authority area, calculated using the Government's standard methodology introduced in 2018.

**Local Plan** – The term 'local plan' is used extensively in the new National Planning Policy Framework in preference to the previous term 'Local Development Framework'. It sets out a vision and policy framework to guide the future development and change of an area.

**Statement of Community Involvement** – sets out how a local planning authority will consult the community and stakeholders, not only on LDDs, but also on major planning applications.

**Supplementary Planning Documents (SPDs)** – these can be produced to provide policy guidance to supplement the policies and proposals in DPDs. They do not form part of the development plan but must undergo a formal process of consultation.

**Sustainability Appraisal (SA)** – Assessment of the social, economic and environmental impacts of the policies in Development Plan Documents

## Appendix 2: Schedule of Saved Policies

All Lewes District Local Plan 2003 policies were saved under a Direction by the Secretary of State in 2009. The majority of these policies have now been superseded and replaced by other development plan documents, including the Lewes District Local Plan Part 1: Joint Core Strategy, the Lewes District Local Plan Part 2: Site Allocations and Development Management Policies, and Neighbourhood Plans.

However, early in the preparation of the Lewes District Local Plan Part 2, the District Council took the decision not to allocate non-strategic sites for specific land-uses or identify area specific policies in locations where a town or parish council were developing a neighbourhood plan that would include allocations for specific land uses.

The combined parishes of Peacehaven and Telscombe were designated as a neighbourhood area for the purposes of preparing a neighbourhood plan in 2013. Accordingly, the Local Plan Part 2 does not identify non-strategic site allocations or site specific policies within the Peacehaven or Telscombe neighbourhood area. The saved Lewes District Local Plan 2003 policies listed below will therefore remain part of the development plan for Lewes District until the Peacehaven and Telscombe Neighbourhood Plan has been approved at referendum.

Chapter 13: Peacehaven & Telscombe	
Policy PT6	Meridian and Bolney Avenue Industrial Estates Link
Policy PT9	Meridian Centre
Policy PT10	Access and Permeability at the Meridian Centre
Policy PT11	Joff Youth Club
Policy PT12	The Coast, Clifftop and Foreshore
Policy PT13	The Coast, Clifftop and Foreshore
Policy PT18	Allotments
Policy PT19	Valley Road
Policy PT20	Valley Road

1779

## Site Allocations DPD: Regulation 19 Consultation Response

**Policy:** SA11

**ID:** 1779

**Response Ref:** Reg19/1779/1

**Respondent:** Mrs W Lambert

**Organisation:**

**On Behalf Of:**

**Category:** Resident

**Appear at Examination?** x

<b>Name</b>	WANQI LAMBERT
<b>Job title</b>	HOUSEWIFE
<b>Address</b>	[REDACTED]
<b>Email</b>	[REDACTED]
<b>Which document are you commenting on?</b>	Site Allocations DPD
<b>Sites DPD Policy Number (e.g. SA1 - SA38)</b>	SA1/SA33
<b>Do you consider the Site Allocations DPD is in accordance with legal and procedural requirements; including the duty to cooperate</b>	No
<b>(1) Positively prepared</b>	Unsound
<b>(2) Justified</b>	Unsound
<b>(3) Effective</b>	Unsound
<b>(4) Consistent with national policy</b>	Unsound
<b>Please outline why you either support or object (on legal or soundness grounds) to the Site Allocations DPD</b>	The site selection process was unrepresentative and did not follow MSDC's own guidance also comments made during the first consultation appear to have been lost.
<b>Please set out what change(s) you consider necessary to make the Site Allocations DPD legally compliant or sound, having regard to the reason you have identified at question 5 above where this relates to soundness.</b>	REJECT THE PROPOSAL
<b>If you wish to provide further documentation to support your response, you can upload it here</b>	
<b>If your representation is seeking a change, do you consider it necessary to attend and give evidence at the hearing part of the examination</b>	No, I do not wish to participate at the oral examination
<b>Please notify me when-The publication of the recommendations from the Examination</b>	yes
<b>Date</b>	25/09/2020



1791

## Site Allocations DPD: Regulation 19 Consultation Response

**Policy:** SA11

**ID:** 1791

**Response Ref:** Reg19/1791/2

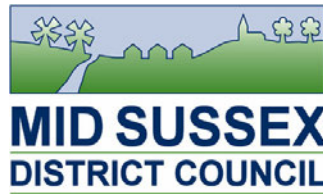
**Respondent:** Ms H Vickers

**Organisation:** Planning Potential

**On Behalf Of:** Welbeck Strategic Land II LLP

**Category:** Promoter

**Appear at Examination?** ✓



## **Site Allocations Development Plan Document Regulation 19 Submission Draft Consultation Form**

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

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

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

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

The Site Allocations DPD is available to view at:

[www.midsussex.gov.uk/planning-building/development-plan-documents/](http://www.midsussex.gov.uk/planning-building/development-plan-documents/)

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

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

**Please return to Mid Sussex District Council by midnight on 28<sup>th</sup> September 2020**

### **How can I respond to this consultation?**

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

[www.midsussex.gov.uk/planning-building/development-plan-documents/](http://www.midsussex.gov.uk/planning-building/development-plan-documents/)

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

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

**E-mail:** [LDFconsultation@midsussex.gov.uk](mailto:LDFconsultation@midsussex.gov.uk)

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

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

---

### 1. Personal Details

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



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

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

## Part B – Your Comments

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

### Name or Organisation:

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

### 3a. Does your comment relate to:

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

### 3b. To which part does this representation relate?

Paragraph	<input type="text"/>	Policy SA	SA10: Housing	Draft Policies Map	<input type="text"/>
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### 4. Do you consider the Site Allocations DPD is:

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

4b. Sound Yes ☐ No ☒

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

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

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

NA

t is

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

Please see submitted Cover Letter.

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

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

Please see submitted Cover Letter.

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

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

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

☐

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



**Yes**, I wish to participate at the oral examination

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

Please see submitted Cover Letter.

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

**10. Please notify me when:**

(i) The Plan has been submitted for Examination



(ii) The publication of the recommendations from the Examination



(iii) The Site Allocations DPD is adopted



Signature:



Date:

25.09.2020

**Thank you for taking time to respond to this consultation**

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

25 September 2020

Our Ref: 17/3678

Dear Sir/Madam

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

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

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

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

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

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

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

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

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

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

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

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

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

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

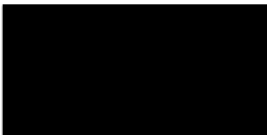


Sayers Common as the settlement has been found to be in a sustainable location and the requirement to provide housing within Category 3 Settlements has increased by circa 19.3% as set out above.

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

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

Yours sincerely,



Heather Vickers

Associate Director

Planning Potential

London

**1808**

## Site Allocations DPD: Regulation 19 Consultation Response

**Policy:** SA11

**ID:** 1808

**Response Ref:** Reg19/1808/4

**Respondent:** Mr M Mitchell

**Organisation:**

**On Behalf Of:**

**Category:** Resident

**Appear at Examination?** x

[REDACTED]

---

**From:** enquiries  
**Sent:** 25 September 2020 09:13  
**To:** planninginfo  
**Subject:** FW: Mid-Sussex Consultation for new Homes- East Grinstead and surrounding area

One for planning...

---

**From:** Mike Mitchell [REDACTED]  
**Sent:** 24 September 2020 19:31  
**To:** enquiries <[enquiries@midsussex.gov.uk](mailto:enquiries@midsussex.gov.uk)>  
**Subject:** Mid-Sussex Consultation for new Homes- East Grinstead and surrounding area

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

Date: 24 September 2020

Dear Sir/Madam

**Mid-Sussex Consultation for new Homes – East Grinstead and Surrounding Area**

I am writing to lodge my views in respect of the Mid Sussex consultation for the allocation of new homes at the following sites

*550 homes at Imberhorne Farm*

*200 homes at Felbridge*

*50 homes at Crawley Down*

*22 homes at East Grinstead Police Station.*

I have broken down my objections by category, as follows;

**Failure to Consult**

The National Planning Policy Framework [NPPF] requires councils to carry out public consultation on plans that is transparent and front-loaded (ie. at the earliest opportunity)

Paragraph 16 says that “Plans should be shaped by early, proportionate and effective engagement between plan makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees”

Mid Sussex’s own Statement of Community Involvement says that ...

*“... the community should be involved as early as possible in the decision making process when there is more potential to make a difference”* and that

*“... community involvement should be accessible to all those who wish to take part”*

*“It is important to seek input from the wider public, as the Plan will allocate sites for development in the district and include planning policies that will have an impact upon the existing and future communities”*

The district council leadership team at Haywards Heath claim to have met their obligation to consult with residents by ...

- Issuing a press release
- Email alerts (to the few people with prior knowledge of the consultation and registered their email address)
- Comments on the Council’s social media channels
- Posts on the Council’s website
- Exhibition boards in the public library (library staff knew nothing about it)

Evidence suggests that these communication channels have been ineffective and in no way extensive as is required by Mid Sussex own policies.

When asked about the press release to notify residents of the consultations, officers at Mid-Sussex say that they issued the press release to ...

2 TV outlets, 6 radio stations, 4 newspapers, 3 news agencies, 6 magazines (but not their own in-house magazine) and 3 websites

When challenged to confirm which outlets actually broadcast or published the press release, the council’s communication team say only that they *“were aware that the Mid Sussex Times ran a story on 30th July regarding the consultation.”* A paper only servicing the towns of Burgess Hill and Haywards Heath

On the district council website, neither the main landing page nor main ‘Planning and Building’ page make reference to the consultation. The Council’s dedicated ‘Consultations’ page advertises only a Public Spaces Protection Order – Dog Control Consultation’

The district council leadership decided not to advertise either of the site allocation consultations in their own Mid Sussex Matters magazine, which is distributed at taxpayer expense by the council’s communication team 3 times a year to 73,000 homes in Burgess Hill, East Grinstead, Haywards Heath and Mid Sussex villages.

They say that *“Wherever possible, details of forthcoming consultations are included within the magazine, this is our preference as it reaches every household in the district. However publication dates and consultation dates do not always coincide.”*

The Spring 2020 edition failed to mention the site allocations consultation but did manage to alert readers to the review of the local plan not due to start until 2021.

The Summer edition was published on the 6th July but failed to mention the site allocations consultation but in the same month readers in Haywards Heath and Burgess Hill were alerted to it in their Mid Sussex Times.

The evidence clearly shows that there was no intention on the part of the district council leadership team in Haywards Heath to alert residents of East Grinstead to the site allocations consultation.

On the above basis I would submit there has been a failure to consult, in line with Mid-Sussex own policy requirement. Given this, it is difficult to envisage how this can be classified as a final consultation (when the first hasn’t happened) and the second is inadequate. I request that the process is begun again.

### **Unsound Assessment of Sites Alternative sites unreasonably discarded**

Deliverable sites nearer to Crawley have been dismissed without proper regard for their overall sustainability and without being assessed against any of the planning considerations that the sites proposed for East Grinstead were.

National planning policy insists that development plans are prepared on the basis that all reasonable alternatives have been explored. The National Planning Policy Framework (NPPF) says at paragraph 35 that plans will only be found sound if they are ... *“Justified – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence”*

For example, the site put forward at Crabbett Park could provide up to 2,500 homes close to the Crawley Fastway public transport system; allowing future residents ready access to Crawley's extensive services, infrastructure and employment opportunities. It would also provide for future expansion for housing needs in the future.

The district council leadership say that all sites must conform to the 'contiguous with an existing settlement' rule set out in district plan policy DP6. This policy is insufficiently flexible and was not designed to take account of housing shortfalls in neighbouring authorities.

NPPF paragraph 81 says that *"planning policies should be flexible enough to accommodate needs not anticipated in the plan"*

District council planning officers confirm that the site at Crabbett Park was rejected due its lack of 'Connectivity with existing settlements'. They say that ...

*"The criteria established to assess the degree of separation is based on a distance of 150m from the built up area boundary (as defined on the Policies Maps). 150m represents a distance that the Council considers differentiates between being connected or remote from existing settlements."*

This is factually incorrect - the site at Crabbett Park is less than 100m from the Crawley built-up boundary, meaning that the selection process was unsound and the site rejected on spurious grounds.

For sites not rejected 'out of hand', the district council leadership approved a selection methodology based on sites being assessed using 17 different planning criteria and rated on a 5 tier traffic light grading system. The combined grading was then used to determine whether the proposed site was a "high performing site" or not.

All sites assessed in East Grinstead were evaluated as 'high performing sites' and therefore allocated in the draft development plan. However, the overall performance assessment did not adequately account for the widely reported traffic constraints or the relevant neighbourhood plan policies

Site Selection Criteria ID 196 – Crawley Down Road Felbridge

Site Selection Criteria ID 770 - Imberhorne Farm

The site assessment section on highways, arguably the most relevant to the sites in East Grinstead, was left blank. When challenged, district council officers say that they can only assess the traffic situation by looking at all the proposed sites together and claim that when they do that, the traffic model shows that congestion is not bad enough to count.

The neighbourhood plan policies were simply referenced without any comment on how they were assessed. Policies EG2 and EG11 weigh heavily against the proposed site allocations at Felbridge and Imberhorne Farm.

However, no evidence is presented to show that policies EG2 or EG11 were genuinely considered or that they played any role in the overall assessment of sites, despite district council officers highlighting their importance.

Therefore I would contend that Mid Sussex have breached their own policy and procedures and should begin the process again of evaluation to ensure these are met.

### **Unsustainable Traffic Congestion**

Mid Sussex and Tandridge jointly commissioned WSP to undertake a traffic study into the Felbridge A264/22 junction capacity. In October 2019 it confirmed what residents already know - the junction is already severely congested ...

*"The Felbridge junction has been identified as a constraint to development coming forward in Tandridge and the Felbridge/East Grinstead area. The junction currently operates above capacity leading to congestion during peak periods and at other times of the day."*

The congestion figures for the A264 approach arm were measured as ...

	AM Peak	PM Peak
Junction Capacity *	106.60%	101.40%
Vehicle Queue Length	48	33
Queuing Delay	3 mins 2 secs	1 min 55 secs

Despite this, there are a further 1,230 homes already approved in East Grinstead and another 835 already approved in the surrounding villages of Ashurst Wood, Copthorne, Crawley Down and Turners Hill.

The Mid Sussex strategic transport study by SYSTRA reports that most major junctions in East Grinstead and surrounding area will be over-capacity once all the approved homes have been built, but suggest that this isn't a reason to resist the extra 820 houses now being proposed.

The district council leadership at Haywards Heath say that there is no need to worry about the additional traffic from the extra 822 houses being proposed for East Grinstead and Crawley Down because once a junction reaches capacity drivers will redirect their journeys, in other words they will 'rat run' along residential roads and country lanes

*"Once the model reaches capacity at a location, delay will increase significantly, and extensive rerouting will occur if alternative faster routes are available"*

The SYSTRA transport model predicts that the 822 houses being proposed will significantly increase the current levels of 'rat running' along residential streets and country lanes. The district council leadership say that this isn't necessarily a cause for concern.

The SYSTRA transport model uses adjusted traffic data from 2008, which significantly understates the existing levels of congestion at the A264/A22 junction in Felbridge, compared with the more recent jointly commissioned WSP traffic model.

	SYSTRA Model		WSP Model	
	AM Peak	PM Peak	AM Peak	PM Peak
Junction Capacity	61%	65%	106.60%	101.40%
Vehicle Queue Length	2	3	48	33
Queuing Delay	15 secs	21 secs	3 mins 2 secs	1 min 55 secs

The district council leadership must be aware of the flaws in their SYSTRA model but choose not to publish the findings of the more recent WSP traffic study (which they themselves jointly commissioned). Material evidence which could undermine the suitability of the proposed site allocations in East Grinstead has been withheld from the consultation process.

Notwithstanding the flaws in the SYSTRA transport model that understate the current traffic congestion, the district council leadership say that the 822 proposed houses on their own do not constitute a severe impact on our local roads.

Neither do they accept that the 822 proposed houses together with 1,230 houses already approved in East Grinstead plus the 835 houses already approved in the surrounding villages constitutes a severe impact on local roads despite their own SYSTRA model saying that committed housing will result in the following junctions being over capacity;

- A264/A22 Felbridge
- A22/Imberhorne Lane
- B2110/B2028 Crossroads Turners Hill
- B2028 Turners Hill Road/Wallage Lane
- A264/A2220 Copthorne

The district council leadership say that they can only assess the highways impact for the each proposed site allocation by looking at them all together (ie. the ones in East Grinstead, Burgess Hill, Haywards Heath and other towns and villages in the district) in accordance with the national planning policy.

The National Planning Policy Framework (NPPF) says at paragraph 109 that *"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."*

The SYSTRA transport model clearly demonstrates that the cumulative impact of the houses already approved (but not yet built) taken together with the proposed housing allocations is severe.

In order to mitigate the impact of the additional traffic from the 822 proposed houses, the district council leadership make vague references to A264/A22 corridor improvements and an unspecified bus priority along the A22. They say that

*"The local highway network will be re-examined in more detail through any subsequent planning applications on the sites proposed for East Grinstead"*

*"Joint working between Surrey CC and West Sussex CC along with Mid Sussex and Tandridge District Council's is ongoing to determine how best to improve capacity along the A22/A264 corridor"*

In other words, there are no firm proposals to resolve the current levels of congestion let alone the gridlock that is likely to result from the extra 2,065 houses already approved and yet we are expected

to accept on trust that the unspecified roads improvements will be so successful that they will be able to accommodate the traffic from the extra 822 houses now proposed.

The jointly commissioned WSP transport study to look into capacity issues for the A264/22 Felbridge junction has been running for nearly two years and has not identified a single option that promises to bring the junction back within capacity for the longer term.

Given the fact that a limit has been reached on approaching roads, and no viable alternative has been set out, I would recommend that the proposal is re-worked to take into consideration the traffic impact and viable alternatives proposed. Without this it can't realistically proceed.

### **Contrary to Neighbourhood Plan**

The town council spent considerable time and resources on its Neighbourhood Plan, it was approved by the district council leadership, found to be sound at the public examination and overwhelmingly supported by referendum.

A meeting on 3rd May 2018 attended by both the town and district councils reviewed the Neighbourhood Plan policies against the newly adopted District Plan. The town council's planning committee minutes dated 18th May confirms that apart from policy EG5 – Housing, "the other policies in the plan are not deemed to be in non-compliance"

People expect the town council to strongly defend its Neighbourhood Plan and not simply accept the district council leadership view that it's policies are 'trumped' by their own.

Policy EG2 was designed to resist development outside the built-up boundary and *"to ensure that development does not result in the gradual accretion of development at the urban fringe"*. This fully supports the district council's own policy DP12 which says ...

*"The primary objective of the District Plan with respect to the countryside is to secure its protection by minimising the amount of land taken for development and preventing development that does not need to be there."*

The proposed site allocations at Felbridge and Imberhorne Farm are outside the East Grinstead built-up boundary and are therefore against both neighbourhood and district plan policies. It is not clear why does the district council leadership believe the houses to meet the housing shortfall in Crawley need to be in the countryside just outside East Grinstead's urban boundary

The supporting text to policy EG2 (at paragraph 4.9) explicitly calls out for development to be refused in the areas of countryside at Imberhorne Farm and south of the Crawley Down Road.

The district council leadership do not accept the validity of the neighbourhood plan supporting text and brush-off the town council's assertion that it must be taken into account when considering potential site locations. They say that the *"Inclusion of supporting text may lead to potential for conflicting guidance."* This is clearly disingenuous as the district council leadership approved the content of the neighbourhood plan before it went to examination

Policy EG11 was designed to ensure that East Grinstead didn't have to take mass housing allocations like these without the necessary improvements to the local highways network ...

Proposals, which cause a severe cumulative impact in terms of road safety and increased congestion, which cannot be ameliorated through appropriate mitigation will be refused

Policy EG11 fully supports the district council's own policy DP21 which requires that ...

*"development is accompanied by the necessary infrastructure in the right place at the right time that supports development and sustainable communities. This includes the provision of efficient and sustainable transport networks"*

Currently there are no detailed proposals to solve the existing traffic problems in East Grinstead. Unless and until such proposals are put forward which are shown to be both effective in resolving the junction capacity issues and deliverable, then the proposed site allocations at Felbridge and Imberhorne Farm are against both neighbourhood and district plan policies.

I will be making available a copy of this letter to Mims Davies my MP and would be grateful for a response to the issues I have raised.

Yours faithfully

Mike and Val Mitchell

A black rectangular redaction box covering the signature area, with a stepped, irregular shape on its right side.



**1809**

## Site Allocations DPD: Regulation 19 Consultation Response

**Policy:** SA11

**ID:** 1809

**Response Ref:** Reg19/1809/4

**Respondent:** Mrs V Mitchell

**Organisation:**

**On Behalf Of:**

**Category:** Resident

**Appear at Examination?** x

[REDACTED]

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**From:** enquiries  
**Sent:** 25 September 2020 09:13  
**To:** planninginfo  
**Subject:** FW: Mid-Sussex Consultation for new Homes- East Grinstead and surrounding area

One for planning...

---

**From:** Mike Mitchell [REDACTED]  
**Sent:** 24 September 2020 19:31  
**To:** enquiries <[enquiries@midsussex.gov.uk](mailto:enquiries@midsussex.gov.uk)>  
**Subject:** Mid-Sussex Consultation for new Homes- East Grinstead and surrounding area

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

Date: 24 September 2020

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*"Once the model reaches capacity at a location, delay will increase significantly, and extensive rerouting will occur if alternative faster routes are available"*

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The SYSTRA transport model uses adjusted traffic data from 2008, which significantly understates the existing levels of congestion at the A264/A22 junction in Felbridge, compared with the more recent jointly commissioned WSP traffic model.

	SYSTRA Model		WSP Model	
	AM Peak	PM Peak	AM Peak	PM Peak
Junction Capacity	61%	65%	106.60%	101.40%
Vehicle Queue Length	2	3	48	33
Queuing Delay	15 secs	21 secs	3 mins 2 secs	1 min 55 secs

The district council leadership must be aware of the flaws in their SYSTRA model but choose not to publish the findings of the more recent WSP traffic study (which they themselves jointly commissioned). Material evidence which could undermine the suitability of the proposed site allocations in East Grinstead has been withheld from the consultation process.

Notwithstanding the flaws in the SYSTRA transport model that understate the current traffic congestion, the district council leadership say that the 822 proposed houses on their own do not constitute a severe impact on our local roads.

Neither do they accept that the 822 proposed houses together with 1,230 houses already approved in East Grinstead plus the 835 houses already approved in the surrounding villages constitutes a severe impact on local roads despite their own SYSTRA model saying that committed housing will result in the following junctions being over capacity;

- A264/A22 Felbridge
- A22/Imberhorne Lane
- B2110/B2028 Crossroads Turners Hill
- B2028 Turners Hill Road/Wallage Lane
- A264/A2220 Copthorne

The district council leadership say that they can only assess the highways impact for the each proposed site allocation by looking at them all together (ie. the ones in East Grinstead, Burgess Hill, Haywards Heath and other towns and villages in the district) in accordance with the national planning policy.

The National Planning Policy Framework (NPPF) says at paragraph 109 that *"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."*

The SYSTRA transport model clearly demonstrates that the cumulative impact of the houses already approved (but not yet built) taken together with the proposed housing allocations is severe.

In order to mitigate the impact of the additional traffic from the 822 proposed houses, the district council leadership make vague references to A264/A22 corridor improvements and an unspecified bus priority along the A22. They say that

*"The local highway network will be re-examined in more detail through any subsequent planning applications on the sites proposed for East Grinstead"*

*"Joint working between Surrey CC and West Sussex CC along with Mid Sussex and Tandridge District Council's is ongoing to determine how best to improve capacity along the A22/A264 corridor"*

In other words, there are no firm proposals to resolve the current levels of congestion let alone the gridlock that is likely to result from the extra 2,065 houses already approved and yet we are expected

to accept on trust that the unspecified roads improvements will be so successful that they will be able to accommodate the traffic from the extra 822 houses now proposed.

The jointly commissioned WSP transport study to look into capacity issues for the A264/22 Felbridge junction has been running for nearly two years and has not identified a single option that promises to bring the junction back within capacity for the longer term.

Given the fact that a limit has been reached on approaching roads, and no viable alternative has been set out, I would recommend that the proposal is re-worked to take into consideration the traffic impact and viable alternatives proposed. Without this it can't realistically proceed.

### **Contrary to Neighbourhood Plan**

The town council spent considerable time and resources on its Neighbourhood Plan, it was approved by the district council leadership, found to be sound at the public examination and overwhelmingly supported by referendum.

A meeting on 3rd May 2018 attended by both the town and district councils reviewed the Neighbourhood Plan policies against the newly adopted District Plan. The town council's planning committee minutes dated 18th May confirms that apart from policy EG5 – Housing, "the other policies in the plan are not deemed to be in non-compliance"

People expect the town council to strongly defend its Neighbourhood Plan and not simply accept the district council leadership view that it's policies are 'trumped' by their own.

Policy EG2 was designed to resist development outside the built-up boundary and *"to ensure that development does not result in the gradual accretion of development at the urban fringe"*. This fully supports the district council's own policy DP12 which says ...

*"The primary objective of the District Plan with respect to the countryside is to secure its protection by minimising the amount of land taken for development and preventing development that does not need to be there."*

The proposed site allocations at Felbridge and Imberhorne Farm are outside the East Grinstead built-up boundary and are therefore against both neighbourhood and district plan policies. It is not clear why does the district council leadership believe the houses to meet the housing shortfall in Crawley need to be in the countryside just outside East Grinstead's urban boundary

The supporting text to policy EG2 (at paragraph 4.9) explicitly calls out for development to be refused in the areas of countryside at Imberhorne Farm and south of the Crawley Down Road.

The district council leadership do not accept the validity of the neighbourhood plan supporting text and brush-off the town council's assertion that it must be taken into account when considering potential site locations. They say that the *"Inclusion of supporting text may lead to potential for conflicting guidance."* This is clearly disingenuous as the district council leadership approved the content of the neighbourhood plan before it went to examination

Policy EG11 was designed to ensure that East Grinstead didn't have to take mass housing allocations like these without the necessary improvements to the local highways network ...

Proposals, which cause a severe cumulative impact in terms of road safety and increased congestion, which cannot be ameliorated through appropriate mitigation will be refused

Policy EG11 fully supports the district council's own policy DP21 which requires that ...

*"development is accompanied by the necessary infrastructure in the right place at the right time that supports development and sustainable communities. This includes the provision of efficient and sustainable transport networks"*

Currently there are no detailed proposals to solve the existing traffic problems in East Grinstead. Unless and until such proposals are put forward which are shown to be both effective in resolving the junction capacity issues and deliverable, then the proposed site allocations at Felbridge and Imberhorne Farm are against both neighbourhood and district plan policies.

I will be making available a copy of this letter to Mims Davies my MP and would be grateful for a response to the issues I have raised.

Yours faithfully

Mike and Val Mitchell

A black rectangular redaction box covering the signature area.

**1811**

## Site Allocations DPD: Regulation 19 Consultation Response

**Policy:** SA11

**ID:** 1811

**Response Ref:** Reg19/1811/3

**Respondent:** Mr J Capp

**Organisation:**

**On Behalf Of:**

**Category:** Resident

**Appear at Examination?** x



# RESPONSE TO SUBMISSION SITES ALLOCATIONS DPD REGULATION 19

This document has five parts:

- Part A – Personal Details
- Part B – Representation
- Part C – Expanded Arguments to Support Representation
- Part D – Additional Concerns I Have As An East Grinstead Resident.
- Part E – Actions I am seeking

## PART A – PERSONAL DETAILS

Name John Frederick Capp

Address

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Email

[REDACTED]

## PART B – REPRESENTATION

My comments relate to the lack of legal compliance and the unsoundness of the:

Site Allocations DPD



Sustainability Appraisal



I consider the site Allocations DPD to be unsound in the following respects:

Positively Prepared?

