

1476

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA20

ID: 1476
Response Ref: Reg19/1476/2
Respondent: Ms E Kelly
Organisation:
On Behalf Of:
Category: Resident
Appear at Examination? x

[REDACTED]

From: [REDACTED]
Sent: 16 September 2020 22:06
To: ldfconsultation
Subject: SA19/SA20 ID196/770

Dear Sir/Madam,

I would like to have my view included to oppose the new developments at Felbridge and Imberhorne Farm.

I am a resident of [REDACTED]. Daily, I experience heavy traffic when leaving my road, both with school traffic and the heavily congested Star junction of the A22 and A264. Adding additional housing of this volume will make travel to East Grinstead even more difficult, especially since the road is already narrowed by pop up bicycle lane, which is making it difficult for buses and emergency vehicles to pass, without several hundred other cars on this already congested road.

I would also like to raise the fact that as residents, we were not properly consulted about the proposals. This clearly breaches regulations. We do not receive the newspaper where the advertisement was placed, since we don't live in Burgess Hill.

Another issue I have with these developments, is the fact that our local schools, doctors surgeries and dentists are already over subscribed without the additional pressure these homes will create. Since the office space availability has shrunk in East Grinstead, with many conversions to residential use, the majority of these houses will be for workers in Crawley, where there are alternative housing sites available. These developments effectively join Felbridge to East Grinstead and contravene the current housing plan.

I wish for these points to be considered in consultation.

Kind regards

Eliska Kelly

1477

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA20

ID: 1477

Response Ref: Reg19/1477/2

Respondent: Ms L Kelly

Organisation:

On Behalf Of:

Category: Resident

Appear at Examination? x

[REDACTED]

From: [REDACTED]
Sent: 16 September 2020 22:12
To: ldfconsultation
Subject: Opposition to planned developments at Felbridge and Imberhorne Farm

Dear Sir/Madam,

I would like to have my view included to oppose the new developments at both Felbridge and Imberhorne Farm.

I am a resident of [REDACTED] Felbridge and have lived here happily for the past 6 years and am an active member of the community.

Daily, I experience heavy traffic when leaving my road, both with school traffic and the heavily congested Star junction of the A22 and A264. At points, it has taken me over 20 minutes to get out of my road! Adding additional housing of this volume will make travel to East Grinstead and surrounding areas even more difficult, especially since the road is already narrowed by a pop up bicycle lane, which alone is making it difficult for buses and emergency vehicles to pass, without several hundred other cars on this already congested road.

I would also like to raise the fact that as residents, we were not properly consulted about the proposals. This clearly breaches regulations. I was not aware of any plans for new housing developments until today (17th September 2020) and this was from an external source, not the developers.

Another issue I have with these developments, is the fact that our local schools, doctors surgeries and dentists are already over subscribed without the additional pressure these homes will create.

Since the office space availability has shrunk in East Grinstead, with many conversions to residential use, the majority of these houses will be for workers in Crawley, where there are alternative housing sites available. These developments effectively join Felbridge to East Grinstead and contravene the current housing plan.

The planned locations are green space, home to many species of wildlife and also provide space for walkers, runners and dog walkers alike. Taking these areas away will cause irreversible damage to the active community as well as the wildlife we share our village with.

I wish for these points to be considered in the consultation and hope that you come to the right decision for the current community.

Kind regards

Lauren Kelly

Sent from my iPhone

1478

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA20

ID: 1478
Response Ref: Reg19/1478/3
Respondent: Ms J Holdaway
Organisation:
On Behalf Of:
Category: Resident
Appear at Examination? x

[REDACTED]

From: Joyce Holdaway [REDACTED]
Sent: 17 September 2020 12:43
To: ldfconsultation
Subject: Proposed new developments east grinstead and felbridge

Follow Up Flag: Follow up
Flag Status: Completed

Categories: SiteDPD

I would like to register my disapproval of any housing development in these areas due to the fact that the present infrastructure is already at saturation point.