No

Failure to positively engage with landowners/developers offering large strategic sites such as Crabbet Park

Justified?

No

Failure to properly take account of reasonable alternatives, and failure to show sites SA19 & SA20 to be sustainable or deliverable

Failure to demonstrate strategic highway matters to be

Effective?	<input type="checkbox"/> No	deliverable to resolve severe traffic constraints in East Grinstead
Consistent with National Policy?	<input type="checkbox"/> No	Sites SA19 & SA20 are not sustainable in accordance with policies in the framework

Please note that due to the lack of effective publicity by MSDC, I was totally unaware of the Regulation 18 consultation so was unable to comment on the Site Allocations DPD Draft Plan, despite wanting to do so. I have only become aware of this consultation from the Infrastructure First group's activities.

I support the arguments made by the Infrastructure First Group and would like them to represent me at the Examination with respect to sites SA19 and 20. Yes ☒ No ☐

PLEASE NOTE: The concerns and actions with respect to SA18 are my additional contributions to this response and should be treated as such.

I am OBJECTING to the Site Allocations DPD and Sustainability Appraisal, and in particular to following proposed allocations being included in the Site Allocations DPD ...

SA18 – Former East Grinstead Police Station  
SA19 – Land South of Crawley Down Road  
SA20 – Land South and West of Imberhorne Upper School

I consider them to be unsustainable and in conflict with National Planning Policy and the Local Development Plan [Mid Sussex District Plan & East Grinstead Neighbourhood Plan] for the following reasons:

1) The Council has failed to consult properly with the wider public

2) The Council has failed to adequately assess all potential sites

Allocation of sites SA19 & SA20 would ...

3) Lead to reduced opportunities for people to live and work within their communities

4) Lead to unsustainable traffic congestion with local junctions already over capacity

5) Be contrary to national planning policies & the Local Development Plan

Allocation of site SA19 would ...

6) Represent an unacceptable extension to Felbridge village and result in coalescence with East Grinstead

Allocation of site SA20 would ...

- 7) Result in loss of valued agricultural land and habitat, harm the setting of heritage assets and result in coalescence with the village of Felbridge

## 1. The Council has failed to consult properly with the wider public

Unsound because ...

☒ MSDC has failed to deliver on its Statement of Community Involvement strategy

- ❖ The National Planning Policy Framework [NPPF] requires councils to carry out public consultation on plans that is transparent and front-loaded (ie. at the earliest opportunity). Paragraph 16 says that *“Plans should be shaped by early, proportionate and effective engagement between plan makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees...”*
- ❖ MSDC's Statement of Community Involvement requires that *“the community should be involved as early as possible in the decision making process when there is more potential to make a difference”* and that *“community involvement should be accessible to all those who wish to take part”*.
- ❖ MSDC claim to have met their obligation to consult with residents by; Issuing a single press release; Email alerts (to the few people with prior knowledge of the consultation and so had registered their email address); ad-hoc comments on the Council's social media channels; posts on the Council's website; and exhibition boards in the public library (for a few days during the Regulation 18 consultation period and nothing at all for the Regulation 19 consultation).
- ❖ The evidence shows that these communication channels have been wholly inadequate in reaching residents and hard-to-reach groups.
- ❖ **Ineffective Press Release Campaign** ... MSDC state that the press release was distributed to the following:
  - **TV outlets** – ITV Meridian News & BBC South East Today
  - **Radio Stations** – BBC Radio Sussex; BBC Radio Surrey; Burgess Hill Community Radio; Heart Radio; Meridian FM & More Radio
  - **Newspapers** – East Grinstead Courier; Mid Sussex Times; The Argus & West Sussex County Times
  - **New Agencies** – Dehaviland; Dods Monitoring & Press Association
  - **Magazines** – Cuckfield Life; East Grinstead Living; Hurst Life; Lindfield Life; RH Uncovered & Sussex Living
  - **Websites** – BBC News Online; Burgess Hill Uncovered & Crawley News 24
- ❖ However MSDC have failed to monitor whether the press release was used by these media outlets.
  - Officers can only say that they *“were aware that the Mid Sussex Times ran a story on 30th July regarding the consultation.”* Just one entry in a weekly paper servicing the towns of Burgess Hill and Haywards Heath but that is not distributed in East Grinstead or Felbridge. No publicity in the local East Grinstead paper despite the DPD proposing over half of the homes to be allocated in East Grinstead and Felbridge.

❖ **No alerts on the Council's website ...**

- Neither the main landing page nor the main 'Planning and Building' page make ANY reference to the consultation.
- The Council's dedicated 'Consultations' page advertises only a 'Public Spaces Protection Order – Dog Control Consultation', and says NOTHING about the Site Allocations consultation.

❖ **No alerts in Mid Sussex Matters ...**

- MSDC's own magazine is distributed at taxpayers' expense 3 times a year to 73,000 households in Burgess Hill, East Grinstead, Haywards Heath and Mid Sussex villages.
- MSDC say that *"Wherever possible, details of forthcoming consultations are included within the magazine, this is our preference as it reaches every household in the district. However publication dates and consultation dates do not always coincide."*
- The Spring 2020 edition failed to mention the Site Allocations consultation but did alert readers to the review of the local plan not due to start until 2021.

## **2. The Council has failed to adequately assess all potential sites**

Unsound because ...

- ☒ Alternative sustainable sites that would better meet Crawley's unmet need were summarily discarded without due consideration
- ☒ So-called 'High Performing Sites' were not adequately assessed against acknowledged Highway constraints or EGNP policies

- ❖ The purpose of the Site Allocations DPD is to meet the Inspector's requirement for MSDC to allocate sites to help accommodate Crawley's unmet need, which they had failed to take account of in their submitted District Plan.
- ❖ Deliverable sites nearer to Crawley have been dismissed without proper regard to their overall sustainability and without being assessed against any of the 17 planning considerations imposed on the sites allocated in the DPD.
- ❖ National planning policy (NPPF) says that development plans should be prepared on the basis that all reasonable alternatives are explored. Two significant deliverable and sustainable options were dismissed without due consideration.
- ❖ The site put forward at Crabbett Park (SHEELA Reference 18) could provide up to 2,300 homes close to the Crawley and could be linked into the Fastway public transport system. This would allow future residents ready access to Crawley's extensive services, infrastructure and employment opportunities using sustainable transport.

- ❖ Developers Mayfield have put forward a proposal for a new, sustainable, mixed-use, garden village south of Crawley (Mayfields Market Town) in which the developer has undertaken to provide a comprehensive range infrastructure services before the site is occupied. Whilst Horsham DC have engaged positively with Mayfield, MSDC have failed to do so.
- ❖ MSDC say that all sites in the DPD must be 'contiguous with an existing settlement' as set out in policy DP6. This policy was not designed to take account of housing shortfalls in neighbouring authorities and is insufficiently flexible. NPPF paragraph 81 says that "*planning policies should be flexible enough to accommodate needs not anticipated in the plan*".
- ❖ MSDC officers confirm that the site at Crabbett Park was rejected solely due to its lack of 'Connectivity with existing settlements'. They say that ... "*The criteria established to assess the degree of separation is based on a distance of 150m from the built up area boundary (as defined on the Policies Maps)*".
- ❖ This is an error in fact - the site at Crabbett Park is less than 100m from the built-up boundary of Crawley, meaning that the selection process was unsound and the site rejected on spurious grounds.
- ❖ The sites in East Grinstead & Felbridge were evaluated as 'high performing sites' without any evidence being presented to show that the assessment took account of the widely reported traffic constraints or relevant neighbourhood plan policies.
  - The site assessment section on 'highways', arguably the most relevant to the sites along the A264/A22 corridor, was left blank.
  - No evidence is offered to show that policies EG2, EG2a or EG11 were genuinely considered or that they played any role in the overall assessment of sites.

### 3. Allocation of sites SA18, SA19 & SA20 would lead to reduced opportunities for people to live and work within their communities

Unsound because ...

- ☒ Unsustainable separation of homes and employment space

- ❖ There is no housing shortfall in East Grinstead or Felbridge where the housing need is fully satisfied by the 782 homes already completed since the start of the plan period together with the 1,238 homes already committed ...
  - 714 with permission as at April 2014
  - 270 allocated in the Neighbourhood Plan
  - 254 permitted since April 2020

[Source: MSDC Housing Land Supply 'Completions and Commitments' 2020]
- ❖ The proposed sites are required to meet a housing shortfall in Crawley for about 1,500 new homes. Nearly half of these are proposed for two sites in East Grinstead and Felbridge. Alternative and more sustainable development sites on the edge of Crawley have been dismissed without proper consideration.



- ❖ The proposed site allocations at East Grinstead and Felbridge run counter to District Plan strategic objectives to support sustainable economic growth. A stated aim of Policy DP1 is *“to provide opportunities for people to live and work in their communities, reducing the need for commuting”*.
- ❖ The DPD proposes 9 new employment sites elsewhere in the district but none in East Grinstead or Felbridge.
- ❖ Felbridge is a medium sized village with very limited employment opportunities and East Grinstead has suffered a very significant loss of employment space since the beginning of the plan period.
- ❖ A key finding of the Mid Sussex Economic Profile Study (2018), says that *“There has been a significant loss of floor space to residential conversions particularly in East Grinstead.”* This study reports 19,440m<sup>2</sup> of commercial office space in East Grinstead.
- ❖ Since then East Grinstead’s stock of office space has continued to decline, with 12,000m<sup>2</sup> (62%) being lost as a result of a single planning permission for the conversion of East Grinstead House in June 2020.
  - The East Grinstead Business Association objected to the conversion, saying that we have lost *“7 existing, long standing, large and well known successful local businesses that have live leases and in combination employ around 1,000 people”*
  - The conversion will yield another 253 homes, with potentially double the number of new residents needing to commute out of East Grinstead for work
  - Large sites do not contribute towards the MSDC windfall targets but unplanned homes on this scale should count towards the number of homes the Site Allocations DPD is required to provide
- ❖ MSDC confirm that they do not monitor the amount of office floorspace lost through residential conversions, so have no evidence to show that the 772 homes proposed for East Grinstead and Felbridge are sustainable. Potentially, there could be 1,500 new residents and no new employment space.
- ❖ Increasing traffic congestion and loss of employment space act as significant constraints on economic growth and investment. Another stated aim of Policy DP1 is *“to promote a place which is attractive to a full range of businesses, and where local enterprise thrives”*.

#### **4. Allocation of sites SA18, SA19 & SA20 would lead to unsustainable traffic congestion with local junctions already over capacity**

Unsound because ...

- ☒ Material up-to-date traffic evidence is being withheld from the consultation process
- ☒ The MSDC strategic transport assessment understates baseline traffic conditions
- ☒ Despite this, the model highlights a severe cumulative impact in-combination with allocations in the adopted plan
- ☒ There are no demonstrable highway mitigation proposals

- ❖ Multiple traffic studies confirm that the local highways network is a significant constraint to development in East Grinstead and threatens its future economic sustainability. The East Grinstead Neighbourhood Plan states that *“The constrained nature of East Grinstead’s current infrastructure is by far the greatest challenge facing the town in the immediate future, with existing roads and junctions already over capacity.”*

- ❖ MSDC has published a revised transport study by SYSTRA as evidence to support the Site Allocations DPD. They have also jointly commissioned WSP to carry out a study into Felbridge A264/22 junction capacity and to look in detail at options to alleviate congestion.

### WSP Study

- ❖ An Executive Summary Report dated October 2019 was published by Tandridge District Council but this report has NOT been disclosed by MSDC. It is understood that MSDC is refusing permission to release the full report for consultation.
- ❖ The WSP Executive Summary concludes that the A264/A22 junction in Felbridge is currently operating over capacity ...
  - *"The Felbridge junction has been identified as a constraint to development coming forward in Tandridge and the Felbridge/East Grinstead area. The junction currently operates above capacity leading to congestion during peak periods and at other times of the day."*
  - The congestion figures for the A264 approach arm were measured in 2018 ...

	AM Peak	PM Peak
Junction Capacity *	106.60%	101.40%
Vehicle Queue Length	48	33
Queuing Delay	3 mins 2 secs	1 min 55 secs

\* 100% is deemed to be a junction's theoretical capacity

- ❖ The WSP Executive Summary confirms that their recommended option requires the compulsory purchase of 3rd party land and while it offers a temporary improvement over the 'do nothing' option, it was unable to prevent the junction becoming over capacity once again by the end of the plan period.

### SYSTRA Report

- ❖ The MSDC strategic transport study predicts that most major junctions in East Grinstead and surrounding area will be over-capacity by the end of the plan period BEFORE considering the additional impact of the proposed allocations.
- ❖ The SYSTRA model predicts that the 772 houses being proposed for East Grinstead and Felbridge will significantly increase the current levels of 'rat running' along residential streets and country lanes.
- ❖ The SYSTRA model attributes the severe capacity issues to houses already allocated by the 2018 District Plan and argues that the impact of the proposed DPD allocations taken separately is not sufficient to trigger the National Policy 'residual cumulative impact' test ...
  - NPPF paragraph 109 states that *"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."*
  - The impact of traffic from sites proposed in the Site Allocations DPD is not separate from the traffic impact from sites allocated in the Local Development Plan. The Sites Allocation DPD is allocating sites within the District Plan as instructed by the inspector, in order to rectify MSDC's earlier failure to take account of Crawley's unmet need in its submitted draft District Plan.
  - MSDC argue that traffic generated by the Local Development Plan is an 'existing situation' and can be ignored when applying the 'residual cumulative' test. This is untenable.



- ❖ The SYSTRA model relies on adjusted traffic data from 2008. This significantly understates the existing levels of congestion at the A264/A22 junction in Felbridge when compared with the WSP model using data collected in 2018.

	SYSTRA Model			WSP Model	
	AM Peak	PM Peak		AM Peak	PM Peak
Junction Capacity	61%	65%		106.60%	101.40%
Vehicle Queue	2	3		48	33
Queuing Delay	15 secs	21 secs		3 mins 2 secs	1 min 55 secs

- ❖ MSDC have chosen not to publish the findings of the more recent WSP traffic study and are therefore considered to be withholding material evidence from the consultation process, preventing residents being informed of the expected consequences of development.

### No Deliverable Mitigation

- ❖ To mitigate the impact of the proposed allocations in East Grinstead, MSDC makes vague references to an 'A264/A22 corridor improvement project' and a project to deliver unspecified 'Bus priority along the A22'. There are no deliverable or specific proposals in the Infrastructure Delivery Plan and no secure funding.
- ❖ WSP were jointly commissioned to investigate improvement options on the A264/A22 in 2018 but MSDC have chosen not published the findings. The WSP Executive Summary calls into question the deliverability of the sites at East Grinstead and Felbridge.
- ❖ There are no proposals for highway interventions in the Site Allocation DPD or Sustainability Appraisal to mitigate the impact of the proposed sites in East Grinstead and Felbridge, either alone or in combination with sites already committed in the Local Development Plan.
- ❖ This Site Allocation DPD is therefore contrary to national policy ... NPPF paragraph 108 states that "*In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that: 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.*"

## 5. Allocation of sites SA19 & SA20 would be contrary to the NPPF and the Local Development Plan

Unsound because ...

- ☒ Sites SA19 and SA20 are in conflict with Neighbourhood and District Plan policies
- ☒ Proposed site allocations at Felbridge and Imberhorne Farm are outside the East Grinstead/Felbridge built-up boundaries and are therefore against policies EG2, EG2a, DP12 and DP13
- ☒ In the absence of demonstrable proposals to resolve the local junction capacity issues, the site allocations in East Grinstead and Felbridge are in conflict with policies EG11 and DP21

- ❖ At a review of Neighbourhood Plan policies on 3rd May 2018 following the adoption of the District Plan, MSDC confirmed that apart from policy EG5, the Neighbourhood Plan was in conformity.
- ❖ Policies EG2 and EG2a are designed to resist development outside the built-up boundary and "to ensure that development does not result in the gradual accretion of development at the urban fringe". These policies conform to MSDC's own policies DP12 and DP13, which say ... "*The primary objective of the District Plan with respect to the countryside is to secure its protection by minimising the amount of land taken for development and preventing development that does not need to be there.*"

- ❖ It is not clear why MSDC believe the houses to meet the housing shortfall in Crawley are best located in the countryside in the gap between the Felbridge and East Grinstead, outside their urban boundaries when sustainable sites adjacent to Crawley have not been properly evaluated.
- ❖ The proposed site allocations SA19 and SA20 are outside the East Grinstead & Felbridge built-up boundaries and are therefore against both Neighbourhood and District Plan policies [EG2, EG2a, DP12 & DP13].
- ❖ The supporting text to policy EG2 (at paragraph 4.9) explicitly calls for development to be refused in the areas of countryside at Imberhome Farm and south of the Crawley Down Road ... precisely the location of the proposed sites SA19 and SA20.
- ❖ Policy EG11 was designed to ensure that East Grinstead didn't have to accept housing allocations like these without compensating improvements to the local highways network being delivered ... *"Proposals, which cause a severe cumulative impact in terms of road safety and increased congestion, which cannot be ameliorated through appropriate mitigation will be refused"*.
- ❖ Policy EG11 fully supports policy DP21 which requires that ... *"development is accompanied by the necessary infrastructure in the right place at the right time that supports development and sustainable communities. This includes the provision of efficient and sustainable transport networks"*.

## 6. Allocation of SA19 would represent an unacceptable extension to Felbridge village and result in coalescence with East Grinstead

Unsound because ...

- ☒ SA19 is contrary to the spatial housing objectives of policy DP6
- ☒ SA19 is contrary to Neighbourhood Plan policies EG2 and EG2a and corresponding District Plan policies DP12 and DP13

- ❖ Felbridge is a rural village in Surrey with a small strip of land south of the Crawley Down Road falling within the administrative boundary Mid-Sussex.
- ❖ TDC acknowledge in its Settlement Hierarchy Addendum 2018 that *"although the proximity of East Grinstead plays a role in Felbridge's sustainability, the settlement itself can only demonstrate a basic level of provision and as such is categorised as a Tier 3 (rural settlement)"*
- ❖ However, MSDC is treating the land south of the Crawley Down Road as an extension to East Grinstead without due regard for its village status or the gap between the two distinct communities.
- ❖ With no more frontage sites available along the Crawley Down Road, MSDC are allowing the extension of the village towards East Grinstead, with 120 homes recently approved as back land developments. With a current population of 532 homes, the existing commitments will increase the number of homes by nearly 25%. The village has no doctor's surgery, pharmacy, dentist, opticians and only a small convenience store. Infrastructure contributions and subsequent council taxes will go to centrally to MSDC in Haywards Heath with no plans to improve meagre services in the village.
- ❖ The proposal to allocate SA19 as an additional back land site for 200 homes south of the Crawley Down Road would result in an increase in the number of homes by a further 30%; without any plans or funding to improve infrastructure that would mitigate the harm to the function and character of the village.

- This is contrary to policy DP6 (Settlement Hierarchy) which allocates a much smaller proportion of housing requirement to Tier 3 medium sized villages.
- The strategic aims of policy DP6 are ...*"To promote well located and designed development that reflects the District's distinctive towns and villages, retains their separate identity and character and prevents coalescence"*, and *"To create and maintain town and village centres that are vibrant, attractive and successful and that meet the needs of the community"*.
- ❖ The proposed site is located outside the built-up boundaries of both Felbridge and East Grinstead. This is contrary to policy DP12 (Protection and enhancement of countryside) which says that ...*"The primary objective of the District Plan with respect to the countryside is to secure its protection by minimising the amount of land taken for development and preventing development that does not need to be there"*.
- ❖ The site allocation is also contrary to the strategic aim of policy DP13 (Preventing Coalescence) ...*"To promote well located and designed development that reflects the District's distinctive towns and villages, retains their separate identity and character and prevents coalescence."*
- ❖ The East Grinstead Neighbourhood Plan expressly lists the land to the south of Crawley Down Road as contrary to policies EG2 and EG2A to ensure development "does not result in the merging or coalescence of settlements and the gradual accretion of development at the urban fringe".

## **7. Allocation of SA19 would result in loss of valued agricultural land and habitat, harm the setting of heritage assets and result in coalescence with the village of Felbridge**

Unsound because ...

- ☒ SA19 landscape assessment not supported with evidence
- ☒ SA19 contrary to DP34 and NPPF paragraph 175

- ❖ Site allocations SA20 is surrounded by high yielding agricultural land that justifies an Agricultural Land Classification Grade of 3a (ie. the best and most versatile agricultural land).
  - District Plan DP12 says that *"Where identified, Grade 1, 2 and 3a agricultural land should be protected from development due to its economic importance and geological value. This is the land which is most flexible, productive and efficient and can best deliver future crops for food and non-food uses."*
  - The Sustainability Appraisal reports that the Council currently lacks data to distinguish Grade 3 from 3a agricultural land and assumes a default classification of 3 without evidence.
  - The planning assessment proforma rates the SA20 site location as having a 'positive impact' on the Landscape without any explanation or evidence to support the officers' opinion.
- ❖ Site allocation SA20 is adjacent to the Grade II Listed Gullede Farmhouse and Imberhorne Farm Cottages
  - The rural setting of these listed buildings is important to their value as heritage assets and development on the site would overwhelm the buildings and result in significant harm
  - District Plan policy DP34 says that *"Special regard is given to protecting the setting of a listed building"*

- ❖ The proposed site also lies adjacent to a substantial area of ancient woodland which is already 'hemmed in' on two sides by residential and industrial development. Further development would serve to isolate the woodland from the surrounding countryside resulting in unnecessary habitat fragmentation ...
  - Ancient woodland is classified by National Planning Policy as an 'unreplaceable habitat' and NPPF paragraph 175 says *"development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons"*
  - Natural England states that *"Ancient woodland and the wildlife it supports are particularly vulnerable to various impacts associated with nearby residential areas. These include recreational disturbance, fly tipping, light pollution, introduction of non-native plant species from garden waste, predation of wildlife by pet cats and pollution from dog faeces"*
  - These harmful impacts can only be mitigated to a limited degree by the imposition of a buffer zone.
- ❖ The farmlands at the proposed SA20 site location provide an important breeding habitat for 'red list' bird species such as the Skylark and Yellowhammer with loss of habitat being the main reason for the sharp population decline.
  - The developer's own Ecological Survey acknowledges that the Skylark *"requires more specialised ground nesting provisions"* and that the ability of the SANGS to compensate for the loss of farmland habitat is limited due to recreational disturbance.
  - NPPF paragraph 175 says that *"if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused."*

## **PART D – ADDITIONAL CONCERNS I HAVE AS AN EAST GRINSTEAD RESIDENT**

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IN MARCH 2020 HOUSING SECRETARY ROBERT JENRICK UNVEILED INITIAL HOUSING PROPOSALS AHEAD OF A PROMISED WHITE PAPER, INCLUDING AN AMBITION FOR AN 'INFRASTRUCTURE FIRST' APPROACH TO PLANNING.

Cllr Philip Atkins, housing and planning spokesperson for the County Councils Network, said:

*"The Housing Secretary's ambition to move to an 'infrastructure first approach' to planning chimes with what many communities in county areas would like to see. More homes are being built – but we need to move away from simply planning by numbers to instead making sure that new developments do have access to the right amenities – both for existing and new residents.*

This present proposal gives no clear proof that this is happening, rather the opposite will happen if this proposal goes ahead with East Grinstead, Crawley Down and the Police Station having nothing included to provide the sort of environment present residents are lacking, nor future infrastructure required for the new developments.

### **Generic Concerns**

- ❖ Most schools in these areas are oversubscribed; new developments only increase the pressure on this. It is widely acknowledged the town already needs additional schools. These should be put in place prior to any new development as per the housing minister's proposals.



- ❖ There is much talk about improving infrastructure, there is no mention what will be done, how or who will pay for this. The proposal just mentions 'contributions', which are not specific and tend to be proven unreliable.
- ❖ The greenfield space around East Grinstead is slowly but surely being eroded, to the detriment of its residents. When will it stop? It has become an overdeveloped town with too much traffic with an increasingly poor infrastructure.
- ❖ Local habitat could be destroyed.
- ❖ Increased pressure on parking in Town, at the station and residential roads around it. I live in a road near the station and suffer with commuter parking and the issues this brings, this can only get worse with increased commuters.
- ❖ GPs and QVH have limited facilities and extremely stretched.
- ❖ Trains only travel north and buses are far too few with insufficient frequency and stop running far too early. Result of new housing equals extra traffic and associated pollution.
- ❖ There is little employment in EG, majority of workers commute to places outside of town, very many by car. If they work in London they will need transport to the station, which is not walkable in a reasonable time. Roads around the station will get more commuter parking.
- ❖ On top of all the current and proposed developments many large office blocks are or are being converted into, apartments. There could well be a situation where supply outstrips demand leading to property values decreasing.
- ❖ Parents will not stop driving their children to school safely given their fears of walking or cycling or putting them on a bus alone.

My specific concerns with each site are below; they are based 'pre-Covid':

#### **Proposed Imberhorne Development – SA20**

- ❖ This land is an arable greenfield site, can the country afford to be losing this facility as we move out of the EU?
- ❖ The town is already in need of much improved infrastructure: Schools, both primary and secondary already oversubscribed; GPs, one currently closed to new patients and the other two have been in recent times, plus of course improved transport, including roads. It is common knowledge that there is a minimum four week wait to see a GP.

- ❖ The access roads to the site must use Imberhorne Lane which is often subject to long delays due to congestion. The additional cars from the proposed 550 dwellings will clearly make matters worse both along this road and surrounding areas, specifically the A22 corridor.
- ❖ Cycle routes need coordinated planning; the current 'temporary trial' cycle lane along the A22 has proved a failure having been declared dangerous, and removed.
- ❖ Lack of connectivity from the proposed site into town as it is too far to walk, minimum 30 minutes from Imberhorne Lane, much longer from Felbridge, so the car will be used. There is insufficient parking in town currently, leading to parking in residential roads nearby.
- ❖ Imberhorne school needs to be rebuilt not extended. The plan to incorporate the Imberhorne Lower school at Imberhorne Lane has been in place for a number of years, the site at Windmill lane is planned for redevelopment. How will the 'extended' school meet the demand from the lower school move and the new residents?
- ❖ Where will the funding for specialist facilities and associated staff come from for the SEN activities, currently this is part funded by the Government. The mention of this implies something more will be added to an ever decreasing SEN local and national budget.
- ❖ There is no guarantee the green corridors will remain as the whole development would be using land designated for greenfield/arable pasture. This development will not be sustaining the landscape, it will be destroying it.

### **Felbridge – SA19**

Most of the above equally applies to this site with respect to infrastructure requirements. And residents will be using the same schools, same town and the same roads.

- ❖ The access roads to the site must use Crawley Down Road which is often subject to long delays due to congestion. The additional cars from the proposed 200 dwellings will clearly make matters worse both along this road and surrounding areas, specifically the A22 corridor
- ❖ Will the pasture land be put to better use for agriculture as we have left the EU?

- ❖ Children attending Imberhorne will not have access to the school bus given the site is less than 3 miles from the school, so parents will have to drive them in. The walking route takes in the A264, A22 and Imberhorne Lane which are heavily used and hence leading to increased traffic pollution.
- ❖ The potential Flood risk issue with Felbridge water.
- ❖ Only a Small play space to be provided.

### **Police Station- SA18**

- ❖ Are these dwellings really needed by the town? A quick search on 'Rightmove' shows 198 flats for sale in East Grinstead, many being 'new homes'. The number of office blocks being converted into dwellings is significant and will only add to this number. Loss of office space in town has decreased business and employment opportunities.
- ❖ The proposed site lies inside the Eastcourt area of the Town and is a public amenity. As such it should not be sold for the benefit of a developer to provide 'high end' accommodation in park land. The site should be preserved for the use of the town for recreational and educational purposes.
- ❖ Access to the site is onto the A264 near the Blackwell Hollow/Mount Noddy roundabout. The East arterial road for East Grinstead. This is opposite the planned development at Blackwell Farm Road. Leaving the site will only be onto the roundabout leading to further congestion at a busy junction. If there are plans to use the other entrance to Eastcourt, this will increase traffic through the park putting the public using the facility at increased risk.

### **PART E – ACTIONS I AM SEEKING**

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I request that the following action is taken with respect to the draft Site Allocations DPD and associated documents:

1. The DPD should be withdrawn as it is not legally compliant - the consultation was not carried out in line with national policy or the MSDC Statement of Community Involvement.
2. The WSP transport report should be published in full and its findings submitted for consultation.
3. The proposed allocations at East Grinstead and Felbridge should be withdrawn as they cannot be delivered sustainably.
4. MSDC should withdraw the DPD and carry out a proper evaluation of sustainable sites close to Crawley including Crabbet Park and Mayfield.

5. In the event that the Inspector decides the DPD should progress to Examination then any allocations at East Grinstead or Felbridge should be made contingent on delivering the junction improvements identified in Atkins 3 and the WSP studies.
6. MSDC to carry out a survey to establish the current levels of 'traffic pollution' at the A22/A264 and the A22/Imberhorne Lane junctions. The results to be compared against acceptable safe levels and what the impact of an increase of 750 households in the immediate area would have on these levels.
7. MSDC to explain why East Grinstead/Felbridge is expected to provide housing caused by the shortfalls in Crawley when there are significant developments underway around the M23/A264 junction, along the M23 and along the A264 corridors.
8. MSDC to provide number of Pupil places available in East Grinstead currently against the expected demand from new residents.
9. 'New' local developments in recent years have not adequately planned for the parking requirements of the households. How will MSDC ensure the Developer will provide adequate parking on this development? Failure to do so will impact adjoining areas.
10. MSDC to how the additional SEN provision at Imberhorne School can be met against the current shrinking SEN fund provided by the Government and what will be the impact when spread across the increased number of students.
11. MSDC to explain how it will ensure the developer will deliver all the 'promised' infrastructure improvements, or like so many cases we hear of will they slowly but surely not become reality?
12. MSDC to state what they will do to improve the existing 'failing' town infrastructure, and how will success be measured in the following areas:
  - a) NHS providers, e.g. GP access and QVH.
  - b) Education.
  - c) Transport.
  - d) Police presence.
13. MSDC to guarantee no further development at all three sites on surrounding land IF these proposals proceed, will precedents be set. I sincerely hope these are not 'thin edges of wedges' eating into our agricultural, pastures and public spaces.
14. MSDC to explain why the school is being extended and not 're-built' or a new school built in order to meet growing pupil numbers and provide improved educational and recreational facilities that could be used by the wider community. Currently the school is not fit for purpose, particularly being located on two sites, Imberhorne Lane and Windmill Lane.
15. MSDC to detail the size of 'public Space' on the Imberhorne site to be provided as far too much open space is being 'developed'.



16. The Imberhorne school proposal states 'Gypsies and Travellers and Travelling Showpeople provision may be required'. East Grinstead is currently not listed as a potential site for these people. MSDC to declare if this has changed?
17. The Felbridge site has one access road onto the Crawley Down Road with most traffic leading onto the A264 and then A22. East Grinstead is well known for not having a 'fit for purpose' road system for many years with the counties involved never agreeing a way forward. There appears no scope to improve what is there, what does the developer intend to collaboratively do with the local councils?
18. MSDC to conduct a survey of traffic use at the A264/Mount Noddy roundabout and impact of proposed developments at the Police Station and Blackwell Farm Road
19. to establish increased use and pollution levels.
20. I do not wish to take part in the Examination but I support the arguments made by the Infrastructure First Group with respect to SA19 and SA20 and would like them to represent me at the Examination. My contributions with respect to S18 are my representation.

**1813**

## Site Allocations DPD: Regulation 19 Consultation Response

**Policy:** SA11

**ID:** 1813

**Response Ref:** Reg19/1813/3

**Respondent:** Ms C Capp

**Organisation:**

**On Behalf Of:**

**Category:** Resident

**Appear at Examination?** x

# RESPONSE TO SUBMISSION SITES ALLOCATIONS DPD REGULATION 19

This document has five parts:

- Part A – Personal Details
- Part B – Representation
- Part C – Expanded Arguments to Support Representation
- Part D – Additional Concerns I Have As An East Grinstead Resident.
- Part E – Actions I am seeking

## PART A – PERSONAL DETAILS

Name Caitriona Veronica Capp

Address

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Email

[REDACTED]

## PART B – REPRESENTATION

My comments relate to the lack of legal compliance and the unsoundness of the:

Site Allocations DPD

✓

Sustainability Appraisal

✓

I consider the site Allocations DPD to be unsound in the following respects:

Positively Prepared?

No

Failure to positively engage with landowners/developers offering large strategic sites such as Crabbet Park

Justified?

No

Failure to properly take account of reasonable alternatives, and failure to show sites SA19 & SA20 to be sustainable or deliverable

Failure to demonstrate strategic highway matters to be

Effective?	<input type="checkbox"/> No	deliverable to resolve severe traffic constraints in East Grinstead
Consistent with National Policy?	<input type="checkbox"/> No	Sites SA19 & SA20 are not sustainable in accordance with policies in the framework

Please note that due to the lack of effective publicity by MSDC, I was totally unaware of the Regulation 18 consultation so was unable to comment on the Site Allocations DPD Draft Plan, despite wanting to do so. I have only become aware of this consultation from the Infrastructure First group's activities.

I support the arguments made by the Infrastructure First Group and would like them to represent me at the Examination with respect to sites SA19 and 20. Yes ☒ No ☐

PLEASE NOTE: The concerns and actions with respect to SA18 are my additional contributions to this response and should be treated as such.

I am OBJECTING to the Site Allocations DPD and Sustainability Appraisal, and in particular to following proposed allocations being included in the Site Allocations DPD ...

SA18 – Former East Grinstead Police Station  
 SA19 – Land South of Crawley Down Road  
 SA20 – Land South and West of Imberhorne Upper School

I consider them to be unsustainable and in conflict with National Planning Policy and the Local Development Plan [Mid Sussex District Plan & East Grinstead Neighbourhood Plan] for the following reasons:

1) The Council has failed to consult properly with the wider public

2) The Council has failed to adequately assess all potential sites

Allocation of sites SA19 & SA20 would ...

3) Lead to reduced opportunities for people to live and work within their communities

4) Lead to unsustainable traffic congestion with local junctions already over capacity

5) Be contrary to national planning policies & the Local Development Plan

Allocation of site SA19 would ...

6) Represent an unacceptable extension to Felbridge village and result in coalescence with East Grinstead

Allocation of site SA20 would ...

- 7) Result in loss of valued agricultural land and habitat, harm the setting of heritage assets and result in coalescence with the village of Felbridge

## 1. The Council has failed to consult properly with the wider public

Unsound because ...

☒ MSDC has failed to deliver on its Statement of Community Involvement strategy

- ❖ The National Planning Policy Framework [NPPF] requires councils to carry out public consultation on plans that is transparent and front-loaded (ie. at the earliest opportunity). Paragraph 16 says that *“Plans should be shaped by early, proportionate and effective engagement between plan makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees...”*
- ❖ MSDC's Statement of Community Involvement requires that *“the community should be involved as early as possible in the decision making process when there is more potential to make a difference”* and that *“community involvement should be accessible to all those who wish to take part”*.
- ❖ MSDC claim to have met their obligation to consult with residents by; Issuing a single press release; Email alerts (to the few people with prior knowledge of the consultation and so had registered their email address); ad-hoc comments on the Council's social media channels; posts on the Council's website; and exhibition boards in the public library (for a few days during the Regulation 18 consultation period and nothing at all for the Regulation 19 consultation).
- ❖ The evidence shows that these communication channels have been wholly inadequate in reaching residents and hard-to-reach groups.
- ❖ **Ineffective Press Release Campaign** ... MSDC state that the press release was distributed to the following:
  - **TV outlets** – ITV Meridian News & BBC South East Today
  - **Radio Stations** – BBC Radio Sussex; BBC Radio Surrey; Burgess Hill Community Radio; Heart Radio; Meridian FM & More Radio
  - **Newspapers** – East Grinstead Courier; Mid Sussex Times; The Argus & West Sussex County Times
  - **New Agencies** – Dehaviland; Dods Monitoring & Press Association
  - **Magazines** – Cuckfield Life; East Grinstead Living; Hurst Life; Lindfield Life; RH Uncovered & Sussex Living
  - **Websites** – BBC News Online; Burgess Hill Uncovered & Crawley News 24
- ❖ However MSDC have failed to monitor whether the press release was used by these media outlets.
  - Officers can only say that they *“were aware that the Mid Sussex Times ran a story on 30th July regarding the consultation.”* Just one entry in a weekly paper servicing the towns of Burgess Hill and Haywards Heath but that is not distributed in East Grinstead or Felbridge. No publicity in the local East Grinstead paper despite the DPD proposing over half of the homes to be allocated in East Grinstead and Felbridge.

❖ **No alerts on the Council's website ...**

- Neither the main landing page nor the main 'Planning and Building' page make ANY reference to the consultation.
- The Council's dedicated 'Consultations' page advertises only a 'Public Spaces Protection Order – Dog Control Consultation', and says NOTHING about the Site Allocations consultation.

❖ **No alerts in Mid Sussex Matters ...**

- MSDC's own magazine is distributed at taxpayers' expense 3 times a year to 73,000 households in Burgess Hill, East Grinstead, Haywards Heath and Mid Sussex villages.
- MSDC say that *"Wherever possible, details of forthcoming consultations are included within the magazine, this is our preference as it reaches every household in the district. However publication dates and consultation dates do not always coincide."*
- The Spring 2020 edition failed to mention the Site Allocations consultation but did alert readers to the review of the local plan not due to start until 2021.

## **2. The Council has failed to adequately assess all potential sites**

Unsound because ...

- ☒ Alternative sustainable sites that would better meet Crawley's unmet need were summarily discarded without due consideration
- ☒ So-called 'High Performing Sites' were not adequately assessed against acknowledged Highway constraints or EGNP policies

- ❖ The purpose of the Site Allocations DPD is to meet the Inspector's requirement for MSDC to allocate sites to help accommodate Crawley's unmet need, which they had failed to take account of in their submitted District Plan.
- ❖ Deliverable sites nearer to Crawley have been dismissed without proper regard to their overall sustainability and without being assessed against any of the 17 planning considerations imposed on the sites allocated in the DPD.
- ❖ National planning policy (NPPF) says that development plans should be prepared on the basis that all reasonable alternatives are explored. Two significant deliverable and sustainable options were dismissed without due consideration.
- ❖ The site put forward at Crabbett Park (SHEELA Reference 18) could provide up to 2,300 homes close to the Crawley and could be linked into the Fastway public transport system. This would allow future residents ready access to Crawley's extensive services, infrastructure and employment opportunities using sustainable transport.

- ❖ Developers Mayfield have put forward a proposal for a new, sustainable, mixed-use, garden village south of Crawley (Mayfields Market Town) in which the developer has undertaken to provide a comprehensive range infrastructure services before the site is occupied. Whilst Horsham DC have engaged positively with Mayfield, MSDC have failed to do so.
- ❖ MSDC say that all sites in the DPD must be 'contiguous with an existing settlement' as set out in policy DP6. This policy was not designed to take account of housing shortfalls in neighbouring authorities and is insufficiently flexible. NPPF paragraph 81 says that "*planning policies should be flexible enough to accommodate needs not anticipated in the plan*".
- ❖ MSDC officers confirm that the site at Crabbett Park was rejected solely due to its lack of 'Connectivity with existing settlements'. They say that ... "*The criteria established to assess the degree of separation is based on a distance of 150m from the built up area boundary (as defined on the Policies Maps)*".
- ❖ This is an error in fact - the site at Crabbett Park is less than 100m from the built-up boundary of Crawley, meaning that the selection process was unsound and the site rejected on spurious grounds.
- ❖ The sites in East Grinstead & Felbridge were evaluated as 'high performing sites' without any evidence being presented to show that the assessment took account of the widely reported traffic constraints or relevant neighbourhood plan policies.
  - The site assessment section on 'highways', arguably the most relevant to the sites along the A264/A22 corridor, was left blank.
  - No evidence is offered to show that policies EG2, EG2a or EG11 were genuinely considered or that they played any role in the overall assessment of sites.

### 3. Allocation of sites SA18, SA19 & SA20 would lead to reduced opportunities for people to live and work within their communities

Unsound because ...

- ☒ Unsustainable separation of homes and employment space

- ❖ There is no housing shortfall in East Grinstead or Felbridge where the housing need is fully satisfied by the 782 homes already completed since the start of the plan period together with the 1,238 homes already committed ...
  - 714 with permission as at April 2014
  - 270 allocated in the Neighbourhood Plan
  - 254 permitted since April 2020

[Source: MSDC Housing Land Supply 'Completions and Commitments' 2020]
- ❖ The proposed sites are required to meet a housing shortfall in Crawley for about 1,500 new homes. Nearly half of these are proposed for two sites in East Grinstead and Felbridge. Alternative and more sustainable development sites on the edge of Crawley have been dismissed without proper consideration.



- ❖ The proposed site allocations at East Grinstead and Felbridge run counter to District Plan strategic objectives to support sustainable economic growth. A stated aim of Policy DP1 is *“to provide opportunities for people to live and work in their communities, reducing the need for commuting”*.
- ❖ The DPD proposes 9 new employment sites elsewhere in the district but none in East Grinstead or Felbridge.
- ❖ Felbridge is a medium sized village with very limited employment opportunities and East Grinstead has suffered a very significant loss of employment space since the beginning of the plan period.
- ❖ A key finding of the Mid Sussex Economic Profile Study (2018), says that *“There has been a significant loss of floor space to residential conversions particularly in East Grinstead.”* This study reports 19,440m<sup>2</sup> of commercial office space in East Grinstead.
- ❖ Since then East Grinstead’s stock of office space has continued to decline, with 12,000m<sup>2</sup> (62%) being lost as a result of a single planning permission for the conversion of East Grinstead House in June 2020.
  - The East Grinstead Business Association objected to the conversion, saying that we have lost *“7 existing, long standing, large and well known successful local businesses that have live leases and in combination employ around 1,000 people”*
  - The conversion will yield another 253 homes, with potentially double the number of new residents needing to commute out of East Grinstead for work
  - Large sites do not contribute towards the MSDC windfall targets but unplanned homes on this scale should count towards the number of homes the Site Allocations DPD is required to provide
- ❖ MSDC confirm that they do not monitor the amount of office floorspace lost through residential conversions, so have no evidence to show that the 772 homes proposed for East Grinstead and Felbridge are sustainable. Potentially, there could be 1,500 new residents and no new employment space.
- ❖ Increasing traffic congestion and loss of employment space act as significant constraints on economic growth and investment. Another stated aim of Policy DP1 is *“to promote a place which is attractive to a full range of businesses, and where local enterprise thrives”*.

#### **4. Allocation of sites SA18, SA19 & SA20 would lead to unsustainable traffic congestion with local junctions already over capacity**

Unsound because ...

- ☒ Material up-to-date traffic evidence is being withheld from the consultation process
- ☒ The MSDC strategic transport assessment understates baseline traffic conditions
- ☒ Despite this, the model highlights a severe cumulative impact in-combination with allocations in the adopted plan
- ☒ There are no demonstrable highway mitigation proposals

- ❖ Multiple traffic studies confirm that the local highways network is a significant constraint to development in East Grinstead and threatens its future economic sustainability. The East Grinstead Neighbourhood Plan states that *“The constrained nature of East Grinstead’s current infrastructure is by far the greatest challenge facing the town in the immediate future, with existing roads and junctions already over capacity.”*

- ❖ MSDC has published a revised transport study by SYSTRA as evidence to support the Site Allocations DPD. They have also jointly commissioned WSP to carry out a study into Felbridge A264/22 junction capacity and to look in detail at options to alleviate congestion.

### WSP Study

- ❖ An Executive Summary Report dated October 2019 was published by Tandridge District Council but this report has NOT been disclosed by MSDC. It is understood that MSDC is refusing permission to release the full report for consultation.
- ❖ The WSP Executive Summary concludes that the A264/A22 junction in Felbridge is currently operating over capacity ...
  - *"The Felbridge junction has been identified as a constraint to development coming forward in Tandridge and the Felbridge/East Grinstead area. The junction currently operates above capacity leading to congestion during peak periods and at other times of the day."*
  - The congestion figures for the A264 approach arm were measured in 2018 ...

	AM Peak	PM Peak
Junction Capacity *	106.60%	101.40%
Vehicle Queue Length	48	33
Queuing Delay	3 mins 2 secs	1 min 55 secs

\* 100% is deemed to be a junction's theoretical capacity

- ❖ The WSP Executive Summary confirms that their recommended option requires the compulsory purchase of 3rd party land and while it offers a temporary improvement over the 'do nothing' option, it was unable to prevent the junction becoming over capacity once again by the end of the plan period.

### SYSTRA Report

- ❖ The MSDC strategic transport study predicts that most major junctions in East Grinstead and surrounding area will be over-capacity by the end of the plan period BEFORE considering the additional impact of the proposed allocations.
- ❖ The SYSTRA model predicts that the 772 houses being proposed for East Grinstead and Felbridge will significantly increase the current levels of 'rat running' along residential streets and country lanes.
- ❖ The SYSTRA model attributes the severe capacity issues to houses already allocated by the 2018 District Plan and argues that the impact of the proposed DPD allocations taken separately is not sufficient to trigger the National Policy 'residual cumulative impact' test ...
  - NPPF paragraph 109 states that *"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."*
  - The impact of traffic from sites proposed in the Site Allocations DPD is not separate from the traffic impact from sites allocated in the Local Development Plan. The Sites Allocation DPD is allocating sites within the District Plan as instructed by the inspector, in order to rectify MSDC's earlier failure to take account of Crawley's unmet need in its submitted draft District Plan.
  - MSDC argue that traffic generated by the Local Development Plan is an 'existing situation' and can be ignored when applying the 'residual cumulative' test. This is untenable.

- ❖ The SYSTRA model relies on adjusted traffic data from 2008. This significantly understates the existing levels of congestion at the A264/A22 junction in Felbridge when compared with the WSP model using data collected in 2018.

	SYSTRA Model			WSP Model	
	AM Peak	PM Peak		AM Peak	PM Peak
Junction Capacity	61%	65%		106.60%	101.40%
Vehicle Queue	2	3		48	33
Queuing Delay	15 secs	21 secs		3 mins 2 secs	1 min 55 secs

- ❖ MSDC have chosen not to publish the findings of the more recent WSP traffic study and are therefore considered to be withholding material evidence from the consultation process, preventing residents being informed of the expected consequences of development.

### No Deliverable Mitigation

- ❖ To mitigate the impact of the proposed allocations in East Grinstead, MSDC makes vague references to an 'A264/A22 corridor improvement project' and a project to deliver unspecified 'Bus priority along the A22'. There are no deliverable or specific proposals in the Infrastructure Delivery Plan and no secure funding.
- ❖ WSP were jointly commissioned to investigate improvement options on the A264/A22 in 2018 but MSDC have chosen not published the findings. The WSP Executive Summary calls into question the deliverability of the sites at East Grinstead and Felbridge.
- ❖ There are no proposals for highway interventions in the Site Allocation DPD or Sustainability Appraisal to mitigate the impact of the proposed sites in East Grinstead and Felbridge, either alone or in combination with sites already committed in the Local Development Plan.
- ❖ This Site Allocation DPD is therefore contrary to national policy ... NPPF paragraph 108 states that "*In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that: 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.*"

## 5. Allocation of sites SA19 & SA20 would be contrary to the NPPF and the Local Development Plan

Unsound because ...

- ☒ Sites SA19 and SA20 are in conflict with Neighbourhood and District Plan policies
- ☒ Proposed site allocations at Felbridge and Imberhorne Farm are outside the East Grinstead/Felbridge built-up boundaries and are therefore against policies EG2, EG2a, DP12 and DP13
- ☒ In the absence of demonstrable proposals to resolve the local junction capacity issues, the site allocations in East Grinstead and Felbridge are in conflict with policies EG11 and DP21

- ❖ At a review of Neighbourhood Plan policies on 3rd May 2018 following the adoption of the District Plan, MSDC confirmed that apart from policy EG5, the Neighbourhood Plan was in conformity.
- ❖ Policies EG2 and EG2a are designed to resist development outside the built-up boundary and "to ensure that development does not result in the gradual accretion of development at the urban fringe". These policies conform to MSDC's own policies DP12 and DP13, which say ... "*The primary objective of the District Plan with respect to the countryside is to secure its protection by minimising the amount of land taken for development and preventing development that does not need to be there.*"



- ❖ It is not clear why MSDC believe the houses to meet the housing shortfall in Crawley are best located in the countryside in the gap between the Felbridge and East Grinstead, outside their urban boundaries when sustainable sites adjacent to Crawley have not been properly evaluated.
- ❖ The proposed site allocations SA19 and SA20 are outside the East Grinstead & Felbridge built-up boundaries and are therefore against both Neighbourhood and District Plan policies [EG2, EG2a, DP12 & DP13].
- ❖ The supporting text to policy EG2 (at paragraph 4.9) explicitly calls for development to be refused in the areas of countryside at Imberhome Farm and south of the Crawley Down Road ... precisely the location of the proposed sites SA19 and SA20.
- ❖ Policy EG11 was designed to ensure that East Grinstead didn't have to accept housing allocations like these without compensating improvements to the local highways network being delivered ... *"Proposals, which cause a severe cumulative impact in terms of road safety and increased congestion, which cannot be ameliorated through appropriate mitigation will be refused"*.
- ❖ Policy EG11 fully supports policy DP21 which requires that ... *"development is accompanied by the necessary infrastructure in the right place at the right time that supports development and sustainable communities. This includes the provision of efficient and sustainable transport networks"*.

## 6. Allocation of SA19 would represent an unacceptable extension to Felbridge village and result in coalescence with East Grinstead

Unsound because ...

- ☒ SA19 is contrary to the spatial housing objectives of policy DP6
- ☒ SA19 is contrary to Neighbourhood Plan policies EG2 and EG2a and corresponding District Plan policies DP12 and DP13

- ❖ Felbridge is a rural village in Surrey with a small strip of land south of the Crawley Down Road falling within the administrative boundary Mid-Sussex.
- ❖ TDC acknowledge in its Settlement Hierarchy Addendum 2018 that *"although the proximity of East Grinstead plays a role in Felbridge's sustainability, the settlement itself can only demonstrate a basic level of provision and as such is categorised as a Tier 3 (rural settlement)"*
- ❖ However, MSDC is treating the land south of the Crawley Down Road as an extension to East Grinstead without due regard for its village status or the gap between the two distinct communities.
- ❖ With no more frontage sites available along the Crawley Down Road, MSDC are allowing the extension of the village towards East Grinstead, with 120 homes recently approved as back land developments. With a current population of 532 homes, the existing commitments will increase the number of homes by nearly 25%. The village has no doctor's surgery, pharmacy, dentist, opticians and only a small convenience store. Infrastructure contributions and subsequent council taxes will go to centrally to MSDC in Haywards Heath with no plans to improve meagre services in the village.
- ❖ The proposal to allocate SA19 as an additional back land site for 200 homes south of the Crawley Down Road would result in an increase in the number of homes by a further 30%; without any plans or funding to improve infrastructure that would mitigate the harm to the function and character of the village.

- This is contrary to policy DP6 (Settlement Hierarchy) which allocates a much smaller proportion of housing requirement to Tier 3 medium sized villages.
- The strategic aims of policy DP6 are ...*“To promote well located and designed development that reflects the District’s distinctive towns and villages, retains their separate identity and character and prevents coalescence”, and “To create and maintain town and village centres that are vibrant, attractive and successful and that meet the needs of the community”.*
- ❖ The proposed site is located outside the built-up boundaries of both Felbridge and East Grinstead. This is contrary to policy DP12 (Protection and enhancement of countryside) which says that ...*“The primary objective of the District Plan with respect to the countryside is to secure its protection by minimising the amount of land taken for development and preventing development that does not need to be there”.*
- ❖ The site allocation is also contrary to the strategic aim of policy DP13 (Preventing Coalescence) ...*“To promote well located and designed development that reflects the District’s distinctive towns and villages, retains their separate identity and character and prevents coalescence.”*
- ❖ The East Grinstead Neighbourhood Plan expressly lists the land to the south of Crawley Down Road as contrary to policies EG2 and EG2A to ensure development “does not result in the merging or coalescence of settlements and the gradual accretion of development at the urban fringe”.

## **7. Allocation of SA19 would result in loss of valued agricultural land and habitat, harm the setting of heritage assets and result in coalescence with the village of Felbridge**

Unsound because ...

- ☒ SA19 landscape assessment not supported with evidence
- ☒ SA19 contrary to DP34 and NPPF paragraph 175

- ❖ Site allocations SA20 is surrounded by high yielding agricultural land that justifies an Agricultural Land Classification Grade of 3a (ie. the best and most versatile agricultural land).
  - District Plan DP12 says that *“Where identified, Grade 1, 2 and 3a agricultural land should be protected from development due to its economic importance and geological value. This is the land which is most flexible, productive and efficient and can best deliver future crops for food and non-food uses.”*
  - The Sustainability Appraisal reports that the Council currently lacks data to distinguish Grade 3 from 3a agricultural land and assumes a default classification of 3 without evidence.
  - The planning assessment proforma rates the SA20 site location as having a ‘positive impact’ on the Landscape without any explanation or evidence to support the officers’ opinion.
- ❖ Site allocation SA20 is adjacent to the Grade II Listed Gullede Farmhouse and Imberhorne Farm Cottages
  - The rural setting of these listed buildings is important to their value as heritage assets and development on the site would overwhelm the buildings and result in significant harm
  - District Plan policy DP34 says that *“Special regard is given to protecting the setting of a listed building”*

- ❖ The proposed site also lies adjacent to a substantial area of ancient woodland which is already 'hemmed in' on two sides by residential and industrial development. Further development would serve to isolate the woodland from the surrounding countryside resulting in unnecessary habitat fragmentation ...
  - Ancient woodland is classified by National Planning Policy as an 'unreplaceable habitat' and NPPF paragraph 175 says *"development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons"*
  - Natural England states that *"Ancient woodland and the wildlife it supports are particularly vulnerable to various impacts associated with nearby residential areas. These include recreational disturbance, fly tipping, light pollution, introduction of non-native plant species from garden waste, predation of wildlife by pet cats and pollution from dog faeces"*
  - These harmful impacts can only be mitigated to a limited degree by the imposition of a buffer zone.
- ❖ The farmlands at the proposed SA20 site location provide an important breeding habitat for 'red list' bird species such as the Skylark and Yellowhammer with loss of habitat being the main reason for the sharp population decline.
  - The developer's own Ecological Survey acknowledges that the Skylark *"requires more specialised ground nesting provisions"* and that the ability of the SANGS to compensate for the loss of farmland habitat is limited due to recreational disturbance.
  - NPPF paragraph 175 says that *"if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused."*

## **PART D – ADDITIONAL CONCERNS I HAVE AS AN EAST GRINSTEAD RESIDENT**

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IN MARCH 2020 HOUSING SECRETARY ROBERT JENRICK UNVEILED INITIAL HOUSING PROPOSALS AHEAD OF A PROMISED WHITE PAPER, INCLUDING AN AMBITION FOR AN 'INFRASTRUCTURE FIRST' APPROACH TO PLANNING.

Cllr Philip Atkins, housing and planning spokesperson for the County Councils Network, said:

*"The Housing Secretary's ambition to move to an 'infrastructure first approach' to planning chimes with what many communities in county areas would like to see. More homes are being built – but we need to move away from simply planning by numbers to instead making sure that new developments do have access to the right amenities – both for existing and new residents."*

This present proposal gives no clear proof that this is happening, rather the opposite will happen if this proposal goes ahead with East Grinstead, Crawley Down and the Police Station having nothing included to provide the sort of environment present residents are lacking, nor future infrastructure required for the new developments.