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1487

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA20

ID: 1487
Response Ref: Reg19/1487/3
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: 18th 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

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1488

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA20

ID: 1488

Response Ref: Reg19/1488/2

Respondent: Mr T Johnston

Organisation:

On Behalf Of:

Category: Resident

Appear at Examination? x

Name	Tim Johnston
Address	[REDACTED]
Email	[REDACTED]
Which document are you commenting on?	Site Allocations DPD
Sites DPD Policy Number (e.g. SA1 - SA38)	SA19 - SA22
Do you consider the Site Allocations DPD is in accordance with legal and procedural requirements; including the duty to cooperate	No
(1) Positively prepared	Unsound
(2) Justified	Unsound
(3) Effective	Unsound
(4) Consistent with national policy	Unsound
Please outline why you either support or object (on legal or soundness grounds) to the Site Allocations DPD	<p>I object to sites SP19, SP20 and SP22 on several grounds.</p> <p>Firstly on public 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. I was unaware of the consultation.</p> <p>Secondly on assessment of sites. 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. The site assessment section on highways, arguably the most relevant to the sites in East Grinstead, was left blank. Traffic around the area of the A22, A264 and Imberhorne lane is too bad already - which should rule out sites SP19 and SP20.</p> <p>Thirdly, traffic considerations make them unsuitable. The congestion figures for the A264 approach arm were measured as 3 mins 2 secs queuing delay in the AM peak. THAT IS WITHOUT THE TRAFFIC FROM OTHER SITES ALREADY APPROVED - around 2,000 dwellings.</p> <p>Fourthly, all are Contrary to Neighbourhood Plan. For sites SP19 and SP20, 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". These developments clearly break that policy. Policy EG11 was designed to ensure that East Grinstead didn't have to takemass housing allocations like these without the necessary improvements to the local highways network. Again, this policy is broken.</p> <p>Site SP18 is in contravention of the Crawley Down plan.</p> <p>Local residents do not want to live in "East Craw-Sham", an urban conglomeration stretching from East Grinstead through Crawley to Horsham. Protect the strategic gaps between towns and villages.</p>

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

The three sites should be scrapped.

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

If your representation is seeking a change, do you consider it necessary to attend and give evidence at the hearing part of the examination

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

Please notify me when-The Plan has been submitted for Examination

yes

Please notify me when-The publication of the recommendations from the Examination

yes

Please notify me when-The Site Allocations DPD is adopted

yes

Date

18/09/2020

1535

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA20

ID: 1535

Response Ref: Reg19/1535/1

Respondent: Ms S Clarke

Organisation:

On Behalf Of:

Category: Resident

Appear at Examination? x

[REDACTED]

From: Sharon Clarke [REDACTED]
Sent: 21 September 2020 10:15
To: ldfconsultation
Subject: SA20 Land South & West of Imberhorne Upper School

Dear Sirs

I would like to voice my concern over this proposed development. I am terribly eloquent but I shall give it my best shot!

The number of houses going onto this site is quite worry. 550 extra houses in East Grinstead would, I expect, likely to cause at least another 1000 cars on the road (possibly more if families with grown up children move in) and at least another 1,500 people. I understand that a new GP practice and primary school will be built, but GPs are proving very hard to find (both in terms of getting an appointment, but new doctors being trained and of those, fewer are wanting to work in General Practice. The influx of children into the already full secondary schools locally is also a concern, not only for the new families into the area, but those loyal to East Grinstead, who may find it difficult to school their children.

The traffic system in EG is already beyond a joke. The number of extra cars in the area this will create will put even more stress on an already creaking system. A trip at any time of day through the A22 is always expected to be delayed. At weekends and rush hour patience is tested sometimes to the absolute limit.

I really don't think either your planning officers should underestimate the leisure facilities that this open space provides the community either. The amount of horse riders, dog walkers, families walking, children learning to ride bicycles, bird watchers etc that get a great deal of pleasure from this open space cannot be under estimated. To lose such a facility that is easily accessed by so many, from on foot without the need to use a car to access them, must become detrimental to our mental well being. To walk in the open air, away from roads and just enjoy the peace that these beautiful fields allow must be treasured and kept for the community.

I do hope for these reasons everyone pauses, takes breath and reflects on the decision that are about to be made. No-one ever replaces open space with another open space, once gone it will be gone forever. A price surely cannot be put on such a place that so many in the community treasure.

Yours faithfully

Sharon Clarke
[REDACTED]

1560

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA20

ID: 1560

Response Ref: Reg19/1560/2

Respondent: Mr A Ward

Organisation:

On Behalf Of:

Category: Resident

Appear at Examination? x

Name	Alan Ward
Address	[REDACTED]
Email	[REDACTED]
Name or Organisation	Alan Ward
Which document are you commenting on?	Site Allocations DPD
Sites DPD Policy Number (e.g. SA1 - SA38)	SA19 & SA20
Do you consider the Site Allocations DPD is in accordance with legal and procedural requirements; including the duty to cooperate	Yes
(1) Positively prepared	Unsound
(2) Justified	Unsound
(3) Effective	Unsound
(4) Consistent with national policy	Sound

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

The decision regarding the provision of housing within Mid Sussex has been ongoing for a number of years and consequently does not take into account the impact of Covid-19 on the area.