### **Generic Concerns**

- ❖ Most schools in these areas are oversubscribed; new developments only increase the pressure on this. It is widely acknowledged the town already needs additional schools. These should be put in place prior to any new development as per the housing minister's proposals.

- ❖ There is much talk about improving infrastructure, there is no mention what will be done, how or who will pay for this. The proposal just mentions 'contributions', which are not specific and tend to be proven unreliable.
- ❖ The greenfield space around East Grinstead is slowly but surely being eroded, to the detriment of its residents. When will it stop? It has become an overdeveloped town with too much traffic with an increasingly poor infrastructure.
- ❖ Local habitat could be destroyed.
- ❖ Increased pressure on parking in Town, at the station and residential roads around it. I live in a road near the station and suffer with commuter parking and the issues this brings, this can only get worse with increased commuters.
- ❖ GPs and QVH have limited facilities and extremely stretched.
- ❖ Trains only travel north and buses are far too few with insufficient frequency and stop running far too early. Result of new housing equals extra traffic and associated pollution.
- ❖ There is little employment in EG, majority of workers commute to places outside of town, very many by car. If they work in London they will need transport to the station, which is not walkable in a reasonable time. Roads around the station will get more commuter parking.
- ❖ On top of all the current and proposed developments many large office blocks are or are being converted into, apartments. There could well be a situation where supply outstrips demand leading to property values decreasing.
- ❖ Parents will not stop driving their children to school safely given their fears of walking or cycling or putting them on a bus alone.

My specific concerns with each site are below; they are based 'pre-Covid':

#### **Proposed Imberhorne Development – SA20**

- ❖ This land is an arable greenfield site, can the country afford to be losing this facility as we move out of the EU?
- ❖ The town is already in need of much improved infrastructure: Schools, both primary and secondary already oversubscribed; GPs, one currently closed to new patients and the other two have been in recent times, plus of course improved transport, including roads. It is common knowledge that there is a minimum four week wait to see a GP.

- ❖ The access roads to the site must use Imberhorne Lane which is often subject to long delays due to congestion. The additional cars from the proposed 550 dwellings will clearly make matters worse both along this road and surrounding areas, specifically the A22 corridor.
- ❖ Cycle routes need coordinated planning; the current 'temporary trial' cycle lane along the A22 has proved a failure having been declared dangerous, and removed.
- ❖ Lack of connectivity from the proposed site into town as it is too far to walk, minimum 30 minutes from Imberhorne Lane, much longer from Felbridge, so the car will be used. There is insufficient parking in town currently, leading to parking in residential roads nearby.
- ❖ Imberhorne school needs to be rebuilt not extended. The plan to incorporate the Imberhorne Lower school at Imberhorne Lane has been in place for a number of years, the site at Windmill lane is planned for redevelopment. How will the 'extended' school meet the demand from the lower school move and the new residents?
- ❖ Where will the funding for specialist facilities and associated staff come from for the SEN activities, currently this is part funded by the Government. The mention of this implies something more will be added to an ever decreasing SEN local and national budget.
- ❖ There is no guarantee the green corridors will remain as the whole development would be using land designated for greenfield/arable pasture. This development will not be sustaining the landscape, it will be destroying it.

### **Felbridge – SA19**

Most of the above equally applies to this site with respect to infrastructure requirements. And residents will be using the same schools, same town and the same roads.

- ❖ The access roads to the site must use Crawley Down Road which is often subject to long delays due to congestion. The additional cars from the proposed 200 dwellings will clearly make matters worse both along this road and surrounding areas, specifically the A22 corridor
- ❖ Will the pasture land be put to better use for agriculture as we have left the EU?



- ❖ Children attending Imberhorne will not have access to the school bus given the site is less than 3 miles from the school, so parents will have to drive them in. The walking route takes in the A264, A22 and Imberhorne Lane which are heavily used and hence leading to increased traffic pollution.
- ❖ The potential Flood risk issue with Felbridge water.
- ❖ Only a Small play space to be provided.

### **Police Station- SA18**

- ❖ Are these dwellings really needed by the town? A quick search on 'Rightmove' shows 198 flats for sale in East Grinstead, many being 'new homes'. The number of office blocks being converted into dwellings is significant and will only add to this number. Loss of office space in town has decreased business and employment opportunities.
- ❖ The proposed site lies inside the Eastcourt area of the Town and is a public amenity. As such it should not be sold for the benefit of a developer to provide 'high end' accommodation in park land. The site should be preserved for the use of the town for recreational and educational purposes.
- ❖ Access to the site is onto the A264 near the Blackwell Hollow/Mount Noddy roundabout. The East arterial road for East Grinstead. This is opposite the planned development at Blackwell Farm Road. Leaving the site will only be onto the roundabout leading to further congestion at a busy junction. If there are plans to use the other entrance to Eastcourt, this will increase traffic through the park putting the public using the facility at increased risk.

### **PART E – ACTIONS I AM SEEKING**

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I request that the following action is taken with respect to the draft Site Allocations DPD and associated documents:

1. The DPD should be withdrawn as it is not legally compliant - the consultation was not carried out in line with national policy or the MSDC Statement of Community Involvement.
2. The WSP transport report should be published in full and its findings submitted for consultation.
3. The proposed allocations at East Grinstead and Felbridge should be withdrawn as they cannot be delivered sustainably.
4. MSDC should withdraw the DPD and carry out a proper evaluation of sustainable sites close to Crawley including Crabbet Park and Mayfield.

5. In the event that the Inspector decides the DPD should progress to Examination then any allocations at East Grinstead or Felbridge should be made contingent on delivering the junction improvements identified in Atkins 3 and the WSP studies.
6. MSDC to carry out a survey to establish the current levels of 'traffic pollution' at the A22/A264 and the A22/Imberhorne Lane junctions. The results to be compared against acceptable safe levels and what the impact of an increase of 750 households in the immediate area would have on these levels.
7. MSDC to explain why East Grinstead/Felbridge is expected to provide housing caused by the shortfalls in Crawley when there are significant developments underway around the M23/A264 junction, along the M23 and along the A264 corridors.
8. MSDC to provide number of Pupil places available in East Grinstead currently against the expected demand from new residents.
9. 'New' local developments in recent years have not adequately planned for the parking requirements of the households. How will MSDC ensure the Developer will provide adequate parking on this development? Failure to do so will impact adjoining areas.
10. MSDC to how the additional SEN provision at Imberhorne School can be met against the current shrinking SEN fund provided by the Government and what will be the impact when spread across the increased number of students.
11. MSDC to explain how it will ensure the developer will deliver all the 'promised' infrastructure improvements, or like so many cases we hear of will they slowly but surely not become reality?
12. MSDC to state what they will do to improve the existing 'failing' town infrastructure, and how will success be measured in the following areas:
  - a) NHS providers, e.g. GP access and QVH.
  - b) Education.
  - c) Transport.
  - d) Police presence.
13. MSDC to guarantee no further development at all three sites on surrounding land IF these proposals proceed, will precedents be set. I sincerely hope these are not 'thin edges of wedges' eating into our agricultural, pastures and public spaces.
14. MSDC to explain why the school is being extended and not 're-built' or a new school built in order to meet growing pupil numbers and provide improved educational and recreational facilities that could be used by the wider community. Currently the school is not fit for purpose, particularly being located on two sites, Imberhorne Lane and Windmill Lane.
15. MSDC to detail the size of 'public Space' on the Imberhorne site to be provided as far too much open space is being 'developed'.

16. The Imberhorne school proposal states 'Gypsies and Travellers and Travelling Showpeople provision may be required'. East Grinstead is currently not listed as a potential site for these people. MSDC to declare if this has changed?
17. The Felbridge site has one access road onto the Crawley Down Road with most traffic leading onto the A264 and then A22. East Grinstead is well known for not having a 'fit for purpose' road system for many years with the counties involved never agreeing a way forward. There appears no scope to improve what is there, what does the developer intend to collaboratively do with the local councils?
18. MSDC to conduct a survey of traffic use at the A264/Mount Noddy roundabout and impact of proposed developments at the Police Station and Blackwell Farm Road
19. to establish increased use and pollution levels.
20. I do not wish to take part in the Examination but I support the arguments made by the Infrastructure First Group with respect to SA19 and SA20 and would like them to represent me at the Examination. My contributions with respect to S18 are my representation.

**1821**

## Site Allocations DPD: Regulation 19 Consultation Response

**Policy:** SA11

**ID:** 1821

**Response Ref:** Reg19/1821/2

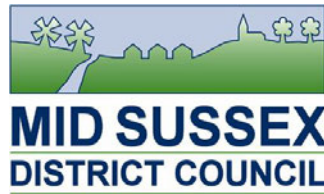
**Respondent:** Mr G Dixon

**Organisation:** Savills

**On Behalf Of:** Charterhouse Land - SA25

**Category:** Promoter

**Appear at Examination?** ✓



## **Site Allocations Development Plan Document Regulation 19 Submission Draft Consultation Form**

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

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

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

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

The Site Allocations DPD is available to view at:

[www.midsussex.gov.uk/planning-building/development-plan-documents/](http://www.midsussex.gov.uk/planning-building/development-plan-documents/)

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

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

**Please return to Mid Sussex District Council by midnight on 28<sup>th</sup> September 2020**

### **How can I respond to this consultation?**

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

[www.midsussex.gov.uk/planning-building/development-plan-documents/](http://www.midsussex.gov.uk/planning-building/development-plan-documents/)

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

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

**E-mail:** [LDFconsultation@midsussex.gov.uk](mailto:LDFconsultation@midsussex.gov.uk)

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

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

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### 1. Personal Details

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



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

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

## Part B – Your Comments

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

**Name or Organisation:**

Savills

### 3a. Does your comment relate to:

Site  
Allocations  
DPD

☒

Sustainability  
Appraisal

☐

Habitats Regulations  
Assessment

☐

Community  
Involvement  
Plan

☐

Equalities  
Impact  
Assessment

☐

Draft Policies  
Maps

☒

### 3b. To which part does this representation relate?

Paragraph

Policy SA

25

Draft Policies Map

### 4. Do you consider the Site Allocations DPD is:

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

Yes

☒

No

☐

4b. Sound

Yes

☒

No

☐

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

**Sound**

**Unsound**

(1) Positively prepared

☒☐

(2) Justified

☐☒

(3) Effective

☒☐

(4) Consistent with national policy

☒☐

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

Please see accompanying Representations

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

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

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

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

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

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

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



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

☐

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

☒

**Yes**, I wish to participate at the oral examination

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

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

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

**10. Please notify me when:**

(i) The Plan has been submitted for Examination

☒

(ii) The publication of the recommendations from the Examination

☒

(iii) The Site Allocations DPD is adopted

☒

Signature:



Date:

24/09/2020

**Thank you for taking time to respond to this consultation**

# Representations to the Site Allocations DPD

Regulation 19 Submission Draft Consultation

Land West of Selsfield Road, Ardingly





## Contents

1.	Executive Summary	1
2.	The Site	2
3.	Draft Allocation – Site SA25	4
4.	National Planning Policy Position	5
5.	Considerations	9
6.	Conclusion	13
	<b>Appendices</b>	<b>15</b>
	Appendix 1.0 Proposed 100 Unit Scheme for Site SA25	16

# 1. Executive Summary

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

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## The Purpose of the Representations

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



## 2. The Site

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



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

## Representations to the Site Allocations DPD

### Regulation 19 Submission Draft Consultation

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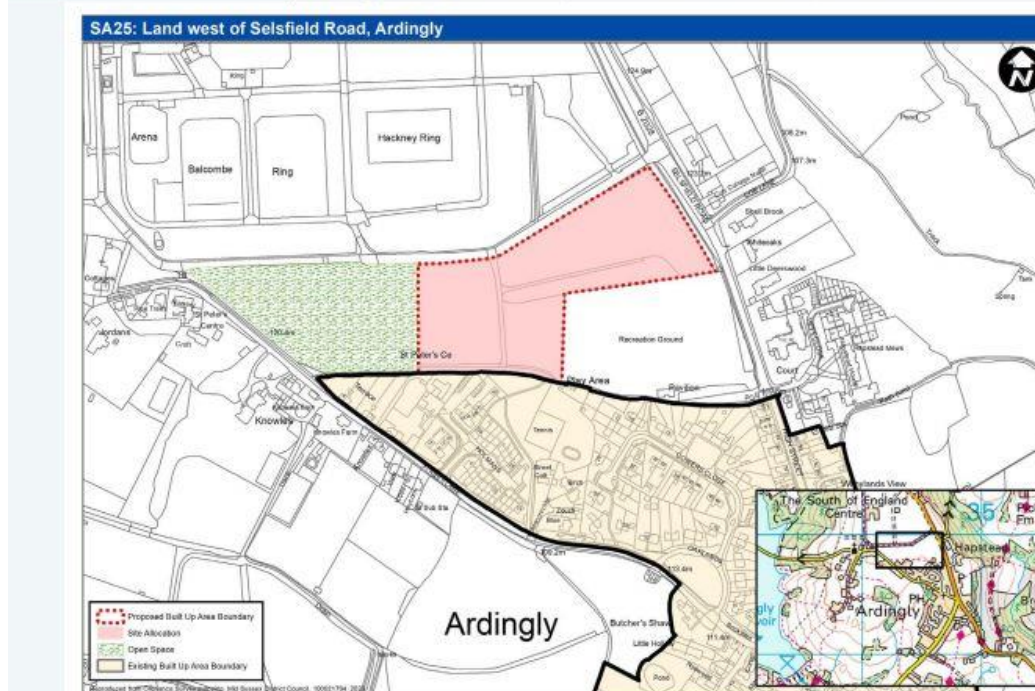


- 2.4. The Site is also located in close proximity to existing public transport, with a bus stop less than 100m from the eastern boundary of the site on the B2028, providing services to Crawley and Haywards Heath. Haywards Heath train station is located only 6km away to the south, and provides regular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

### 3. Draft Allocation – Site SA25

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

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



## 4. National Planning Policy Position

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

### National Planning Policy Framework (2018)

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

**Economic Role** – helping to build a strong, responsive and competitive economy by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity;

**Social Role** – supporting strong, vibrant and healthy communities by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs;

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

- 4.5. Paragraph 11 sets out a presumption in favour of sustainable development. For plan making, this means;
- a) *Plans should positively seek opportunities to meet the development needs of their area, and be sufficiently flexible to adapt to rapid change;*
  - b) *Strategic policies should, as a minimum, provide for objectively addressed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless:*
    - *The application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area; or*
    - *Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole*



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

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

### Planning Practice Guidance

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

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

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

## 5. Considerations

- 5.1. The adopted District Plan 2014-2031 identifies that the District's Objectively Assessed Housing Need (OAHN) as 14,892, and that there is an unmet need in the Northern West Sussex Housing Market Area of 1,498. Therefore the minimum District housing requirement over the plan period is 16,390.
- 5.2. As identified in the Site Allocations DPD, the District Plan 2014-2031 allocated four strategic locations which made provision for the delivery of 5,080 dwellings over the plan period. When taken alongside all other allocations or known completions, this left the housing delivery in Mid Sussex short of its intended target. As part of the District Plan, a commitment to produce a Site Allocations DPD was made to provide further housing allocations and so meet the required need.
- 5.3. Accordingly, the Submission Draft Site Allocations DPD has been produced, which provisionally allocates 1,764 dwellings. This document as a whole is supported in principle, however aspects of particular policies merit additional comment:

### **Policy SA10: Housing**

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

### **Policy SA11: Housing Allocations**

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

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

#### **Policy SA25: Land West of Selsfield Road, Ardingly**

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

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

### Summary

- 5.17. MSDC need to ensure that a suitable range of sites, of varying sizes and scales, are allocated in the Site Allocations DPD to ensure the delivery of a sufficient number of new homes to ensure a robust position when measured against five year housing land supply or the Housing Delivery Test. MSDC needs to ensure that the Plan is able to meet the demands both in terms of providing for housing need but also delivering at a sufficient rate.
- 5.18. Through seeking to distribute housing proportionally across the differing settlement categories, MSDC are seeking to ensure that the Site Allocations DPD provides a sufficient number of homes in a manner that is manageable for local communities and will not result in local services and facilities being unable to cope. Indeed research has shown that housing growth will have a wholly positive effect on local shops and services by providing valuable additional custom.



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

## 6. Conclusion

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



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

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## Appendices

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## Appendix 1.0

### Proposed 100 Unit Scheme for Site SA25

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# Sketch Illustrative Masterplan

## Land West of Selsfield Road, Ardingly



### Key Features

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

Scale NTS @ A3

title Illustrative Masteplan

project Ardingly

client Charterhouse Land

job no 450456

drawing no MP001

revision -

date Feb 20

drawn by CO

checked by CO

urban design studio



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**1837**

## Site Allocations DPD: Regulation 19 Consultation Response

**Policy:** SA11

**ID:** 1837

**Response Ref:** Reg19/1837/1

**Respondent:** Ms A Rigano

**Organisation:**

**On Behalf Of:**

**Category:** Resident

**Appear at Examination?** x

[REDACTED]

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**From:** reaganna6 [REDACTED]  
**Sent:** 26 September 2020 09:35  
**To:** ldfconsultation  
**Subject:** Objection

I think the community has not been consulted. There will be too much traffic congestion. Use brown field sites instead. Lots of shops are closing. Redevelop the high street

Sent from my Samsung Galaxy smartphone.

1842

## Site Allocations DPD: Regulation 19 Consultation Response

**Policy:** SA11

**ID:** 1842

**Response Ref:** Reg19/1842/2

**Respondent:** Mr H Bennett

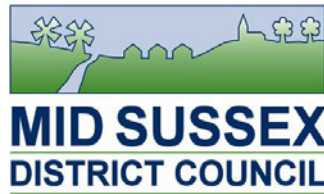
**Organisation:** Lichfields

**On Behalf Of:** Whitehall Homes LLP

**Category:** Organisation

**Appear at Examination?** ✓





## **Site Allocations Development Plan Document Regulation 19 Submission Draft Consultation Form**

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

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

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

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

The Site Allocations DPD is available to view at:

[www.midsussex.gov.uk/planning-building/development-plan-documents/](http://www.midsussex.gov.uk/planning-building/development-plan-documents/)

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

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

**Please return to Mid Sussex District Council by midnight on 28<sup>th</sup> September 2020**

### **How can I respond to this consultation?**

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

[www.midsussex.gov.uk/planning-building/development-plan-documents/](http://www.midsussex.gov.uk/planning-building/development-plan-documents/)

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

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

**E-mail:** [LDFconsultation@midsussex.gov.uk](mailto:LDFconsultation@midsussex.gov.uk)

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

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

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### 1. Personal Details

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



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

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

## Part B – Your Comments

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

**Name or Organisation:**

Lichfields on behalf of Whitehall Homes LLP

### 3a. Does your comment relate to:

Site  
Allocations  
DPD

☒

Sustainability  
Appraisal

☐

Habitats Regulations  
Assessment

☐

Community  
Involvement  
Plan

☐

Equalities  
Impact  
Assessment

☐

Draft Policies  
Maps

☐

### 3b. To which part does this representation relate?

Paragraph

N/A

Policy SA

10

Draft Policies Map

N/A

### 4. Do you consider the Site Allocations DPD is:

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

Yes ☒

No ☐

4b. Sound

Yes ☐

No ☒

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

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

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

N/A

t is

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

Please see attached representations.

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

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

Please see attached representations.

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

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

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

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

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

☐

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

☒

**Yes**, I wish to participate at the oral examination

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

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

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

**10. Please notify me when:**

(i) The Plan has been submitted for Examination

☒

(ii) The publication of the recommendations from the Examination

☒

(iii) The Site Allocations DPD is adopted

☒

Signature:

Date:

25/09/20

**Thank you for taking time to respond to this consultation**

# Representations to Mid-Sussex District 'Site Allocations DPD' Regulation 19 Consultation

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**Our ref** 62525/01/MS/HBE  
**Date** 25 September 2020  
**To** Mid Sussex District Council  
**From** Lichfields on behalf of Whitehall Homes

**Subject** Promotion of Swallows Yard, Albourne (Phases 1a and 1b)

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## **1.0 Introduction and scope of representations**

- 1.1 This consultation response has been prepared by Lichfields and is submitted on behalf of Whitehall Homes LLP ('Whitehall Homes'). This representation comprises the formal response to the Mid-Sussex District ('the Council') Regulation 19 'Draft Site Allocations DPD' consultation which closes on 28 September 2020. It accompanies the relevant 'Response Form'.
- 1.2 These representations relate primarily to Whitehall Home's interests at 'Swallows Yard, London Road, Albourne' ('the site') that is being promoted for housing development. In summary, part of the wider 'Swallows Yard' site (Phases 1a and 1b) should be allocated as part of the emerging 'Site Allocations DPD' ('the SA DPD') for a development of c.38 to 45 homes. Not only is it a deliverable site that can meet local identified need in the village of Albourne (in which no sites are to be allocated in the emerging plan) but can also support the shorter-term needs of the District. This is all in the context of the Government's aim to significantly boost the supply of housing.

## **2.0 The site: Swallows Yard**

### **Location and surroundings**

- 2.1 The site, known as 'Swallows Yard', is being promoted by Whitehall Homes for housing development in the village of Albourne. The site totals c. 4.66 ha and is currently in agricultural use on the northern edge of the village. The site fronts the B2118 to the east with residential dwellings to the south and south east. To the west is an existing employment site: 'Albourne Court', with open agricultural fields to the north.
- 2.2 The site is well related to Albourne and would extend the village north along the western side of the B2118 north of Henfield Road. We note that the vast majority of built development in Albourne is to the west of the B2118 away from the A23. There are limited services within the village itself; however, the nearby recreation ground and bus stops are all within the northern half of the village as are the majority of employment sites. The nearest centre is Hurstpierpoint which is easily accessible along the B2116; circa 1 mile from the site (c. 20-minute walk). Overall, the site represents a logical extension in what is considered a sustainable location for development in the village.
- 2.3 Whitehall Homes seeks allocation of Phases 1a and 1b of the development in the emerging SA DPD only. A location plan indicating the proposed phases for which immediate allocation is sought is appended to these representations (Appendix 1). In total, Phases 1a and 1b total c. 1.53 ha with the remaining c. 3.13 ha of land (Phase 2) reserved for longer term

promotion/development. Whitehall Homes consider that the phases for which immediate development is sought could accommodate 38 to 45 dwellings (at 25 to 30 dph).

## **Deliverability**

- 2.4 Swallows Yard is suitable for development now having no fundamental constraints to development (for example, it falls within Flood Zone 1), it is available for development now, and Whitehall Homes confirms a development on the site can be brought forward viably within the next five-years. Importantly, the site is also outside an 'Area of Outstanding Natural Beauty' noting that 60% of the District is under a national landscape designation<sup>1</sup>.
- 2.5 The main constraint on the site's development are nearby (albeit not adjacent) listed buildings. The design of any development would therefore need to consider its impact on these listed assets setting and a future application would need to be supported by a Heritage Statement. This is therefore a design constraint that can be considered at the planning application stage and would not preclude development. Subject to an allocation this could therefore be considered a deliverable site.

## **Summary**

- 2.6 Swallows Yard is well related to Albourne being on its northern edge, is well connected to the road network, and is close to local services such as the Albourne Recreational Ground and bus stops. It is therefore be a good candidate for development to meet both local and District wide housing needs. However, the site, nor any other site, has not been allocated in the emerging SA DPD. The remainder of these representations consider housing need/requirements in Albourne, why the site was not included as an allocation, and sets out why the site – Phases 1a and 1b – should be allocated for immediate development in the emerging SA DPD.

## **3.0 Is there a local need for homes in Albourne?**

- 3.1 Policy SA10 'Housing' sets out how the Council believes it will meet its minimum housing requirement (as per Policy DP4 in the adopted District Plan) allocating sites to address the residual District level housing need. SA10 identifies Albourne as a 'medium sized' village (Category 3 settlement) along with 11 others. These settlements have a total minimum requirement of 2,200 units over the next plan-period, for which there is a residual minimum need for 371-units in the plan-period (2014-2031). Of this residual, 238-units are proposed to be allocated in the emerging DPD leaving 133-units still to be identified as a minimum to meet the requirement.
- 3.2 Although sufficient allocations are made to meet the District need overall, this approach is not in conformity with Policy DP4 of the adopted Mid Sussex District Plan 2014 – 2031. This policy explicitly sets a spatial distribution for its housing requirement and by not allocating sufficient sites in Category 3 Settlements, the adopted spatial distribution is not being followed. This approach fails several tests of soundness: the policy is not effective in delivering the adopted spatial distribution of housing in Mid Sussex as adopted in the District Plan, it is not justified because it deviates from the adopted spatial distribution when there are sites available to meet this need, and the approach cannot be seen to be positively prepared, because it fails to meet the needs, described in adopted policy, of the residents of these Category 3 Settlements.

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<sup>1</sup> Page 56, Mid Sussex District Plan (2014-2031)

- 3.3 Looking at Albourne specifically, no housing sites are proposed for allocation in the emerging SA DPD. Figure 2.2 of the ‘Site Selection Paper 3: Housing Sites’ notes that Albourne requires a minimum of 60 additional homes over the plan-period. Of this, 21 units are already accounted for given existing commitments/completions; leaving a residual requirement (from April 2019) of 39 homes.
- 3.4 The need for 39 homes additional homes in Albourne is a requirement that the Council must look to satisfy. Given no sites are allocated in the village to meet both the Category 3 settlement and local need, the SA DPD does not currently allocate sufficient sites. As a consequence, Policy SA10 of the SA DPD is not positively prepared and additional housing sites – specifically Swallows Yard Phases 1a and 1b – should be allocated to meet this requirement. Without development, the age structure of the village will begin to skew towards older groups with less economically active residents (i.e. of ‘working age’). The population of the village would also be likely to decline as younger people move out to find suitable accommodation and more families are not formed in the village in the future because older residents continue to occupy the family housing. This can have a significant impact on local services, particularly the retention of schools, but also the necessary footfall for a range of other services.

### **Why were no sites (including Swallows Yard) allocated to meet this need?**

- 3.5 As detailed in the ‘Site Selection Paper 3: Housing Sites’, six SHELAA (2020) sites were assessed for potential housing allocations in Albourne. Of the six sites, five were rejected at the first ‘High Level Assessment’; including Swallows Yard (ID: 789). The reasoning for the rejection is that the sites development was *‘not compliant with the District Plan Strategy’*.
- 3.6 For information, Swallows Yard was assessed positively in the SHELAA (2020). Its assessment is appended to these representations (Appendix 2). This assessment confirms the site’s suitability (based on known constraints) and notes its availability for development. It is also noted that the site has safe access and that mitigation may be necessary given nearby listed buildings. However, the Council considered the whole 4.66 ha site in its entirety; assuming a yield of 144 units. It was therefore concluded the whole site could come forward in the ‘medium to long term’. Phases 1a and 1b have not therefore been considered in isolation by the Council to date.
- 3.7 Notwithstanding, Swallows Yard was considered for site selection in the ‘Site Selection Paper 3: Housing Sites’ paper for an allocation of 60 units. The other sites rejected at the ‘High Level Assessment’ stage ranged from six units in size (ID: 775) to 2,000 units (ID: 799). The criteria for the initial ‘High Level Assessment’ – as per Paragraph 3.3.1 of the ‘Site Selection Paper 3: Housing Sites’ – are as follows:
- *“the degree of connectivity between each site and its ‘host’ settlement, and;*
  - *the size of each site relative to its settlement’s position on the hierarchy and its indicative housing requirement.”*
- 3.8 Most of the sites proposed are on the edge of the village and relate well to Albourne (albeit some are better related than others). It would therefore appear that the Swallows Yard (ID: 789) site was not taken forward for a ‘Detailed Site Assessment’ primarily because the development represented too little or too much development in the village against a residual need of 39 units. The only site taken forward for a ‘Detailed Site Assessment’ was Land to the West of Albourne Primary (ID: 989). This site for 40 units (i.e. akin to the residual need) was rejected given its



impact on listed buildings and the conservation area, landscape, and the site's poor performance against sustainability criteria.

- 3.9 If this is indeed the case, Policy SA10 and the allocations based on the 'Site Selection Paper 3: Housing Sites' paper is not justified. The need for homes in Albourne is a minimum and there is a wider need for development in Category 3 settlements. Therefore site(s) for housing should not be rejected simply because they would deliver marginally above the residual need for homes (in the case of Swallows Yard just 21 units greater) if they are suitable and meet an identified minimum need. A more detailed assessment of sites – including whether sites could have been part allocated (i.e. for a reduced number) – should have been undertaken so as to ensure the minimum housing need for Albourne would be met. Indeed, an arbitrary assessment of the site relative purely to its size reaches a 'policy on' conclusion only and does not determine whether it is indeed suitable for development.

## Summary

- 3.10 There is a residual requirement for homes in both Albourne and Category 3 settlements more widely. However, no sites were taken forward for allocation in the village. On this basis Policy SA10 is not positively prepared, nor is it effective in delivering the adopted spatial distribution of housing in the adopted District Plan policy DP4. A more thorough assessment of how needs could be met in the village through the SHELAA (2020) process was also not undertaken. Therefore, the policy is also not justified. The next section of the representations set out why Swallows Yard (Phases 1a and 1b) should be allocated to meet this local need to ensure Policy SA10 is positively prepared.

## 4.0 Why should Swallows Yard (Phases 1a and 1b) be allocated to meet identified need in Albourne

- 4.1 Albourne requires additional development in the plan-period sufficient to deliver at least 39 units. The Council should therefore allocate sites to meet this minimum requirement and specifically should allocate Swallows Yard (Phases 1a and 1b) for a c. 38 to 45 unit development – as the best site in the village – to ensure Policy SA10 is positively prepared.

## Why should housing sites be allocated in Albourne?

- 4.2 The Council should not rely on windfall development to meet Albourne's needs. A windfall allowance – while justified in Mid Sussex as a District – as a starting point for an individual village this should not be included (Paragraph 70, NPPF). Local Planning Authorities should instead start by identifying specific sites deliverable/developable sites to meet its needs. Identifying such sites gives greater certainty to local communities about development in their area and greater certainty to the Council about future delivery.
- 4.3 Albourne is also a village for which there is an identified need. Relying on windfalls to meet the residual minimum need is not guaranteed. In general terms, without development the age structure of the village will begin to skew towards older groups with less economically active residents (i.e. of 'working age'). The population of the village would also be likely to decline as younger people move out to find suitable accommodation. It is primarily through the development of conventional housing – which are often brought by younger groups – that such movements in the age structure of a settlement can be reserved or halted. Of course, these new residents will increase expenditure in nearby centres and supporting local primary and

secondary school places and other services. Allocating sites in Albourne would therefore be a positive step to meet needs and support local services.

- 4.4 This is of course all in the context of the Government's expressed aim to significantly boost the supply of housing (Paragraph 59, NPPF). An allocated site has much greater certainty in this context of coming forward to achieve the Government's aim compared to relying on windfalls. On this basis, sites that are suitable should be allocated in Albourne to meet its needs.

## Comparison of Swallows Yard (Phases 1a and 1b) with other options in Albourne

- 4.5 There is a requirement for homes in Albourne and Swallows Yard (Phases 1a and 1b) represents a deliverable and the most sustainable option to meet the residual need of at least 39 homes in the village against the other SHELAA sites assessed. Table 1 details a comparison of Swallow's Yard (Phases 1a and 1b) against the other identified sites.

Table 1 Site Comparison

Site ID	Site Name	Site Yield	Assessment of Site against Swallows Yard
775	Grange View House, London Road, Albourne	6	The site would only yield six units which is not sufficient to meet local needs in Albourne; albeit would be a positive contribution. The site however is adjacent to a number of listed buildings which a development may impact the setting of. Crucially, the SHELAA assessment notes that 'safe access is not available'. This is therefore not a suitable site.
788	Q Leisure, The Old Sandpit, London Road, Albourne	250	The site is poorly related to Albourne, being located nearly 1km to the south of the main settlement. It would therefore, in effect, be a new village in the countryside. Given the site relates poorly to Albourne, development in this location would not meet its specific housing needs.
799	Land south of Reeds Lane, Albourne	2,000	The proposed site is far too large against the residual need for development in Albourne and would represent a strategic allocation. It is also poorly related to the village itself and would – in effect – create a development link between the village and Sayers Common to the north.
986	Land to the West of Albourne Primary School, Henfield Road, Albourne	40	While the yield of the development would meet the minimum requirement for Albourne, it has already rejected by the Council from a 'detailed site assessment'.

Source: Lichfields Analysis

- 4.6 Swallows Yard (Phases 1a and 1b) is a suitable site with access that can meet the minimum development requirement for conventional housing in Albourne. It is available for development and well related to the village itself. Clearly, it is the best candidate for development in the village in comparison to the above SHELAA (2020) sites.
- 4.7 Of note however is the former 'Hazeldens Nursery' site (ID: 58) which was also assessed as part of SHELAA (2020). An outline planning application for the development of up to 84 extra care

units (including communal facilities) was recently approved by planning appeal at the site (ref. 3241644). These units will however be in C2 use-class and the development is therefore not for conventional housing (C3 use class).

- 4.8 C2 units can contribute to the Council's housing supply; however, this is only in terms of the commensurate number conventional homes freed up. Applying the Housing Delivery Test ratio of 1.8<sup>2</sup> to the 84 units means that this development would free up c. 47 units more widely. However, these units will not necessarily be freed up within Albourne itself. Therefore, the development still would not meet the specific market housing needs of Albourne in full. A conventional housing site should therefore still be allocated despite this appeal being allowed.

## Swallows Yard: The Council's Five-Year Land Supply and housing need

- 4.9 The development of Swallows Yard (Phases 1a and 1b) could be delivered in the 'deliverable' timeframe (i.e. the next five-years). The site is suitable now (being in a sustainable location and is free of fundamental development constraints and outside the AONB), available now, and Whitehall Homes confirm that they can bring forward a viable scheme in the deliverable phases (for which a housing allocation is sought) subject to an allocation.
- 4.10 The Council can currently demonstrate a Five-Year Housing Land Supply ('5YHLS') as confirmed at the 'Land off London Road Appeal' (ref. 3231997). However, the latest position<sup>3</sup> was published in July 2019 – covering the five-year period from April 2019 to March 2024 – and no position has been published since. There are a number of key points to consider looking forward in respect of the Council demonstrating a 5YHLS when it updates its position:
- 1 **The adopted housing requirement:** The Council's five-year requirement from the next five-year period will start increasing as the adopted stepped housing requirement (Policy DP4 in the adopted District Plan) takes effect. The annual requirement itself rises from 876 dpa to 1,090 dpa: an increase of 194 dpa (+22%). It will therefore become increasingly difficult for the Council to demonstrate a 5YHLS and more sites that can deliver in the short term should be allocated.

<sup>2</sup> As per paragraph 11 -

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/728523/HDT\\_Measurement\\_Rule\\_Book.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/728523/HDT_Measurement_Rule_Book.pdf)

<sup>3</sup> <https://www.midsussex.gov.uk/media/4312/housing-land-supply-position-annual-statement-july-2019.pdf>

Table 2 Mid Sussex DC Rolling Five Year Requirement

Year	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31
Target (dpa)	876	876	876	876	876	1,090	1,090	1,090	1,090	1,090	1,090	1,090
Rolling basic Five-Year Requirement (dwellings)	4,380 – Current Published Position											
		4,594										
			4,808									
				5,022								
					5,236							
						5,450						
							5,450					
								5,450				

Source: Mid-Sussex District Plan (2018) Red = no effect of stepped requirement, Orange = some effect of stepped requirement, Green = full effect of stepped requirement.

- The impact of the COVID-19 pandemic:** It is clear that the global COVID-19 pandemic has and will continue to have a significant impact to developers' ability to deliver homes: especially in the current monitoring year from 1st April 2020. This is as a result of both the immediate lockdown starting at the end of March 2020 – where many developers stopped building works and mothballed sites for a number of weeks – as well as social distancing measures following lockdown which has reduced development capacity. There is also the general economic uncertainty and impacts of the current deep recession. While COVID-19 will undoubtedly have significant impact on the housing sector the longer-term impacts remain unclear.

The greatest impact on delivery is likely to be on larger sites that had to stop developing or for which initial preparation works (i.e. planning etc) may have halted given the capital required to bring them forward. For example, the 'Northern Arc' Homes England site was due to start construction this spring according to local media<sup>4</sup>. However, there has been delay in this site coming forward with community drop in sessions occurring recently<sup>5</sup>. Other strategic sites will inevitably also have been impacted. The later delivery of these sites compounded with the stepped housing requirement will only make it harder to maintain a rolling-5YHLS.

- The Housing Delivery Test:** with regards to the Housing Delivery Test ('HDT') transitional arrangements are beginning to come to an end in terms of the three-year requirement. As these end the HDT target will increase with each assessment becoming harder to pass.

<sup>4</sup> <https://www.midsussextimes.co.uk/news/when-construction-northern-arc-burgess-hill-set-start-1378078>

<sup>5</sup> <https://www.burgesshill.net/housing/northern-arc/news/2020-09-08-invitation-to-the-second-online-event-for-the-northern-arc-project>

Table 3 Rolling HDT requirement

Year	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27
Housing Requirement	753*	754*	812*	876	876	876	876	876	876	1,090	1,090	1,090
Rolling HDT Total Target (dwellings)	2,319											
		2,442										
			2,564									
				2,628								
					2,628							
						2,628						
							2,628					
								2,842				
									3,056			
										3,270		

Source: Lichfields Analysis \*Red = not based on adopted requirement, Orange = partially based on adopted requirement, Green = fully based on adopted requirement.

The Council's latest measurement was 95% (2019 HDT) and with an increasing requirement it becomes more likely that a 20% buffer may need to be applied to the Council's five-year requirement (i.e. a measurement below 85%). Of course, it also becomes more likely that the Council may have to the presumption in favour of sustainable development engaged by virtue of a measurement below 75%.

- 4.11 With the adopted stepped housing requirement, it will only become harder to demonstrate a rolling 5YHLS. At the same time, it will become harder to pass the HDT given an increasing three-year requirement through which a 20% buffer and potentially the presumption in favour of sustainable development (Paragraph 11d of the NPPF 2019) could be applied. Ultimately, the Council should be horizon scanning now and allocating additional development sites to meet shorter term needs to maintain a rolling 5YHLS. Allocating deliverable sites – such as Swallows Yard (Phases 1a and 1b) – would ensure the effectiveness of the emerging SA DPD in this regard. Otherwise, it will become more likely for there to be unplanned for development as and when the Council are unable to demonstrate a 5YHLS or fails the HDT resulting in the engagement of Paragraph 11(d) of the NPPF (2019).

## Local housing need and the Government objective to significantly boost homes

- 4.12 As aforementioned, the Government has an expressed aim to significantly boost the supply of housing (Paragraph 59, NPPF). The adopted minimum housing requirement for Mid Sussex – assessed under the former 2012 NPPF – is on average 964 dpa across the 17-year plan period (taking account of the stepped requirement). The updated 2019 NPPF however requires Local Planning Authorities to consider their local housing need using the Government's standard method (as set out in planning practice guidance). The methodology is itself currently being reviewed as part of short-term changes to the current planning system<sup>6</sup>.

<sup>6</sup> <https://www.gov.uk/government/consultations/changes-to-the-current-planning-system>

- 4.13 Both the current and proposed standard methods output much high local housing need figures than the adopted requirement as set out below:
- **Adopted annual requirement as per Policy DP4 (average):** 964 dpa (stepped from 876 dpa to 1,090 over 17-years);
  - **Adopted Standard Method (2020 base date):** 1,114 dpa; and
  - **Proposed Standard method (2020 base date):** 1,305 dpa.
- 4.14 While the SA DPD will not be examined against either of these figures in the ‘plan-making’ context, they confirm that housing needs in Mid Sussex are above what is currently being planned for. Importantly though, they are both far more than what is currently being delivered: whereby the Council has only delivered an average of 778 dwellings in the past three years<sup>7</sup>.
- 4.15 Again, the Council should be looking to increase its housing supply in the short term to significantly boost housing supply to meet not only its minimum requirement but also horizon scanning to more up-to-date assessments of need. Allocating deliverable sites – such as Swallows Yard (Phases 1a and 1b) – would therefore ensure the effectiveness of the emerging SA DPD in this regard.

## 5.0 Summary and conclusions

- 5.1 Mid Sussex District Council is currently undertaking a Regulation 19 Consultation in relation to the emerging SA DPD. These representations are prepared on behalf of Whitehall Homes and its interests at Swallows Yard, Albourne. The site is not currently allocated for housing development in the emerging SA DPD.
- 5.2 The approach to allocating sites in the SA DPD is not in conformity with Policy DP4 of the adopted Mid Sussex District Plan 2014 – 2031. This policy explicitly sets a spatial distribution for its housing requirement and by not allocating sufficient sites in Category 3 Settlements, the adopted spatial distribution is not being adhered to. This approach fails several tests of soundness and sufficient allocations in Category 3 Settlements must be made.
- 5.3 These representations advocate the allocation of Phases 1a and 1b of Swallows Yard for development in the ‘deliverable’ period – a site not within the AONB. The site is suitable now, available now, and Whitehall are committed – subject to an allocation – to bring forward a viable development in the short term. Phase 2 is not sought for allocation now but could be brought about for development in the medium to longer term.
- 5.4 The development of Phases 1a and 1b would yield c. 38 to 45 units (at 25 to 30 dpa). This would ensure that the residual minimum requirement for homes in Albourne – currently 39 units (as of April 2019). It would also help meet the wider needs of Category 3 settlements in the District for which there is a 133-unit residual need. Allocating a site in the village would of course provide greater certainty to the Council regarding delivery and local residents in terms of what development is happening in their area; rather than relying on windfall development. Swallows Yard is also the a deliverable and the most sustainable for the development of housing in Albourne compared to other sites assessed in the SHELAA (2020); especially given it relates best to the village itself.
- 5.5 Moreover, the Council need additional sites such as Swallows Yard in the short term to meet and exceed the minimum housing requirement. It will also become increasingly difficulty for the

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<sup>7</sup> As per the 2019 HDT measurement

Council to both demonstrate a 5YHLS (as its stepped requirement takes effect) and to pass the HDT (as transitional arrangements end). Allocating suitable and available sites that can meet a specific need should therefore be allocated now to bring about more immediate development to ensure a rolling 5YHLS and to avoid sanctions imposed via failing the HDT.

5.6

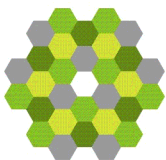
Overall, Policy SA10 of the SA DPD is not positively prepared given it does not meet the minimum housing requirement of Albourne in full. No sites are allocated in Albourne despite an identified minimum requirement. Allocating Swallows Yard (Phases 1a and 1b) would ensure these needs are met on the best site for development assessed as part of the SHELAA (2020) process.

**Appendix 1: Location Plan detailing the relevant phases of Swallows Yard  
proposed for allocation**



HM Land Registry  
Official copy of  
title plan

Title number **WSX279489**  
Ordnance Survey map reference **TQ2617SW**  
Scale **1:2500**  
Administrative area **West Sussex : Horsham**



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**PHASE 2**

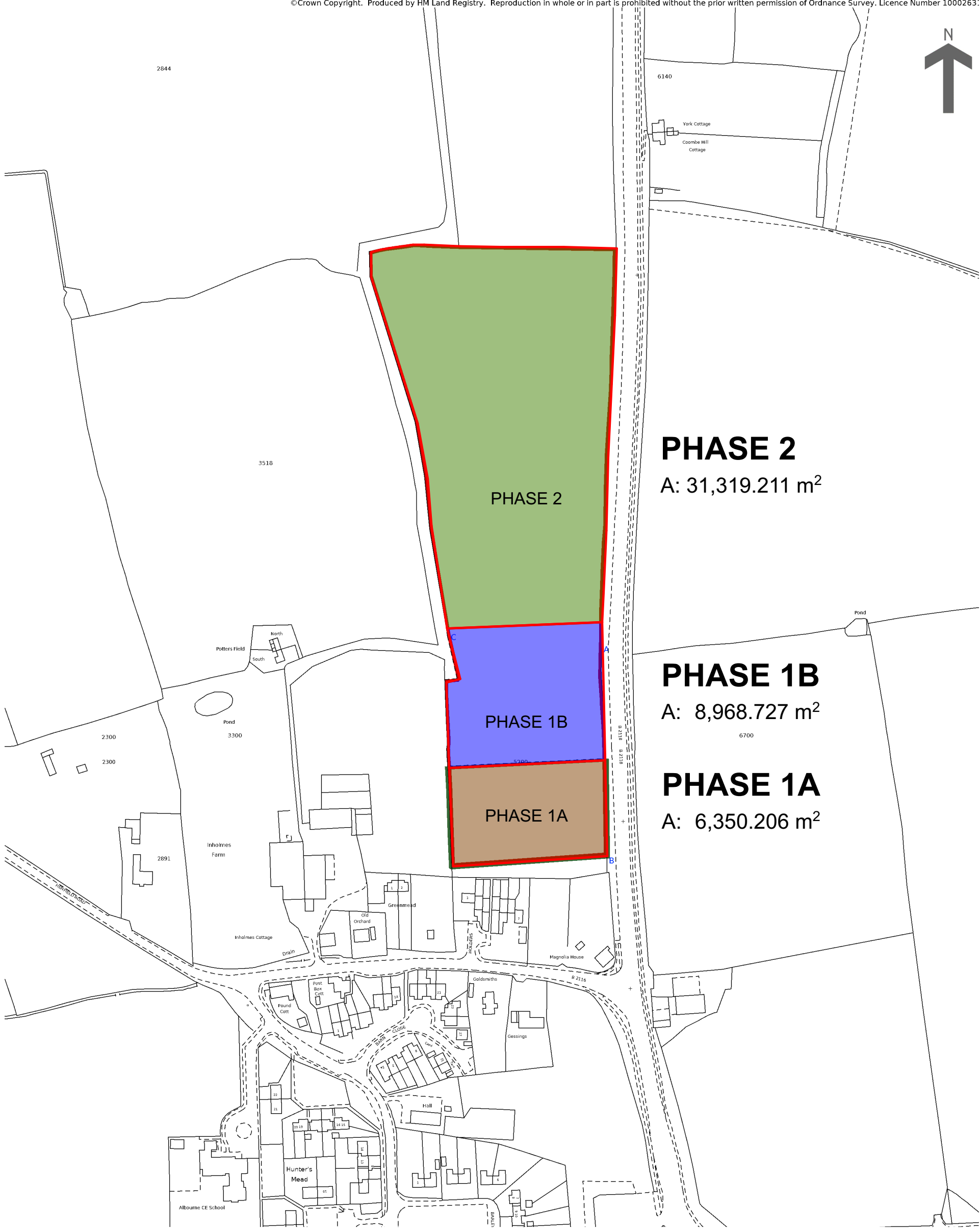
A: 31,319.211 m<sup>2</sup>

**PHASE 1B**

A: 8,968.727 m<sup>2</sup>

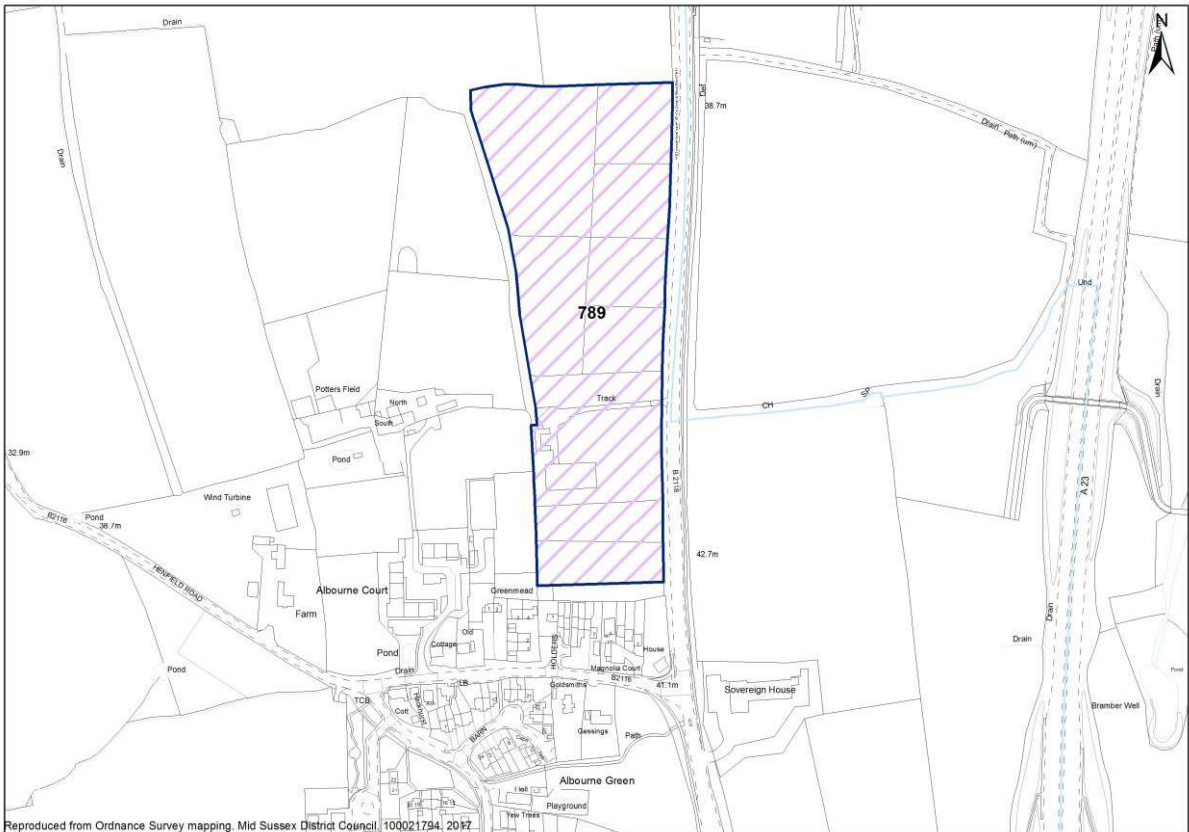
**PHASE 1A**

A: 6,350.206 m<sup>2</sup>



## **Appendix 2: SHELAA Assessment of Swallows Yard (ref. 789)**

## Stage 1 Site Pro-Forma – All Sites

<b>SHELAA Ref</b>	<b>789</b>	<b>Parish</b>	Albourne
<b>Site Location</b>	Swallows Yard, London Road, Albourne		
 <p>Reproduced from Ordnance Survey mapping, Mid Sussex District Council, 100021794, 2017</p>			
<b>Site uses</b>	Agriculture		
<b>Gross Site Area (ha)</b>	4.8		
<b>Potential Yield</b>	144		
<b>Site History</b>			
<b>Absolute Constraint</b>	Flood Zone 2 or 3	✗	
	Site of Special Scientific Interest	✗	
<b>Other Constraints</b>	Ancient Woodland	✗	
	Area of Outstanding Natural Beauty	✗	
	Local Nature Reserve	✗	
	Conservation Area	Development would not have a negative impact on Conservation area and/or Area of Townscape Character	
	Scheduled Monument	✗	
	Listed Buildings	Development may potentially affect listed building/s - mitigation may be necessary	
	Access	Safe access to site already exists	
<b>Suitable</b>	No known constraints - assessed as Suitable at Stage 1, progress to Stage 2 assessment		
<b>Availability</b>	Site submitted by site proponent to the SHELAA for assessment - considered available		
<b>Achievability</b>	There is a reasonable prospect that site could be developed within the Plan period		
<b>Timescale</b>	Medium-Long Term		

## Site Allocations DPD: Regulation 19 Consultation Response

**Policy:** SA11

**ID:** 1847

**Response Ref:** Reg19/1847/4

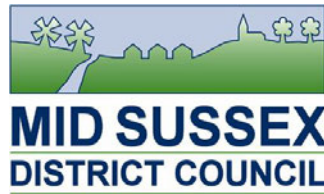
**Respondent:** Mr G Dixon

**Organisation:** Savills

**On Behalf Of:** Fairfax Acquisitions Ltd

**Category:** Developer

**Appear at Examination?** ✓



## **Site Allocations Development Plan Document Regulation 19 Submission Draft Consultation Form**

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

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

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

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

The Site Allocations DPD is available to view at:

[www.midsussex.gov.uk/planning-building/development-plan-documents/](http://www.midsussex.gov.uk/planning-building/development-plan-documents/)

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

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

**Please return to Mid Sussex District Council by midnight on 28<sup>th</sup> September 2020**

### **How can I respond to this consultation?**

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

[www.midsussex.gov.uk/planning-building/development-plan-documents/](http://www.midsussex.gov.uk/planning-building/development-plan-documents/)

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

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

**E-mail:** [LDFconsultation@midsussex.gov.uk](mailto:LDFconsultation@midsussex.gov.uk)

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

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

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### 1. Personal Details

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



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

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

## Part B – Your Comments

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

**Name or Organisation:**

Savills

### 3a. Does your comment relate to:

Site  
Allocations  
DPD

☒

Sustainability  
Appraisal

☐

Habitats Regulations  
Assessment

☐

Community  
Involvement  
Plan

☐

Equalities  
Impact  
Assessment

☐

Draft Policies  
Maps

☒

### 3b. To which part does this representation relate?

Paragraph

Policy SA

11

Draft Policies Map

### 4. Do you consider the Site Allocations DPD is:

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

Yes

☒

No

☐

4b. Sound

Yes

☒

No

☐

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

**Sound**

**Unsound**

(1) Positively prepared

☒☐

(2) Justified

☐☒

(3) Effective

☒☐

(4) Consistent with national policy

☒☐

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

Please see accompanying Representations

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

Please see accompanying Representations

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

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

Please see accompanying Representation for full details

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

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



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

☐

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

☒

**Yes**, I wish to participate at the oral examination

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

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

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

**10. Please notify me when:**

(i) The Plan has been submitted for Examination

☒

(ii) The publication of the recommendations from the Examination

☒

(iii) The Site Allocations DPD is adopted

☒

Signature:



Date:

25/09/2020

**Thank you for taking time to respond to this consultation**

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

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Regulation 19 Consultation

Land at Ansty Farm



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

Regulation 19 Consultation

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## Contents

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

## 1. Executive Summary

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

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### The Purpose of the Representations

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

## 2. The Site

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



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

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

## Regulation 19 Consultation

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

### 3. Proposals

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



## 4. National Planning Policy Position

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

### National Planning Policy Framework (2019)

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

**Economic Role** – helping to build a strong, responsive and competitive economy by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity;

**Social Role** – supporting strong, vibrant and healthy communities by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs;

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

- 4.5. Paragraph 11 sets out a presumption in favour of sustainable development. For plan making, this means;
- a) *Plans should positively seek opportunities to meet the development needs of their area, and be sufficiently flexible to adapt to rapid change;*
  - b) *Strategic policies should, as a minimum, provide for objectively addressed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless:*
    - *The application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area; or*
    - *Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole*



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

4.9. Chapter 5 *Delivering a Sufficient Supply of Homes* sets out in paragraph 59 that *“To support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed.”*

4.10. Paragraph 67 states that *“planning policies should identify a sufficient supply and mix of sites, taking into account their availability, suitability and likely economic viability.”*

4.11. Paragraph 68 sets out that *“small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out more quickly”.*

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

### Planning Practice Guidance

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

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

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

## 5. Considerations

- 5.1. The adopted District Plan 2014-2031 identifies that the District's OAN is 14,892, and that there is an unmet need in the Northern West Sussex Housing Market Area of 1,498. Therefore the minimum District housing requirement over the plan period is 16,390.
- 5.2. As identified in the Site Allocations DPD, the District Plan 2014-2031 allocated four strategic locations which made provision for the delivery of 5,080 dwellings over the plan period. When taken alongside all other allocations or known completions, this left the housing delivery in MSDC short of its intended target. As part of the District Plan, a commitment to produce a Site Allocations DPD was made, with the intention to adopt it by 2020, in order to provide further housing allocations and meet the required need.
- 5.3. Accordingly the draft Site Allocations DPD has been produced, which provisionally allocates 1,764 dwellings.

### Five Year Housing Land Supply & Housing Shortfall

- 5.4. The need for sites to come forward to meet an identified housing need has been clearly identified in the District Plan. Exacerbating this need is the chronic shortage of housing across the south east that has characterised the housing market for many decades and is steadily heightening.
- 5.5. Paragraph 73 of the National Planning Policy Framework sets out that each Local Authority should identify a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies. MSDC's Annual Position Statement on its Housing Land Supply Position (published July 2019) reports a Five Year Housing Land Supply of 5.64 years, and accordingly the housing land supply requirements are currently just being met.
- 5.6. In relation to the Housing Delivery Test, the NPPF (2019) is clear that this is assessed on the basis of delivery over the previous three years. This test is a simple calculation of net homes delivered divided by net homes required over the period of the previous three years. If an authority falls below a 95% delivery rate it is required to produce an action plan to identify actions as to how this can be improved and the minimum 95% delivery met.
- 5.7. For MSDC, it can be seen from the Governments Housing Delivery Test figures published in 2020 (covering the period 2016/17 to 2018/19) that MSDC were required to deliver an average of 816 dwellings per annum. MSDC did not manage to meet this requirement, but did deliver 95% of the required housing delivery. Accordingly no changes to the 5 year housing land supply calculation have been considered necessary at this time. However, it must be acknowledged that this period of assessment occurs over the point of a new local plan being adopted, and as a result the provision for housing delivery is set out as 876 dwellings per annum until 2023/24, and from 1 April 2024 to be 1,090 dwellings per annum.

- 5.8. Given that the 5 year housing land supply is only just in place, and the District Plan includes a stepped trajectory, with the required housing provision rising from 876dpa to 1,090 dpa, MSDC need to ensure that there are sufficient sites that are readily deliverable and can come forward quickly. This will be best accomplished through the allocation of smaller sites that are readily available that can come forward early in the plan period and provide a short term boost to housing delivery whilst larger sites are prepared.
- 5.9. Given the need for further Site Allocations to meet the identified need for dwellings highlighted in the District Plan, and the need to ensure that a robust 5 year housing land supply is in place, it is acknowledged that MSDC have sought to consult on a DPD that seeks to exceed the minimum target set out (supplying 1,764 units against a purported need of 1,280) This is in order to ensure that the District Plan, Five Year Housing Land Supply, Housing Delivery Test, and the Site Allocations DPD all remain robust over time.
- 5.10. However, it is inevitable that there will be a level of attrition of sites through the consultation process, with sites dropping out prior to the Site Allocations DPD being adopted. Additionally, it has been seen that some allocations have already either fallen away or had their number reduced, presumably as a result of detailed work ascertaining that the originally intended quantum of development cannot be achieved. Therefore in order to ensure that the provision of sites remains robust and flexible, additional sites should be included that will ensure that the volume of housing delivery required is achieved with a suitable buffer in order to ensure flexibility in delivery.

### Housing Distribution

- 5.11. MSDC have sought to distribute these dwellings across the District, utilising the settlement hierarchy established in the District Plan. This is so as to ensure that growth is as evenly distributed across the various settlements of Mid Sussex as far as possible.
- 5.12. It is of key importance that development is distributed evenly across the District to ensure that Settlement Categories and individual settlements themselves are not overloaded and are able to cope with growth without negatively impacting existing residents. It can be seen from the details set out in Policy SA11 of the Site Allocations DPD that this has been acknowledged, and that proportional growth has been attempted, with larger more sustainable settlements being given a larger proportion of growth given their greater level of infrastructure and services.
- 5.13. The Site Allocations DPD has set out that there is a residual housing figure that should be allocated to Category 4 sites of 5 units. Policy SA11 has a draft allocation of 12 units for Category 4 sites, with all 12 units allocated in Ansty (under Site Allocation SA33) to the rear of the garage.
- 5.14. The Site Allocations DPD has also set out that a minimum figure of 371 dwellings should be distributed across the Category 3 sites. However, the Site Allocations DPD has only identified 238 dwellings to be provided across all Category 3 settlements. Similarly, in Category 2 settlements, a residual need of 198 dwellings has been identified, however only 105 have been allocated.

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

### Location

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

### Community Benefits

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

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

### Site Assessments

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



### Site B

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

### **Conclusion**

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

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



## **6. Conclusion**

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

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

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

## Regulation 19 Consultation



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

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**1853**

## Site Allocations DPD: Regulation 19 Consultation Response

**Policy:** SA11

**ID:** 1853

**Response Ref:** Reg19/1853/1

**Respondent:** Ms M Jefferies

**Organisation:**

**On Behalf Of:**

**Category:** Resident

**Appear at Examination?** x

<b>Name</b>	Melissa Jefferies
<b>Respondent ref. number</b>	688
<b>Address</b>	[REDACTED]
<b>Email</b>	[REDACTED]
<b>Which document are you commenting on?</b>	Site Allocations DPD
<b>Sites DPD Policy Number (e.g. SA1 - SA38)</b>	688
<b>Do you consider the Site Allocations DPD is in accordance with legal and procedural requirements; including the duty to cooperate</b>	No
<b>(1) Positively prepared</b>	Unsound
<b>(2) Justified</b>	Unsound
<b>(3) Effective</b>	Unsound
<b>(4) Consistent with national policy</b>	Unsound
<b>Please outline why you either support or object (on legal or soundness grounds) to the Site Allocations DPD</b>	<p>The site has always been identified as offering a natural break from overdevelopment within the area.</p> <p>It provides a much needed natural Space for the community of Crawley down to walk and maintain mental health.</p> <p>It provides a haven for a huge amount of wildlife already pushed back by development in Crawley Down Village</p> <p>It will out a huge amount of pressure on local amenities already not able to cope with the community as it is such as doctors surgeries and local schools.</p> <p>It will increase traffic in an already overburdened road system not to mention added pollution.</p> <p>On a personal note it will completely change the environment that ourselves and our neighbours have bought into, one of tranquility and nature.</p> <p>Poor public transportation wil also increase traffic and is also a reason for this not being a suitable site for what effectively would be a new community</p> <p>I again raise the question of legality of the application and being deemed as sustainable</p> <p>The land owner has always wanted to make as much money as he can from tis land and has no care or regard for the community over the years. He sold land at a reasonable price in turners hill road several years ago for affordable housing. It is no local secret that this was a 'you scratch my back' agreement fir when he wanted to develop Huntslands land. Having had a relative working in planning and how these things work I will be backing a full investigation to establish if all due and legal procedures have been followed.</p>
<b>Please set out what change(s) you consider necessary to make the Site Allocations DPD legally compliant or sound, having regard to the reason you have identified at question 5 above where this relates to soundness.</b>	<p>I think there would need to be a thorough investigation into this application by a source other than those involved in previous developments with he same land owner.</p> <p>There also needs to be a clear justification for the need for so many houses in this rural location other than Mid Sussex council needs to build a certain amount of houses in the county.</p> <p>A clear indication of need and how the community and services are expected to cope with So many more people and traffic.</p>
<b>If you wish to provide further documentation to support your response, you can upload it here</b>	

<b>If your representation is seeking a change, do you consider it necessary to attend and give evidence at the hearing part of the examination</b>	No, I do not wish to participate at the oral examination
<b>Please notify me when-The Plan has been submitted for Examination</b>	yes
<b>Please notify me when-The publication of the recommendations from the Examination</b>	yes
<b>Please notify me when-The Site Allocations DPD is adopted</b>	yes
<b>Date</b>	26/09/2020

## Site Allocations DPD: Regulation 19 Consultation Response

**Policy:** SA11

**ID:** 1987

**Response Ref:** Reg19/1987/5

**Respondent:** Ms S Mizen

**Organisation:** JLL

**On Behalf Of:** Wates - Foxhole Farm

**Category:** Promoter

**Appear at Examination?** x

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

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

Dear Sir / Madam,

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

Look forward to confirmation of receipt.

Kind regards,

Stefanie  
**Stefanie Mizen**  
Associate - Planning, Development & Heritage  
JLL  
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Planning Policy  
Mid Sussex District Council  
Oaklands  
Oaklands Road  
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West Sussex  
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Your ref N/A  
Our ref 920000000104852  
Direct line 0203 147 1815  
Stefanie.Mizen@eu.jll.com

28 September 2020

Dear Sir / Madam,

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

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

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

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

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

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

**The DPD**

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

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

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

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

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

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

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

Furthermore, paragraph 6.43 states *"By allocating the 20 sites that perform well individually and on a settlement basis, the residual housing need of 1,280 would be met with a small over-supply of 144 units. Overall, the collection of sites is largely consistent with the spatial strategy at a settlement category level. Whilst there is a shortfall at Category 3, this can be met by an over-supply at Category 1. As Category 1 is the most sustainable settlement category, and under-supply should be met at categories higher-up in the settlement hierarchy, this is acceptable"*. Again, this approach fails to recognise that delivery of nearly all new homes at the category one settlements will have a significant adverse effect on other settlements. This is a further area where the Site Allocations DPD is unsound.

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

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

### **The Site**

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

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

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

### **The Surroundings**

The village of Bolney lies less than 6 miles west of Haywards Heath. The Parish has a population of 1,407 residents living in 534 households (source: ONS 2012-based subnational population projections) however only half of the housing is in the actual village settlement.

Outside the built-up area of the village, services and facilities are spread out providing Bolney Wine Estate, part-time post office, café, and Under 5s Pre-School, The Bolney Stage Public House and Bolney Cross Service Station. The closest GPs and dentists are located in Cuckfield, Burgess Hill and Haywards Heath, which also provides a hospital.

### **Accessibility**

Foxhole Lane runs along the western Site boundary in a north-south direction, meeting at the junction with the A272/Cowfold Road to the south and joining the A23 approximately 0.8km to the east of the Site.

Two bus stops are in close proximity to the Site – one less than 100m away along The St to the east providing a regular service between Horsham and Haywards Heath. The other is located on London Road which provides a service from Crawley to Brighton.

The closest railway station to Bolney is at Haywards Heath, located circa 5 miles away to the east, providing regular services towards London and Brighton.

### **Planning Case for Residential Development in Bolney**

The Site Allocations DPD forms part of the Mid Sussex District Plan 2014-2031. Its preparation is in response to the requirement by the Planning Inspector to meet the residual housing and employment needs up to 2031.

Having reviewed the Site Allocations DPD, we consider the following to be important:

- It is proposed to allocate 17ha of additional employment land to meet identified needs. Of this, 9.4ha, i.e. more than half, is allocated for the category three settlement of Bolney;

- The document provides an update (Policy SA10) on the minimum residual amount of new homes required to be delivered in category three settlements. This figure is now 371 new homes (as a minimum), an increase of 60 homes since the DP was adopted;
- Notwithstanding this, no housing allocations whatsoever are identified in Bolney.

We would like to promote the delivery of residential development in Bolney, with specific regards to our client's Site, for the reasons stated below.

#### Requirement for Housing

The NPPF encourages the provision of more housing and states that applications should be considered in the context of the presumption in favour of sustainable development. Policy DP4 of the DP relates to housing and states that *"there is a minimum District housing requirement of 16,390 dwellings between 2014 – 2031"*, which it advises is made up of the District's objectively assessed need (OAN) of 14,892 dwellings over the plan period as well as *"1,498 dwellings to ensure unmet need is addressed in the Northern West Sussex Housing Market Area"*. Policy states *"the Plan will deliver an average of 876 dwellings per annum (dpa) until 2023/24. Thereafter an average of 1,090 dpa will be delivered between 2024/25 and 2030/31"*.

The supporting text then advises that *"the spatial strategy of the District Plan is to focus the majority of housing and employment development at Burgess Hill as it has greater potential to deliver sustainable communities and to benefit from the opportunities that new development can deliver than at East Grinstead and Haywards Heath. A smaller scale development is allocated in this plan and was granted outline planning permission in 2016 at Pease Pottage as a contribution towards meeting the needs of the Northern West Sussex Housing Market Area. A smaller scale development is allocated at north of Clayton Mills, Hassocks. The remainder of development will be delivered as sustainable developments, including possible new strategic developments and development in other towns and villages"*.

There are no proposed site allocations within Bolney. This is notwithstanding Policy DP4, which sets out the strategic distribution of housing across the District and states that Bolney – along with 12 other settlements – should deliver 311 homes for the remainder of the Plan period and the proposed uplift to this requirement as set out in the Site Allocations DPD. Given over half of the additional employment land has been allocated for Bolney, clearly additional housing would be required both in terms of 1) meeting the provision required in Policy DP4 and 2) meeting the demand generated by increased employment land in that area.

#### Sustainable Location

Bolney is a sustainable location where significant development was proposed in the District Plan and the Neighbourhood Plan.

The Council's Settlement Sustainability Review ('SSR') was produced in 2015 in order to assist in the production of the DP, specifically the settlement strategy now set out within Policy DP4. The review lists Bolney – along with 9 other settlements - as a "Category 3" settlement and page 14 of the document provides the following assessment of the village:

*"Bolney has a higher proportion of children aged up to 15 years of age and 45-64 than the Mid Sussex "district" and "rural" averages; and a lower proportion of the same indices of those aged 25-44 and 65+. The village is considered to be a Limited Local Service Centre. The village benefits from an off-peak public transport service that is sufficient to enable access to further services and facilities. Bolney is constrained to the north and to the east in part by the High Weald Area of Outstanding Natural Beauty. The A23 also runs in close proximity to the east of the village"*.

The SSR states Bolney is considered to meet all of the criteria to be considered a Limited Local Service Centre where “a settlement must have or share a maximum of two of the following:

- One or more retail uses which must include a convenience store;
- An infant/ primary school;
- A village hall/ community centre
- Public House“.

Table 5 of the SSR, states that Bolney shares such services with Ansty, Cuckfield, Sayer Common and Warninglid. Table 6 then provides a matrix of services found in Bolney. It is evident upon viewing Table 6 that Bolney has a good provision of services providing 15 of the 28 services listed in the table.

Bolney is clearly a suitable location to accommodate residential-led development. There would be no effect on the settlement hierarchy or breach of development plan policy in terms of location of development.

### **Planning Case for Site Allocation**

Given the above, our client’s Site would be completely appropriate for residential development and should be considered as an additional allocation for residential.

The Site is located in Bolney, adjacent to the settlement boundary and residential development to the east. Although abutting the settlement boundary, the NPPF (paragraph 84) recognises this when it states that “*planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements*”. DP Policy DP6 (Settlement Hierarchy) states “*The growth of settlements will be supported where this meets identified local housing, employment and community needs. Outside defined built-up area boundaries, the expansion of settlements will be supported where:*

1. *The site is allocated in the District Plan, a Neighbourhood Plan or subsequent Development Plan Document or where the proposed development is for fewer than 10 dwellings; and*
2. *The site is contiguous with an existing built up area of the settlement; and*
3. *The development is demonstrated to be sustainable, including by reference to the settlement hierarchy.”*

The DP and its evidence base recognise the need for significant residential development across West Sussex. Bolney is the most sustainable of the stand-alone settlements in category three, therefore significant housing and employment development should be directed to this settlement. The Site’s location immediately adjacent to the built area of Bolney would serve as a natural extension of the existing village whilst not impacting on the AONB.

When assessing sites for allocation, paragraph 108 of the NPPF requires that local authorities consider appropriate opportunities to promote sustainable transport, safe and suitable access and that any significant impacts from development on the transport network can be mitigated. The Site lies within a relatively short walking distance of three bus stops, providing a regular service to Haywards Heath, Crawley, Burgess Hill and Brighton. These factors, together with the findings set out in the SSR demonstrate that the Site is clearly a sustainable location to accommodate residential-led development in accordance with Policy DP6.

### **Conclusion**

We support the inclusion of the Land at Foxhole Farm, Bolney as an additional site allocation in the Site Allocations DPD. As demonstrated above, Bolney and specifically our client’s Site has potential for residential development because:

- There are no proposed site allocations within Bolney. This is notwithstanding Policy DP4, which sets out the strategic distribution of housing across the District and states that Bolney – along with 12 other

settlements –should deliver 311 homes for the remainder of the Plan period and the proposed uplift to this requirement as set out in the Site Allocations DPD.

- Bolney has been classed as a category three settlement and is clearly a sustainable location in which to accommodate residential-led development. There would be no effect on the settlement hierarchy or breach of development plan policy in terms of location of development.
- The Site's location immediately adjacent to the built area of Bolney would serve as a natural extension of the existing village.
- The Site has no environmental constraints to development such as flood risk (Flood Zone 1).
- The Site is in a sustainable location with good access to public transport and development would not result in adverse impacts to the highway network.

We look forward to your confirmation of receipt of this letter. If you require any information or clarification, please contact Stefanie Mizen of this office on 0203 147 1815.

Yours faithfully,

*Stefanie Mizen*

**Stefanie Mizen**

**Associate – Planning, Development & Heritage**

Direct line 0203 147 1815

Mobile 07968 331943

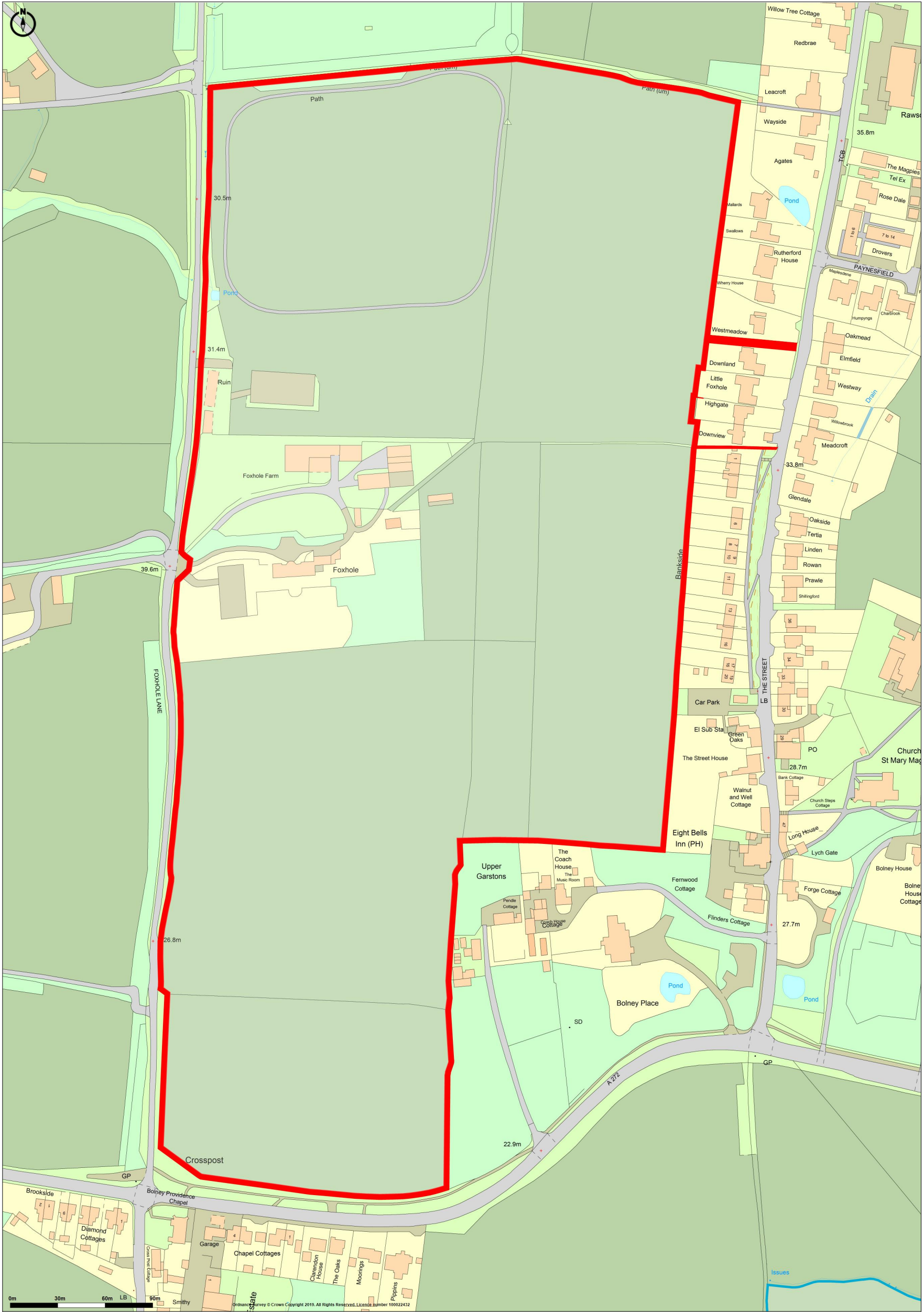
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## **Appendix 1 – Site Location Plan**



# Land at Foxhole Farm, Bolney







# Foxhole Meadows Bolney

A Vision for the land at Foxhole Farm, Bolney,  
Mid Sussex





CREATING TOMORROW TOGETHER

# Contents

1.0 Introduction

1.1 Wates Development and the Professional Team

6

1.2 Background

7

1.3 Site & Context

9

1.4 Planning

10

2.0 Site Assessment

2.1 Transport

15

2.2 Landscape

17

3.0 Design

3.1 Site Considerations Plan

20

3.3 Site Concept Masterplan

21









# 1.0 Introduction

# 1.1 Wates Developments & the Professional Team

Wates Developments is an expert in land, planning and residential development throughout Southern England. Wates Developments is the primary investment arm of the Wates Group, which was founded in 1897, Wates is now one of the largest construction and development companies in the UK.

As a family owned business Wates shares a deep sense of responsibility to provide outstanding projects for customers which make a long-lasting difference to the communities in which it works. From delivering affordable housing, new schools, through to retail and commercial interiors, heritage sites and residential development jointly with partners, it is in a unique position to make a positive impact for the long-term.



# Wates

DEVELOPMENTS

Professional Team



**RE-FORMAT**  
Architects / Masterplanning  
**Re-Format**



**SLR**  
Landscape  
**SLR**



**JLL**  
Planning Consultants  
**Jones Lang laSalle**



**i-Transport**  
Highways Consultants  
**i-transport**

## 1.2 Background

This document has been prepared on behalf of Wates Developments to introduce the proposals for the delivery of upto 250 new homes on the Land at Foxhole Farm, Bolney, Mid Sussex.

This document is broken down into the main components of the masterplan and how this has been influenced by matters such as landscape character, biodiversity, access and connectivity.



Aerial view of the site from the west







## 1.3 Site & Context

### Location

The Site is located to the west of Bolney and is less than a 5-minute walk to the village centre. The village provides a range of services and facilities, which are concentrated around the Rawson Hall, and include Bolney Church of England Primary School, St Mary Magdalene's Church, Chapel, The Ark nursery, The Eight Bells Public House & hotel and Batchelor's Field recreation ground.

Outside the built-up area of the village, services and facilities are spread out including the Bolney Wine Estate, part-time post office, café, and Under 5s Pre-School, The Bolney Stage and Eight Bells Public Houses and Bolney Cross Service Station. The closest GPs and dentists are located in Cuckfield, Burgess Hill and Haywards Heath.

Haywards Heath is less than 5 miles away to the east. Haywards Heath is a key settlement in the District with a comprehensive range of employment, retail, health (including the Princess Royal Hospital), education leisure services and facilities. Haywards Heath is a main service centre benefitting from excellent public transport, the railway station providing regular services towards London and Brighton.

### Site Description

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

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

Foxhole Lane runs along the western Site boundary in a north-south direction, meeting at the junction with the A272/Cowfold Road to the south and joining the A23 approximately 0.8km to the east of the Site. Three bus stops are in close proximity to the Site –two less than 100m away along The St to the east providing a regular service to Haywards Heath, Crawley, Burgess Hill and Brighton. One on London Road which provides a service to Crawley and Brighton.

The Mid Sussex District Plan 2014-2031 Policies Map (March, 2018) designates the Site as part of the Protection and Enhancement of the Countryside and adjacent to the Built-Up Area Boundary. The High Weald Area of Outstanding Natural Beauty ('AONB') is located further north.

The Site is not located in a Conservation Area, however a large part of Bolney Village is designated as a Conservation Area, albeit in two parts – a northern section located to the north-east of the Site and encompassing Top Street and the northern half of The St; as well as a southern section centred around the Primary School and another section of The St.

There are no statutorily Listed buildings on-site. Grade 1 listed St Mary Magdalene Church to the other side of The St. Grade II Listed Walnut and Well Cottage is adjacent to the Site to the east. There are also a number of Listed buildings along Lodge Lane to the north.

The Environment Agency's Flood Map for Planning indicates that the Site falls within Flood Zone 1 and is therefore subject to a low risk of flooding from rivers or the sea.

## 1.4 Planning

### Policy Context

The Site is situated under the administrative control of Mid Sussex District Council. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the determination of planning applications to be made in accordance with the relevant Development Plan, unless material considerations indicate otherwise. As such, the Site would need to be considered against the following policy documents:

- Mid Sussex District Plan 2014-2031 and Policies Map (March 2018);
- Saved Policies of the Mid Sussex Local Plan 2004 (May 2004);
- Mid Sussex Small Scale Housing Allocations Development Plan Document (April 2008);
- Bolney Neighbourhood Plan (September 2016)

In addition, the Council are preparing a Site Allocations Development Plan Document which will identify sufficient housing sites to provide a five-year housing land supply to 2031. The document is due to be adopted in Autumn 2021, therefore limited weight can be afforded to this.

The National Planning Policy Framework ('NPPF') and National Planning Practice Guidance ('NPPG') provide guidance at national level and are important material considerations in the determination planning applications.

## Planning Case

With regards to the principle of residential development on the Site, many benefits can be provided to Bolney and the wider area, aligning with the Council's vision for Mid Sussex: "A thriving and attractive District, a desirable place to live, work and visit. Our aim is to maintain, and where possible, improve the social, economic and environmental well-being of our District and the quality of life for all, now and in the future."

The NPPF encourages the provision of more housing and states that applications should be considered in the context of the presumption in favour of sustainable development. Using the Government's standard methodology for assessing housing need, the need in Mid Sussex is to deliver 1,132 new homes per annum, which is significantly above the current District Plan's figure.

The spatial strategy of the District Plan is to focus the majority of housing and employment development at Burgess Hill. The remainder of development will be delivered as sustainable developments, including possible new strategic developments and development in other towns and villages. Policy DP4 sets out the strategic distribution of housing across the District and states that Bolney – along with 12 other settlements – should seek to contribute to delivering homes for the remainder of the Plan period and any proposed uplift to this requirement. This Site offers a sustainable location in which to provide both market and affordable housing, contributing to this evident need.

The Site's location immediately adjacent to the built area of Bolney would serve as a natural extension of the existing village whilst not impacting on the AONB. The Council recognises that in order for villages to continue to grow and thrive, in many cases, it is necessary to expand beyond the existing built-up area boundaries. This Site is ideally positioned to provide sufficient housing, whilst supporting and developing local services and facilities. Development would help to maintain and develop the range of shops and services to enable the village centre to meet local needs, thus enhancing the vitality and viability of these.

The Council's Settlement Sustainability Review (2005) states Bolney is considered to meet all of the criteria to be considered a Limited Local Service Centre where a settlement must have or share a maximum of two of the following: one or more retail uses which must include a convenience store; an infant/ primary school; a village hall/ community centre; a public house. Therefore Bolney is clearly a sustainable settlement in which to accommodate residential development, having been designated a category three settlement in the Settlement Sustainability Review.

Furthermore, residential development would consequently enhance the Council's aspirations for sustainable economic growth, providing opportunities for people to live and work within their communities. This subsequently results in new and improved community, cultural, educational, health, recreation, play and other facilities to create services and places that help to form strong local communities and encourage healthy lifestyles. These consequential

impacts will ensure Bolney becomes a more vibrant, attractive and successful village.

The NPPF requires that local authorities consider appropriate opportunities to promote sustainable transport, safe and suitable access and that any significant impacts from development on the transport network can be mitigated. The Site lies within a relatively short walking distance of three bus stops, providing a regular service to Haywards Heath, Crawley, Burgess Hill and Brighton. In addition, the Site is well integrated into the existing village providing connectivity with all relevant services and facilities.

These factors, together with the findings set out in the Council's Settlement Sustainability Review demonstrate that the Site is clearly a sustainable location to accommodate residential-led development in accordance with the Council's wider spatial policies and overall vision.



Foxhole Meadows  
Bolney







## 2.0 Site Assessment



## 2.1 Transport

There are three main transport issues that need to be considered for all development proposals. These are set out in paragraphs 108 and 109 of the National Planning Policy Framework (February 2019) and are reflected in local transport policy. This appraisal therefore considers the residential development of the site against the following tests:

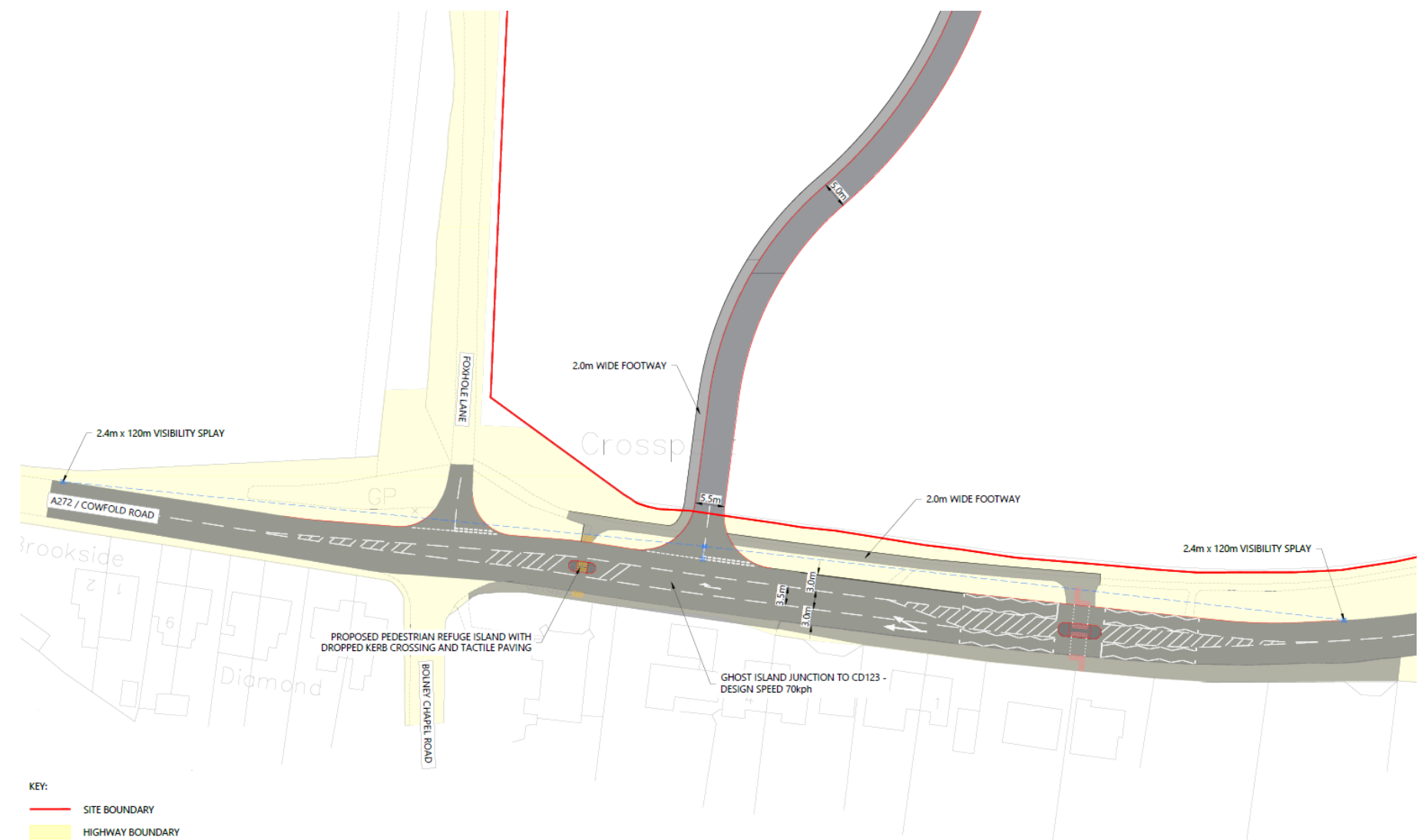
- 1 Can the opportunities for sustainable travel modes be appropriately taken up?
- 2 Can safe and acceptable access be provided?
- 3 Will the traffic impacts be acceptable?

Bolney is identified as a Category 3 settlement in Policy DP6 of the Adopted District Plan (March 2018). Category 3 settlements are defined as:

“Medium sized villages providing essential services for the needs of their own residents and immediate surrounding communities. Whilst more limited, these can include key services such as primary schools, shops, recreation and community facilities, often shared with neighbouring settlements.”

The Neighbourhood Plan allocates three small sites to the south east of the village, i.e. away from the majority of existing dwellings and The St.

The majority of the local facilities and services are accessed via The St. The St. includes two sections of virtual footway (one opposite the potential access point – see image to right) and one through the narrow historic heart of the village at the southern end of The St.







Virtual Footpath along Th St.



Proposed pedestrian access point onto Th St.



Access Strategy plan



## 2.6 Landscape

The site is currently pasture land ranging between approximately 20m and 44m AOD. Foxhole Farm and outbuildings is at the centre of the site, which is also the high point; the terrain dips down both to the north and south of the low ridge on which the farm is located. The Street, the main road of Bolney, is located along the eastern boundary of the site. Foxhole Lane defines the western boundary and the A272 forms part of the southern boundary.

In relation to settlement pattern in the locality, the southern part of the site lies between Bolney and a hamlet described on the OS plan as Crosspost. However, on the ground this hamlet reads very much as part of Bolney, and indeed the store at the garage on the A272 is called Bolney Cross Village Store.

### Landscape planning

The site is not within any landscape or landscape-related designations. However, the northern section of the Bolney Conservation area is approximately 10 metres to the north east of the site, and the southern section of the Bolney Conservation area is approximately 25 metres to the east of the site. The High Weald AONB is over 460 metres to the north of the site. The South Downs National Park is over 7 kilometres to the south of the site.

There are listed buildings within Bolney itself, most notable the grade I church of Mary Magdalene, to the east of The Street, and grade II Walnut and Well Cottage, on the western flank of the Street. Grade II\* listed Wykehurst Park is located on a low ridge approximately 500 metres to the north of the site. The site is currently in reasonably good condition, although some boundaries are missing or breached

and the settlement edge is prominent to the east and south. With the strong ridgeline, views to mature trees and woodland and the prominent location of Foxhole Farm, the site has good scenic quality. The site is not currently accessible for recreational purposes and has no associations with art or literature.

Views of the site are generally localised. From the west there are glimpsed views from Foxhole Lane, and also glimpsed views from footways along the A272 as well as the road itself. From the east views from the Street are limited to glimpses, such as that along a potential site access. Residential properties backing on to the eastern edge of the site would have clear views over site, particularly from first floor windows.

In visual terms views of the site would be localised, although there are a number of sensitive receptors around the site which would be able to obtain views of development. In particular, the higher elevations on the site around Foxhole Farm are visible from the footpaths around the church of St Mary Magdalene, within the Conservation Area but these can be appropriately mitigated against through careful master planning and design.

It is therefore concluded that the site has potential for residential development based upon the following design criteria:

1. Limit development to the lower, more enclosed areas at the northern and southern parts of the site;
2. Leave the exposed, elevated, grassland slopes around Foxhole Farm free from development to conserve the setting of the village as seen from St Mary's church;
3. Conserve the rural character of Foxhole Lane by providing a wide stand off (with planting) to development at the northern end of the site. (The southern end of this lane is less rural due to the influence of the A272 and does not require the same stand-off);
4. Provide a woodland edge to the north and north west of the site, which will abut existing woodland and form an appropriate new edge to the settlement (whilst also screening views from the footpath and Foxhole Lane);
5. Conserve and enhance the existing hedgerow network;
6. Enhance ecological value of existing grasslands;
7. Parkland character to southern end of site to complement landscapes at Bolney Place, Bolney Lodge;
8. Main access from A272 with pedestrian/cycle access from The Street



Foxhole Meadows  
Bolney



View from the footpath at the northern boundary of the site



Foxhole Lane, to the west of the site



The southern boundary of the site lies along the busy A272, and the settlement edge is located to the east.









## 3.0 Design



# 3.2 Site Considerations Plan





### 3.3 Site Concept Masterplan

#### Key for plan

- 1 Parkland access to development from A272
- 2 Existing footpath
- 3 Proposed footpath with connection to The Street
- 4 Housing clusters with shared surfaces
- 5 Lower density rural fringe development
- 6 New publically accessible species rich grassland
- 7 Foxhole Farm
- 8 Proposed landscape buffer to eastern boundary
- 9 Proposed woodland, adjoining existing woodland to NW corner



Wates House  
Station Approach  
Leatherhead  
Surrey KT22 7SW

Tel: 01372 861000  
[www.wates.co.uk](http://www.wates.co.uk)



Foxhole Meadows  
Bolney

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FOR  
MAT



**2001**

## Site Allocations DPD: Regulation 19 Consultation Response

**Policy:** SA11

**ID:** 2001

**Response Ref:** Reg19/2001/1

**Respondent:** Mr H Lindley-Clapp

**Organisation:** Nexus Planning

**On Behalf Of:** Frontier Estates \_Hassocks

**Category:** Promoter

**Appear at Examination?** x

**From:** Heather Lindley-Clapp <h.lindley-clapp@nexusplanning.co.uk>  
**Sent:** 28 September 2020 18:43  
**To:** Idfconsultation  
**Cc:** Sophie Bleasdale; Peter Tooher  
**Subject:** Site Allocations DPD - Submission of Representations on Behalf of Frontier  
**Attachments:** 200928\_Site Allocations DPD\_Frontier Reps.pdf

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

Dear Sir/Madam

Please find attached representations made on behalf of Frontier Estates in respect of the Site Allocations DPD Consultation Draft.

I would be grateful if you could confirm receipt of this email and the attached representations.

We look forward to discussing the matters further with the Council.

Kind regards

Heather

**Heather Lindley-Clapp**  
Associate Director

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E [h.lindley-clapp@nexusplanning.co.uk](mailto:h.lindley-clapp@nexusplanning.co.uk)

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**Planning Policy**

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

**Manchester**

Eastgate  
2 Castle Street  
Castlefield  
Manchester M3 4LZ

[nexusplanning.co.uk](http://nexusplanning.co.uk)

28<sup>th</sup> September 2020

By Email: [LDFconsultation@midsussex.gov.uk](mailto:LDFconsultation@midsussex.gov.uk)

Dear Sir/Madam

**Mid Sussex District Council Site Allocations Development Plan Document  
Representation to Site Allocations Development Plan Document (Regulation 19) Submission Draft  
Consultation on behalf of Frontier Estates.**

**Introduction**

We write on behalf of Frontier Estates to make formal representations to Mid Sussex District Council in respect of the consultation on the Site Allocations and Development Plan Document (DPD) (Regulation 19) Submission Draft.

The District Plan sets out the housing and employment needs for the district for the period to 2031 and committed the Council to preparing a Site Allocations DPD in order to find sufficient housing and employment sites to meet the remaining need. As such, the Submission Draft Site Allocations DPD recommends allocation of 22 housing sites; seven employment sites; and a Science and Technology Park.

The purpose of this representations is to provide information on a site that is currently omitted from the Site Allocations DPD as suitable for development. The site of relevance is the land at Byanda, Brighton Road, Hassocks (suitable for both residential and Class C2 Uses). The site already benefits from an extant permission for substantial intensification of uses for residential development (permission reference DM/16/4514).

A location plan of the site is provided at Appendix A and proforma setting out the sites' deliverability and suitability for Class C2 and C3 uses is provided at Appendix B.

We note that the Council is also recommending to alter the defined settlement boundary in order to accommodate one of the suggested residential allocations. As such, we also seek to provide additional

London

Birmingham

Manchester

Reading

commentary in respect of the Council's approach and propose an amendment to the settlement boundary at Hassocks to reflect the urban form of the settlement and include the Byanda site.

At the outset, it is important to note that Frontier Estates support Mid Sussex Council's decision to produce a new Local Plan Site Allocations DPD to ensure that there are sufficient sites to meet the identified housing need for the district up to 2031 as this will ensure that planning policy remains effective in addressing the physical constraints of the borough and approaching the projected demographic change that will occur during the New Local Plan period.

## **Representations**

We provide below a summary in respect of the site of relevance to these representations.

### Land at Byanda, off Brighton Road, Hassocks

The site is located to the south-west of Hassocks on the east side of the A273 Brighton Road, south of Stone Pound cross-roads, South Bank and Pound Gate, and to the North of the South Downs Garden Centre.

The site comprises approximately 0.4 hectares of land to the east of Brighton Road, Hassocks. The site is currently occupied by one detached dwelling, a dome, landscaping and areas of hardstanding used for driveway access. The site forms a dwelling and its residential curtilage surrounded by hedging, vegetation and matures trees to the boundaries, at a level lower than adjoining land.

The site holds extant permission for the intensification of the site's development, in the form of Planning permission ref. DM/16/4514. This application for the demolition of the detached dwelling and the erection of four detached dwellings, two garages and landscaping was granted for on the site in December 2016 and confirms the principle of redeveloping the site for residential use and making more effective use of the land.

Separating the land from Brighton Road to the west are a pair of two-storey, detached dwellings. To the east, an additional three dwellings separate the land from The Weald Tennis and Squash Club. Immediately south of the site, across a dirt track road, is the South Downs Nurseries. Pound Gate cul-de-sac is located to the north of the site. The existing access is via a driveway from Brighton Road located to the north west corner of the site and shared with the adjoining property to the east, Faerie Glen.

More broadly, the site is located approximately 650m south-west of Hassocks Village Centre where a number of amenities including grocery stores, a post office, and several eating and drinking establishments are located. Hassocks Health Centre is located less than 1km east of the site and is approximately five minutes away by car. The site is located 0.4 miles from Hassocks Train Station which provides two services every hour to Cambridge, Brighton, and London Victoria via Gatwick Airport. In addition, there are two bus stops within 200m of the site that provide access to Brighton, Kemp Town, Crawley, Haywards Heath and East Grinstead.

A bus stop situated less than 100m north of the site at Stonepound Crossroads provides hourly services to Brighton and Kemp Town, whilst a bus stop to the south, opposite the South Downs Garden Centre, benefits from services to Crawley every 30 minutes, and East Grinstead/Haywards Heath every two hours.

The South Downs Garden Centre is located immediately south of the site and is the largest of the Tate's of Sussex Garden Centre facilities. Together with the South Downs Heritage Centre, also run by the Tate's of Sussex, the facility comprises approximately 14,000 square metres of floorspace to the south of the site off Brighton Road. An application in November 2013 granted permission for the replacement of the greenhouse café with taller oak barns to accommodate a café, the heritage centre, classroom space and kitchens. This redevelopment

of the garden centre opened in 2016 enabling the centre to hold a number of sewing and craft workshops as well as a popular food hall and Gardening Museum.

As such, it is clear that site is located within a sustainable area that benefits from several local amenities and attractions within a suitable distance from the site, making this a prime location on the edge of the parish for older persons to enjoy the convenience of services whilst also enjoying the views and location adjacent to the countryside. Furthermore, the presence of the South Downs Garden and Heritage Centre to the immediate south of the site shields the site from impacting upon the South Downs National Park. A site location plan is appended to this representation at Appendix A.

#### Allocation of Sites

The Site Allocations DPD allocates just one site for C2 Uses – Site SA20, known as land south and west of Imberhorne Upper School, East Grinstead. It is our client's view that just one single allocation for a Class C2 care home across the plan period in the authority area does not suitably meet the identified requirements within Mid Sussex, particularly in light of the uncertainty of the deliverability of the site including wider land ownership issues.

In this regard, the Mid Sussex Council's Strategic Housing Market Assessment (SHMA) of housing needs in 2009, and the subsequent update in 2013, demonstrates a need for improved provision for the elderly population, with paragraph 8.99 stating that: **'The projected growth of single person households is a significant national trend driven by a range of factors such as increasing older age single person households'**

Paragraph 8.103 goes on to state that: **'Providing a choice of appropriate housing for older people is essential to help encourage opportunities for downsizing or move into accommodation more appropriate for their needs (the Lifetime Homes Standard will assist in this respect). This will assist in releasing a supply of existing housing for younger households to occupy and thereby make better use of the existing stock supply.'**

Given the identified demand for additional care home bedspaces within Mid Sussex, we request that the Council revisits its Class C2 allocations within the Site Allocations DPD and seeks to appropriately allocate sites within the adopted plan for such uses.

It is important to also refer to the very recent appeal decision relating to the site of the former Hazeldens Nursery on London Road, Albourne for the erection of a Class C2 extra care development (appeal reference APP/D3830/W/19/3241644). The appeal was allowed by the Inspector Christina Downes on 11 September 2020.

The appeal relates to an outline application for up to 84 extra care units, with associated communal facilities and highways works. As the Council is aware, there is a key matter of relevance in respect of the allocation of the site at Brighton Road, Hassocks, in that it refers specifically to the identified need and demand for additional Class C2 developments within Mid Sussex.

In terms of meeting the need for extra care living, the Inspector is very clear in her conclusions in respect of the need within Mid Sussex for additional Class C2 beds, along with the requirement for the Council to allocate appropriate sites within the development plan for such uses. In this regard, Inspector Downes states at paragraphs 92 and 93 that:

**'Whilst there is no requirement in national policy or guidance to specifically allocate sites for specialist housing for older people, the *Planning Practice Guidance* does indicate that this may be appropriate where there is an unmet need. The response in Mid Sussex is to apply a flexible approach through policy DP30 and the Council pointed out that the strategic allocations include provision for a range of housing, including for older people. Policy DP30 also indicates that further allocations may be made in the SA DPD if a shortfall is identified. Policy DP25 has a similar**

provision to meet local needs for community facilities, which include care homes and specialist housing. In the SA DPD there is a single residential allocation in East Grinstead that includes a “care community”. There is though no detail as to the number or type of units and, in any event, the emerging status of the document means that very little weight can be given to it at the present time.

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

There is a clear established need for additional C2 developments within Mid Sussex as evidenced by the appellant within their appeal documentation, which was accepted by the Inspector in her decision. In this regard, it is also recognised by the Inspector that allocating sites within the development plan would be appropriate and necessary given this substantial requirement within the authority area. Indeed, our client has made it very clear that there is a genuine requirement for such uses within Mid Sussex as a whole, and Hassocks.

It is clear that the Byanda site in Hassocks is a suitable, achievable and sustainable location for the provision of C2 uses. This is reflected in pre-application responses from the Council and the design review panel on an emerging application for the site. The site is suitably located and available for development to meet the needs of the ageing population. Particularly, in light of recent health crises, the importance of the identification of sites within the development plan to deliver high quality, modern and dedicated facilities is considered by Frontier Estates to be of the utmost importance. Further details in respect of the sites suitability and deliverability for Class C2 Uses are provided at Appendix B.

We therefore formally request that the Council updates the Site Allocations DPD to allocate the Byanda site to meet the identified need for additional care home facilities within Mid Sussex. The current Class C2 allocation at Imberhorne Upper School is insufficient to meet this identified demand, and therefore the Plan as currently drafted has not identified sufficient allocations to respond directly to residents’ needs.

In light of the above and the additional evidence provided at Appendix B, we request that the Council includes the land at Byanda, Hassocks, measuring 0.4ha for Class C3 and Class C2 Uses within the Site Allocations DPD.

#### Built Up Area Boundary

It is noted that the defined Built Up Area Boundaries for both Haywards Heath and Hassocks are proposed to be extended to include the site allocations SA21 and SA24. Therefore, it is clear that when appropriate and to accommodate suitable sites, the Council will extend the defined Built Up Area Boundary.

In this regard, the Mid Sussex District Plan Core Strategy Policy DP12 regarding the protection and enhancement of Countryside states that Built-Up Area boundaries are subject to review through a Site Allocations Development Plan Document and that landscape evidence such as the Mid Sussex Landscape Capacity Study (2007) which forms part of the evidence base for the Core Strategy, will be used to assess the impact of development on proposals on the quality of rural and landscape character.

Given the representations made above in respect of the site at Byanda, Hassocks, we also consider it necessary for the Council to amend the defined Built Up Area Boundary to appropriately include the site in Hassocks within the defined boundary, and in doing so, ensure a consistent approach is being applied across the authority

area. Indeed, it would be appropriate and logical for the Council to review the Built Up Area Boundary as a whole around Hassocks to take account of all built form and areas which are evidently urban in character.

The site at Byanda in Hassocks is surrounded by built development and already naturally forms part of the built up area of the settlement. In this regard, on the south side in particular by the South Downs Garden Centre where the proposed SAPD's designation of the Garden Centre to the immediate south of the site under SA34 for Existing Employment Sites supports the potential expansion of the commercial site. The site also benefits from extant permission for intensified residential uses.

It is considered that the site is not important visually, historically or with regard to biodiversity. It does not serve the purposes of Countryside with regard to views protection from the South Downs National Park. The site is entirely surrounded by urbanised area and is a previously developed site itself. It does not prevent coalescence and is not designated as a local gap.

This is evidenced further by the lack of assessment of the site within the Mid Sussex Landscape Capacity Study (2007), which assesses all landscape areas outside of the built development boundaries within Mid Sussex. Importantly, the Byanda site was not included in this study.

As such, as the site at Brighton Road has not been assessed within the landscape capacity study, cited by Policy DP12, and is therefore not of notable landscape quality, it is concluded that the development of the site upon the quality of the rural and landscape character will not be significant. It can only be concluded that the site has limited capacity as a valued landscape with visual or biodiversity qualities worthy of protection under this designation. It is considered that a failure to extend the built up area boundary for Hassocks to include an established built up area would be contradictory to the purpose of the boundary which is to reflect the line which forms the edge of the settlement.

As a consequence, we request that the Council amends the built up area boundary as to ensure that DP12 designates areas worthy of visual, historic and biodiversity qualities as to not undermine a core strategic policies.

## **Summary**

It is the opinion of Frontier Estates that careful consideration needs to be given to the site allocations that will form the basis for growth to address unmet housing need across the Borough and support the future growth of Mid Sussex.

In this regard, we formally request that the Council:

1. Allocates the site at Byanda, Brighton Road, Hassocks for Class C3 and Class C2 Uses; and
2. Amends the Built Up Area Boundary to the south of Hassocks to include the land at Byanda.

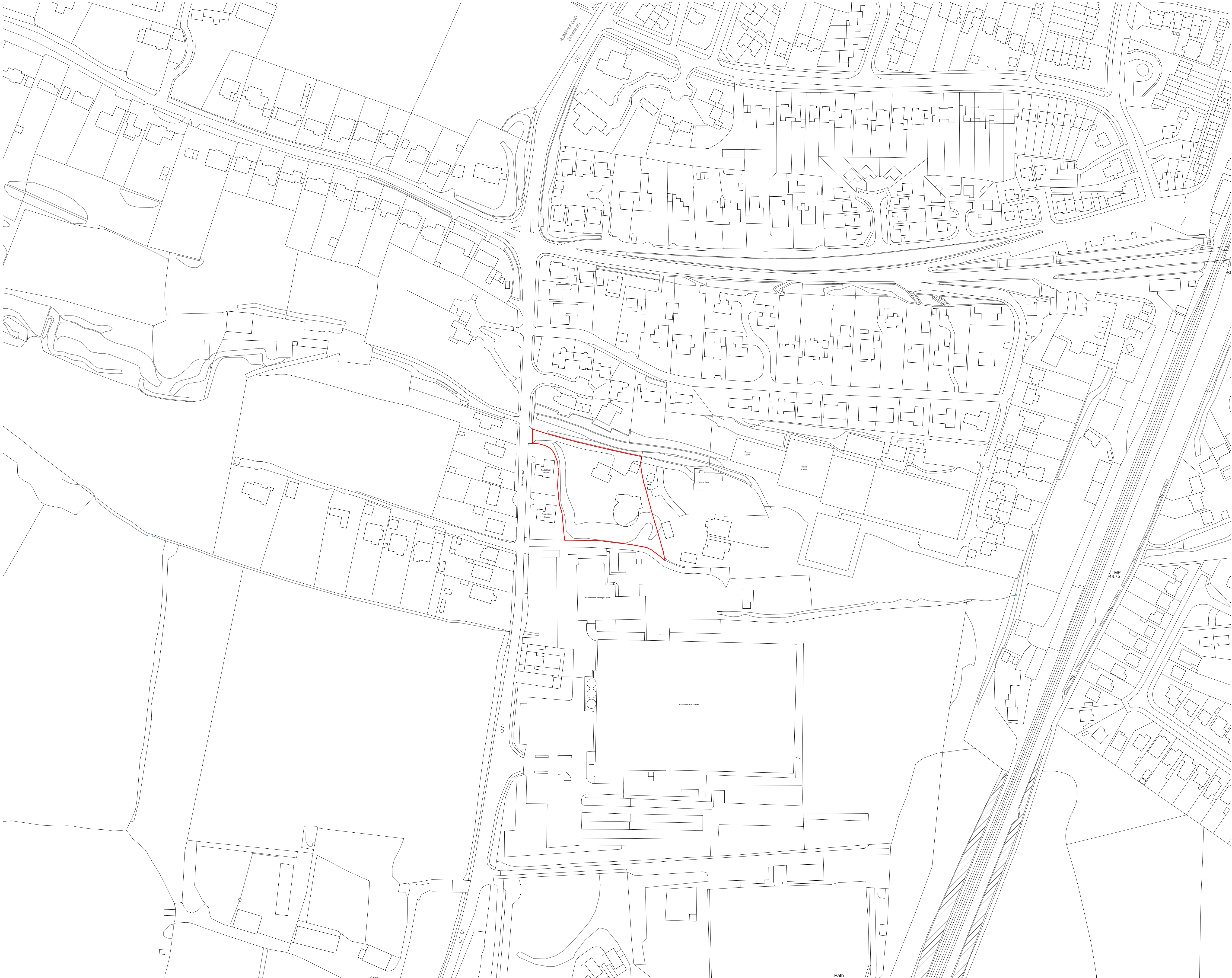
We trust these representations will be taken into account during the review of the consultation during the examination of the Site Allocations DPD. Should you have any queries or require any additional information, please do not hesitate to contact us.

Yours sincerely

**Nexus Planning**

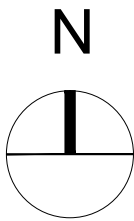
**Appendix A: Site Location Plan**





Contractors and consultants are not to scale dimensions from this drawing

The mapping data was prepared by a third party and Broadway Malyan Limited does not accept responsibility for the accuracy or completeness of the data or any information contained therein.



Site boundary


Revision	Date	Description
<b>BroadwayMalyan<sup>BM</sup></b>		
Interchange Place 151-165 Edmund Street Birmingham B3 2TA		
T: +44 (0)121 236 2030 F: +44 (0)121 237 2080 E: <a href="mailto:Br@BroadwayMalyan.com">Br@BroadwayMalyan.com</a>		
<a href="http://www.BroadwayMalyan.com">www.BroadwayMalyan.com</a>		
Client <b>Fronteir Estates</b>		
Project <b>Hassocks Byanda</b>		
Description <b>Location Plan</b>		
Status <b>Planning</b>		
Scale <b>1:1250@A1</b>	Drawn By <b>RS</b>	Date <b>May 2020</b>
Job Number <b>34484</b>	Drawing Number <b>A-01-001</b>	Revision <b>/</b>
Original size 100mm @ A1 Copyright Broadway Malyan Limited		



**Appendix B: Site Proforma**



**Appendix B – Byanda, Brighton Road, Hassocks**  
**Site Proforma**

Byanda, Brighton Road, Hassocks	
	
<b>Description</b>	Proposed Housing Allocation (inclusive of C2 and C3 Use)
<b>Site Size</b>	0.4ha
<b>Current Use</b>	The site is currently occupied by one detached dwelling, a dome, landscaping and areas of hardstanding used for driveway access
<b>Relevant Planning History</b>	Planning permission for the demolition of the detached dwelling and the erection of four detached dwellings, two garages and landscaping was granted for on the site in December 2016 (DM/16/4514).
<b>Proposed Use</b>	The development of a specialist Care Home Facility (C2 use) managed by a healthcare provider.
<b>Environmental Considerations</b>	A preliminary Ecological Appraisal has been undertaken and considers that the site is only considered to have moderate ecological value. The appraisal identifies a number of mitigation options which will ensure that adverse impacts are avoided and that any unavoidable residual impacts can be compensated for.
<b>Highways Considerations</b>	A Transport Assessment has been undertaken for the site and confirms that the site is well located for trips to day-to-day facilities and that the proposed care home would generate low numbers of vehicle movements in any event. As such, it is considered that the development proposals are not likely to lead to a material impact on the operation of the local highway network. Overall the proposal is considered acceptable in highways and transport terms.
<b>Ground Contamination</b>	No issues with regard to ground contamination.
<b>Heritage</b>	The site does not comprise a heritage asset and there are no listed buildings on or within the immediate vicinity of the site. The site is not within a conservation area.
<b>Summary and Conclusion</b>	It is clear that site is located within a sustainable area that benefits from several local amenities and attractions, and would not raise any concern from highways, ecology or heritage perspectives. As such, the site is concluded to be both Deliverable and Developable.

**2005**

## Site Allocations DPD: Regulation 19 Consultation Response

**Policy:** SA11

**ID:** 2005

**Response Ref:** Reg19/2005/3

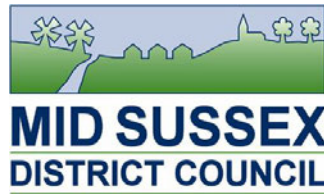
**Respondent:** Mr M Flemington

**Organisation:** Savills

**On Behalf Of:** The Brian Williams Discretionary

**Category:** Organisation

**Appear at Examination?** ✓



## **Site Allocations Development Plan Document Regulation 19 Submission Draft Consultation Form**

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

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

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

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

The Site Allocations DPD is available to view at:

[www.midsussex.gov.uk/planning-building/development-plan-documents/](http://www.midsussex.gov.uk/planning-building/development-plan-documents/)

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

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

**Please return to Mid Sussex District Council by midnight on 28<sup>th</sup> September 2020**

### **How can I respond to this consultation?**

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

[www.midsussex.gov.uk/planning-building/development-plan-documents/](http://www.midsussex.gov.uk/planning-building/development-plan-documents/)

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

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

**E-mail:** [LDFconsultation@midsussex.gov.uk](mailto:LDFconsultation@midsussex.gov.uk)

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

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

---

### 1. Personal Details

Title	<input type="text" value="Mr"/>
First Name	<input type="text" value="Mark"/>
Last Name	<input type="text" value="Flemington"/>
Job Title (where relevant)	<input type="text" value="Director"/>
Organisation (where relevant)	<input type="text" value="Savills"/>
Respondent Ref. No. (if known)	<input type="text"/>
On behalf of (where relevant)	<input type="text"/>
Address Line 1	<input type="text" value="74 High Street"/>
Line 2	<input type="text"/>
Line 3	<input type="text" value="Sevenoaks"/>
Line 4	<input type="text"/>
Post Code	<input type="text" value="TN13 1JR"/>
Telephone Number	<input type="text" value="01732 789722"/>
E-mail Address	<input type="text" value="mflemington@savills.com"/>



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

## Part B – Your Comments

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

**Name or Organisation:**

Savills

### 3a. Does your comment relate to:

Site  
Allocations  
DPD

☒

Sustainability  
Appraisal

☐

Habitats Regulations  
Assessment

☐

Community  
Involvement  
Plan

☐

Equalities  
Impact  
Assessment

☐

Draft Policies  
Maps

☒

### 3b. To which part does this representation relate?

Paragraph

Policy SA

10, 11

Draft Policies Map

### 4. Do you consider the Site Allocations DPD is:

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

Yes

☒

No

☐

4b. Sound

Yes

☒

No

☐

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

**Sound**

**Unsound**

(1) Positively prepared

☒☐

(2) Justified

☐☒

(3) Effective

☐☒

(4) Consistent with national policy

☐☒

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

Please see accompanying Representations

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

Please see accompanying Representations

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

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

Please see accompanying Representation for full details

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

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



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

☐

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

☒

Yes, I wish to participate at the oral examination

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

Our clients site should be included as a site allocation as the allocation process does not fully address the future requirements of the District

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

10. Please notify me when:

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

☒☒☒

Signature:

Date:

28/09/2020

**Thank you for taking time to respond to this consultation**

# Representations to the Site Allocations DPD

Regulation 19 Submission Draft Consultation

Land North of the A272, Cuckfield





## Contents

1.	Executive Summary	1
2.	The Site	3
3.	Proposals	5
4.	National Planning Policy Position	6
5.	Considerations	10
6.	Conclusion	15

# 1. Executive Summary

- 1.1. On behalf of our client the freeholder landowner, The Brian Williams Discretionary Settlement (herein referred to as “our client”), Savills has prepared this representation to the Mid Sussex District Council (MSDC) Regulation 19 Submission Draft Site Allocations Development Plan Document (DPD) Consultation.

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## The Purpose of the Representations

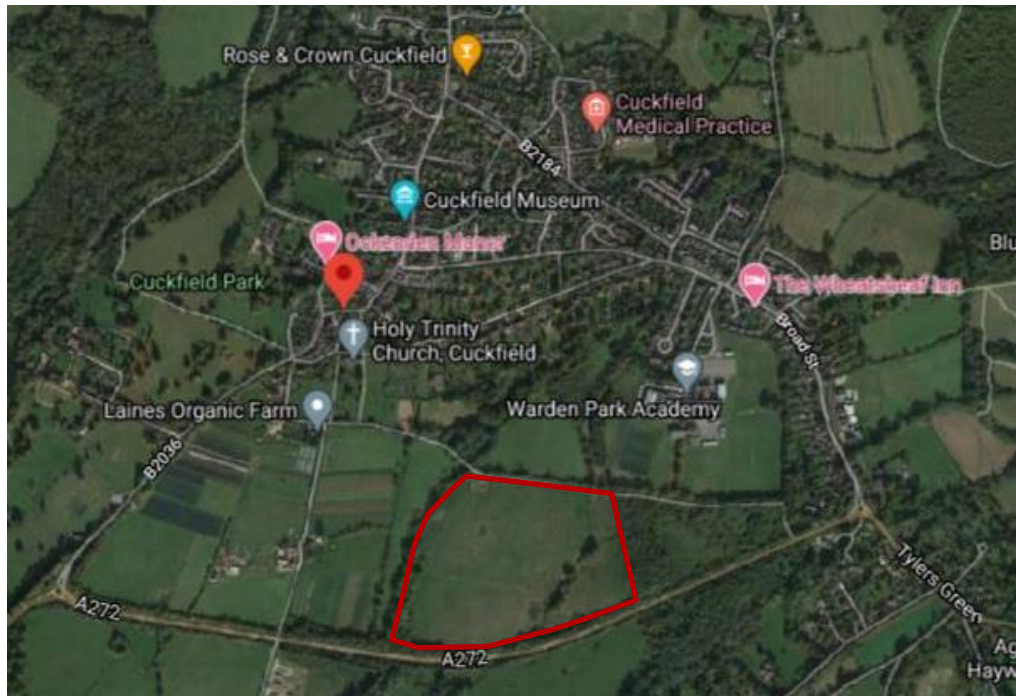
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- 1.2. These representations seek the allocation of Land to the North of the A272 as part of the Site Allocations DPD.
- 1.3. The Site Allocations DPD Regulation 19 Consultation document seeks to provide additional housing allocations across the District so that MSDC will be in a position to deliver a sufficient level of housing delivery over the Plan Period.
- 1.4. However, the Regulation 19 Consultation document does not achieve a suitable distribution of development, or allocate the quantum of required homes in the right places. The emphasis is too heavily weighted towards Category 1 settlements (where 80% of the site have been allocated)
- 1.5. In order to address this and avoid imbalanced growth across the District, further sites should be included in the Category 2 settlements, where the existing settlements are best able to cope with additional growth but ensure that development is not focused on the largest settlements to the detriment of the existing villages or rural settlements.
- 1.6. In order to address this imbalance, Land to the North of the A272, Cuckfield, (SHELAA Site 1001) should be included as a site allocation in the Site Allocations DPD. The Site is suitable, available and deliverable. The site is located between the settlement boundary of Cuckfield and the hard boundary of the A272, adjacent to the playing fields of Warden Park Academy. The site is not located in a prominent location in the countryside and is not within or adjacent to the AONB. The development of the site would result in a sustainable addition to the settlement of Cuckfield.
- 1.7. The development of the site will allow for the managed growth of Cuckfield, and would allow a level of population increase that can be readily accommodated. Such a level of growth would provide further support for existing local services and would result in a greater level of economic expenditure in the village. It would also provide a financial contribution through S106 contributions which would contribute to the ongoing operation and appropriate upgrade of local recreational facilities.

- 1.8. The overriding need for housing across Mid Sussex is recognised, and the delivery of new homes through the Site Allocations DPD will provide much needed housing in Mid Sussex. However, the current balance of volume and location for the allocations is does not result in an appropriate delivery of development for the District.

## 2. The Site

- 2.1. The Site comprises approximately 13 hectares of land to the south of the settlement of Cuckfield. The Site is adjacent to the playing fields and school grounds of Warden Park Academy, however owing to the manner in which the settlement boundary has been drawn (tightly around the built form of the school and excluding the school fields), the site is not adjacent to the settlement boundary of Cuckfield. The site is not within the High Weald Area of Outstanding Natural Beauty (AONB) or the Ashdown Forest 7KM zone of influence. It is classified as falling within Flood Zone 1. The Site is not within or directly adjacent to the two Cuckfield Conservation Areas, and there are no listed buildings within or immediately adjacent to the site. It should be noted that the Grade I listed Holy Trinity Church and cemetery is located, at its nearest point, approximately 200m to the north western corner of the site.
- 2.2. The Site is currently an agricultural field used for grazing. The site slopes downhill from north east to south west, with two minor watercourses within the site that flow from north to south – one along the western boundary and one in the south eastern corner. The site is bordered by the A272 along its southern boundary, with mature trees and hedgerows aligning the boundary on all sides of the site (with some additional mature trees present alongside the watercourse that runs diagonally across the south eastern corner of the site). A number of trees on the western boundary are subject to a TPO, with the trees along the southern section of the western boundary classified as being ancient woodland.



- 2.3. In terms of access, there is an existing vehicular access available from the adjacent A272 to the site. A Public Right of Way runs along the northern boundary and gives pedestrian access.



- 2.4. In terms of local connectivity, the Site is within easy access of the local road network serving the area, with the A23 less than 4km to the west of Cuckfield. The Site is also located in close proximity to existing public transport, with a bus stops located approximately 600m from the eastern end of the site and less than 400m from the northern boundary of the site on Broad Street, providing services to Horsham, Crawley, Uckfield and Haywards Heath. Haywards Heath train station is located only 2.5km away to the south, and provides regular mainline rail services to both Brighton and London.
- 2.5. Within Mid Sussex District, Cuckfield is identified in Policy DP6 of the District Plan 2014 - 2031 as being a Category 2 settlement, alongside such settlements as Copthorne, Crawley Down, Hassocks, Keymer, Hustpierpoint and Lindfield.
- 2.6. The Site has been submitted to MSDC for consideration through the Call for Sites, and assessed under SHELAA reference 1001.

### 3. Proposals

- 3.1. The Site constitutes approximately 13ha. The entire site is being promoted for residential development and considering the constraints on the site (such as adjacent ancient woodland) it is considered that the site is developable for approximately 200 dwellings, including public open space and a new vehicular entrance to Warden Park School.
- 3.2. The proposals are still at the early stages of preparation, but it is considered that given the existing access from the A272, the provision of enhanced access from the south, either through a priority junction or roundabout, would be able to provide suitable access and not generate any additional traffic movements through Cuckfield at peak hours. It is envisaged that as part of the proposals a school drop off/pick up area could be included, alleviating the need for vehicular traffic to utilise Broad Street at school pick up and drop off times and reducing traffic movements and vehicular idling in the centre of Cuckfield.
- 3.3. The existing trees and hedgerows on site are proposed to be retained and enhanced. Whilst the site is currently one large field, there is the possibility that the historic field boundaries within the site could be reinstated as part of any development, and be reflective of the heritage of the site.
- 3.4. The proposals will seek to provide a policy compliant mix of market and affordable housing, with open space included as part of any proposed development. The gently sloping nature of the site will also allow for the provision of strategic landscape buffers, along with enhancement of the existing trees and hedgerows that provide buffering between the site and the surrounding landscape.

## 4. National Planning Policy Position

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

### National Planning Policy Framework (2018)

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

**Economic Role** – helping to build a strong, responsive and competitive economy by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity;

**Social Role** – supporting strong, vibrant and healthy communities by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs;

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

- 4.5. Paragraph 11 sets out a presumption in favour of sustainable development. For plan making, this means;
- a) *Plans should positively seek opportunities to meet the development needs of their area, and be sufficiently flexible to adapt to rapid change;*
  - b) *Strategic policies should, as a minimum, provide for objectively addressed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless:*
    - *The application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area; or*
    - *Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole*

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

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

### Planning Practice Guidance

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

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

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



## 5. Considerations

- 5.1. The adopted District Plan 2014-2031 identifies that the District's Objectively Assessed Housing Need (OAHN) as 14,892, and that there is an unmet need in the Northern West Sussex Housing Market Area of 1,498. Therefore the minimum District housing requirement over the plan period is 16,390.
- 5.2. As identified in the Site Allocations DPD, the District Plan 2014-2031 allocated four strategic locations which made provision for the delivery of 5,080 dwellings over the plan period. When taken alongside all other allocations or known completions, this left the housing delivery in Mid Sussex short of its intended target. As part of the District Plan, a commitment to produce a Site Allocations DPD was made to provide further housing allocations and so meet the required need.
- 5.3. Accordingly the Submission Draft Site Allocations DPD has been produced, which provisionally allocates 1,764 dwellings.
- 5.4. This document as a whole is supported, however aspects of particular policies merit additional comment:

### Five Year Housing Land Supply & Housing Shortfall

- 5.5. The need for sites to come forward to meet an identified housing need has been clearly identified in the District Plan. Exacerbating this need is the chronic shortage of housing across the south east that has characterised the housing market for many decades and is steadily heightening.
- 5.6. 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 current Five Year Housing Land Supply of 5.64 years. This position was affirmed at appeal in March 2020, albeit the figure itself was not tested. Accordingly, whilst it can be seen that MSDC have a sufficient supply in place, the minimum need of a five year housing supply has only just been met, and a greater supply is required in order to ensure a suitable buffer when considering housing supply against the Government mandated five year mark.
- 5.7. In relation to the Housing Delivery Test, it can be seen from the Governments Housing Delivery Test figures published in February 2020 (covering the period 2016/17 to 2018/19) that MSDC delivered 95% of the required housing delivery. Therefore no changes to the calculation of the five year housing land supply figure were required.
- 5.8. In order to meet the necessary level of housing delivery across the District, the delivery of housing will need to increase through the site allocations made in both the District Plan and within the Site Allocations DPD. This can be most readily accomplished through the allocation of sites that are readily available and which can come forward in a shorter timeframe than sites that are currently occupied by built form or subject to an agricultural tenancy.

- 5.9. Given the need for further Site Allocations to meet the identified need for dwellings highlighted in the District Plan, and the need to ensure that a robust 5 year housing land supply is in place, it is acknowledged that MSDC have sought to produce a DPD that seeks to exceed the minimum target set out (supplying 1,764 units against a calculated minimum need of 1,280) This is in order to ensure that the District Plan, Five Year Housing Land Supply, Housing Delivery Test, and the Site Allocations DPD all remain robust over time.
- 5.10. However, it is inevitable that there will be a level of attrition on sites dropping out prior to the Site Allocations DPD being adopted or, post adoption and allocation, delays arising in the rate of delivery, making a plan that has a limited buffer prone to failing the housing delivery test. Therefore in order to ensure that the provision of sites remains robust and flexible, additional sites should be included that will ensure that the volume of housing delivery required is achieved with a suitable buffer in order to ensure flexibility in delivery.

### Housing Distribution

- 5.11. MSDC have sought to distribute site allocations across the District, utilising the settlement hierarchy established in the District Plan. This is so as to ensure that growth is as evenly distributed across the various settlements of Mid Sussex as far as possible.
- 5.12. It is of key importance that development is distributed evenly across the District to ensure that 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 Policies SA10 and SA11 of the Site Allocations DPD that this has been acknowledged, and that proportional growth has been attempted, with larger more sustainable settlements being given a larger proportion of growth given their greater level of infrastructure and services.
- 5.13. The Site Allocations DPD Policy SA10 has set out that there is a residual housing figure that should be allocated to Category 2 sites of 198 units. Policy SA11 has a draft allocation of 105 units for Category 2 settlements, split across Crawley Down, Cuckfield, and Hassocks.
- 5.14. The Site Allocations DPD has also set out that a minimum figure of 706 dwellings should be distributed across the Category 1 sites. However, the Site Allocations DPD has allocated 1,409 dwellings to be provided across all Category 1 settlements.
- 5.15. Given MSDC's aim to distribute development evenly across all settlement categories, the allocation of approximately 80% of the allocated units (1,409 of the total 1,764) across solely the Category 1 settlements is not an even distribution of development, and not in line with the proportional division calculated through the minimum residual identified needs.
- 5.16. Given this, it can be seen that the majority of the allocations within the Category 1 Settlements are in Burgess Hill and East Grinstead, with only 25 dwellings allocated to Haywards Heath. Alongside the Strategic Allocations in the District Plan (primarily at Burgess Hill, Pease Pottage and Hassocks), it can be seen that the majority of development over the plan period will not be evenly distributed, and therefore a greater diversity of site locations should be brought forward through the plan.

- 5.17. Hassocks, as a similar Category 2 Settlement to Cuckfield, has been allocated 600 dwellings as a strategic allocation in the District Plan, with another 130 coming forward through the Site Allocations DPD. Therefore it would be appropriate to consider that Cuckfield can accommodate a proportionate amount of new development. However, it has been subject to one allocation of 55 dwellings through draft policy SA23.
- 5.18. Accordingly, it would be appropriate for a further site allocation at Cuckfield to occur, both when considering the ability of similar sized settlements to accommodate such volumes development, but also when considering how housing allocations have been distributed across the District.
- 5.19. The allocation of Land North of the A272 would provide an opportunity to deliver a more balanced and proportion pattern of growth across the District. Its allocation would assist in providing development close to one of the largest settlements in the District, where there are already a wide range of services and facilities in place, and would assist in better distributing development proportionally across the existing settlements.

#### Location

- 5.20. Paragraph 72 of the NPPF identifies that the extensions to existing towns and villages are a suitable way in which to plan for sustainable development. The location of the site, adjacent to the school fields of Warden Park Academy, will result in a sustainable addition to the settlement of Cuckfield.
- 5.21. The site is not subject to an AONB designation, is not adjacent to or impactful upon views into or out of the AONB, and has not been given a protective designation (such as Local Green Space) in the Cuckfield Neighbourhood Plan. The only inhibitive designation identified in the Local or Neighbourhood Plan is that the Neighbourhood Plan has identified the western edge of the site as being within a 'key view' looking south from the Grade I Listed Church. Therefore the site should be viewed favourably given its location in less sensitive landscape than a large proportion of the District.
- 5.22. The site benefits from good connectivity to the surrounding road and public transport network. It is a site of gently sloping topography, which is well screened from the surrounding area through a combination of trees, hedgerows and vegetation. The site does not occupy a prominent position in the landscape, and would therefore not result in any negative impact upon the AONB or countryside from wider and long range viewpoints. Any perceived landscape or visual impacts could readily be addressed through further planting and boundary treatments to enhance the existing boundary vegetation.
- 5.23. Cuckfield is identified as a Category 2 settlement in the District Plan. It is subject to one draft allocations for 25 units in the Site Allocations DPD. The site is well located in regard to connectivity to the surrounding urban areas, being located on the A272 (which provides connections to the wider road network), having bus stops less than 400m from the site, and having Haywards Heath railway station approximately 2.5km away by road. Therefore the capacity of Cuckfield to accommodate a level of development and the associated increase in population is greater than that of smaller or similar sized settlements.

#### **Adjacent Land**

- 5.24. It can readily be seen that through the submission of sites to MSDC in the Call for Sites process that sites to the immediate east of the site have been submitted for consideration. However it is also known that whilst in separate ownership, the land immediately to the north of the site - the field to the north of the site that sits adjacent to the Warden Park School and the Cuckfield Conservation Area boundary - is available for development. Whilst the site has not yet been formally assessed by MSDC through the SHELAA Assessments, it is estimated that its inclusion in any development proposals would allow for approximately 250 units in total to come forward across Land North of the A272 and the additional field to the north.
- 5.25. There is therefore potential for MSDC to allocate not only Land to the north of the A272, but also a selection of sites that are all adjacent to each other, already relate closely to the existing built form, facilities and settlement boundary of Cuckfield, and ensure that development can come forward in an integrated manner.
- 5.26. Given the above, with regard to the policies included in the Site Allocations DPD, we therefore wish to make the following comments:

#### **Policy SA10: Housing**

- 5.27. Policy SA10 identifies the current status of housing supply in Mid Sussex District, and identifies the residual need for housing when considering the housing supply, completions, and known commitments that have occurred during the plan period of the District Plan. The policy also identifies the spatial distribution of the housing requirement across the various settlement categories of the District. This identifies a weighting towards larger settlements, and that a minimum of 198 units should be allocated to Category 2 settlements. In principle, the distribution of development is supported.
- 5.28. However, only 105 units are allocated to Category 2 settlements in the Site Allocations DPD, whereas 1,409 units have been allocated to Category 1 settlements. This vastly imbalanced distribution of development is objected to. When examined closely, it can be seen that the allocation of units to Category 1 settlements was made against an identified minimum need of 706 units. This distribution of housing across the settlement categories is disproportionate and is not supported. There is a need for more sites to be allocated across Category 2 settlements in order to ensure a more even distribution of development in line with the calculated minimum residual need for settlement categories.

#### **Policy SA11: Housing Allocations**

- 5.29. 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 on existing residents. It can be seen from the details set out in Policy SA11 that this has been acknowledged. Policy SA11 specifically identifies the sites and the number of dwellings on each site that will be brought forward as part of the Site Allocations DPD and that proportional growth has been attempted in the distribution of allocations across the District. This has been sought to be achieved through larger more sustainable settlements being given a larger proportion of growth given their current provision of infrastructure and services.

- 5.30. Policy SA11 is objected to, as it does not provide suitable development distribution across categories of settlement, or settlements themselves. The provision of sites is too heavily weighted towards the largest settlements (approximately 80% of the allocations), with 1,384 of the total of 1,764 units allocated to Burgess Hill, East Grinstead, and Haywards Heath.
- 5.31. Given this uneven distribution, Land North of the A272 should be included as an allocation in the Site Allocations DPD. Whilst it is acknowledged that the DPD has sought to exceed the minimum requirement of housing provision and ensure a suitable buffer is provided for in the event of any delays, the provision of sites across Category 2 settlements does not meet the minimum residual requirement. Through allocating the Site, a better distribution of development across the settlements of Mid Sussex will occur.

#### **Summary**

- 5.32. MSDC need to ensure that a suitable range of sites, of varying sizes and scales, are allocated in the Site Allocations DPD to ensure the delivery of a sufficient number of new homes to ensure a robust position when measured against five year housing land supply or the Housing Delivery Test. MSDC needs to ensure that the Plan is able to meet the demands both in terms of providing for housing need but also delivering at a sufficient rate.
- 5.33. Through seeking to distribute housing proportionally across the differing settlement categories, MSDC are seeking to ensure that the Site Allocations DPD provides a sufficient number of homes in a manner that is manageable for local communities and will not result in local services and facilities being unable to cope. Indeed research has shown that housing growth will have a wholly positive effect on local shops and services by providing valuable additional custom.
- 5.34. MSDC have shown that the desire exists to distribute development evenly across the various settlements. However, development has been located disproportionately to the largest settlements, resulting in a provision of units to Category 1 settlements that is almost double the calculated minimum residual need. This is in stark contrast to Category 2 and 3 settlements, where the provision of housing units is significantly less than the calculate minimum residual need.
- 5.35. The allocation Land to the North of the A272 in Cuckfield would ensure that the distribution of development across the District is achieved in a manner that is far more balanced. Accordingly Policy SA11 is objected to and the inclusion of the site in the Site Allocations DPD is sought to correct this imbalance.

## 6. Conclusion

- 6.1. These representations have been prepared on behalf of The Brian Williams Discretionary Settlement with regard to Land to the North of the A272, Cuckfield.
- 6.2. The principles behind the Site Allocations Development Plan Document are supported, and it is acknowledged that through calculating the proportionate number of units that should be delivered per settlement category, and through calculating the minimum residual housing need, MSDC have sought to understand how development should be distributed appropriately. MSDC have also sought to exceed the total delivery required in order to ensure that there is an appropriate buffer to help ensure delivery targets are met. However, the distribution and quantum of development set out in the DPD does not accord with the calculations set out. Therefore these representations object to policies SA 10: Housing and SA11: Additional Housing Allocations.
- 6.3. Policy SA10 Housing is objected to as it does not proportionally distribute development across the District, and seeks to deliver 80% of the housing provided through the DPD to Category 1 settlements. This distribution of housing across the settlement categories is disproportionate and is not supported. There is a need for more sites to be allocated across Category 2 settlements in order to ensure a more even distribution of development in line with the calculated minimum residual need for settlement categories.
- 6.4. Policy SA11 Additional Housing Allocations is similarly objected to as in conjunction with Policy SA10, the allocation of sites is too heavily weighted towards the largest settlements. Policy SA11 needs to include a greater variety of sites and greater volume of units delivered through the site allocations in Category 2 settlements.
- 6.5. Land North of the A272 should therefore be included as an allocation in the Site Allocations DPD. The Site can deliver residential dwellings in a Category 2 settlement and will greatly assist in balancing out the distribution of growth across the District. The Site is located in a sustainable location, adjacent to the playing fields of Warden Park Academy in Cuckfield. The site is a greenfield site that is not located within the High Weald AONB, is not prone to flooding, and is not within or directly adjacent to any listed buildings or Conservation Areas. The Site is adjacent to the A272, within easy access of the local road network serving the area, and well-connected in terms of public transport with nearby bus stops and mainline train station in Haywards Heath. The site also offers the potential to deliver wider public benefits, with the potential to alleviate traffic movements from the centre of Cuckfield at peak hours through the provision of a school pick up and set down area for Warden Park Academy.
- 6.6. Overall, the inclusion of the site in the Site Allocations DPD would be in keeping with both National Planning Policy and Local Planning Policy, and accordingly we request that MSDC revisit the Site Allocations DPD Site Allocations and seek to include the Site for development.



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