Previous guidance around the amount of new housing in the northern part of MSDC has been based upon continual growth at Gatwick Airport which as we are all too aware is now in serious decline. Unemployment is rising and will continue to grow as a consequence of major airlines either dramatically reducing or pulling out of the airport altogether e.g. Virgin and potentially BA. Companies that provide support services to the airport will also be heavily impacted.

Whilst Gatwick and Crawley may continue to grow in the future it is questionable whether or not the airline industry at Gatwick will ever go back to the glory days! Without this the draw for people to move to the surrounding towns will be restricted.

In terms of offices for businesses East Grinstead now has very little to offer meaning that people moving into these new houses will either:

1. Work from home
2. Commute by car, rail or bicycle

If commuting by car the impact upon the already gridlocked roads will intensify along with pollution and local residential roads will be used to bypass the main arterial routes. This will take place alongside Imberhorne Secondary School resulting in an increase in children suffering from lung conditions such as asthma. It cannot be highlighted enough that the existing road infrastructure cannot cope with a large increase in traffic.

For those who wish to utilise the nearest railway stations, East Grinstead or Three Bridges, there are minimal bus services that can be used. Car parking at the stations has been inappropriate for many a year as commuters typically struggle with the costs involved. Walking to Three Bridges is totally impractical whilst East Grinstead station is a mile walk away. This is not practical for the infirm whilst many others would not be prepared to undertake this distance on foot.

That leaves cycling for those who are fit and able once they have managed to fight the congested roads. Some of these will be fair weather cyclists so heaven help them in the middle of a wet and windy winter!

It is noted under SA20 that "The development shall establish a strong sense of place and include a neighbourhood centre (the spelling mistake is contained within the document). With the development so far from the centre of East Grinstead it is questionable whether or not the new estate will feel that it is part of East Grinstead as it sits outside the natural boundary of Imberhorne Lane. The Sunday Times reports on the 20th September that "Waltham Forest may represent the future for many towns and suburbs grappling with the problems exposed in the past six months of living with Covid-19". It states that within a 20 minute walk that you need to have a children's play areas, amenity green space, bus stop, shops including bakery, butcher, cafes, nursery, pub, restaurant, hairdresser, primary school, community allotments, elderly day care centre, medical centre, employment opportunities, secondary school, gym/swimming pool, bank, post office, church and garden centre. Whilst some of these are met many are not so is the build at SA19 and SA20 the correct way forward?

SA20 gives much focus on how the look and feel of the development will be with tree lined boundaries etc which all sounds very good until the residents try to leave the estate. As previously mentioned the local roads are full. Imberhorne Lane has recently had to have traffic calming measures introduced due to the volume and speed of the existing traffic. Anyone trying to leave the new development during peak commuting periods morning and evening will be sitting in queues before they even reach the Imberhorne Lane which already backs up past the proposed entry / exit road. This will dramatically increase the chances of road traffic accidents and the potential for a student attending Imberhorne School to be injured.

For cars leaving the site and travelling towards the Turners Hill Road they will need to navigate the narrow bridge which has seen too many accidents over the years.

There is mention within SA20 of protecting existing woodland and wildlife but this will without doubt be negatively impacted by building noise and the increase of people within the area. The site is currently fortunate to benefit from wildlife such as Skylarks and bats which will be disrupted and perhaps frightened away from the area as they lose the existing habitat.

SA20 states "Ensure the design and layout of the development works with the natural grain of the landscape following the slope contours of the site, minimising cut and fill. I cannot see how this can be accommodated in any way. For anyone who walks across this area one of the many benefits are the far reaching views across to the North Downs. No matter how well the estate is designed this will be lost for good if the development goes ahead.

"Development proposals will need to protect the character and amenity of the existing PRoW which runs through the site and the Worth Way which runs adjacent to the southern boundary. How when open views are replaced by a housing estate? The planting of trees or hedges will only hide the development which fails to protect the existing character.

"Avoid any loss of biodiversity through ecological protection and enhancement, and Submission Draft Site Allocations DPD 61 good design. Where this is not possible, mitigate and as a last resort, compensate for any loss. Just how do you compensate for any loss? Wildlife albeit plants, birds or animals cannot just be moved and expected to continue in the same way as it currently does. Once land is lost it cannot be replaced, the damage has already been done. Wildlife will live where its needs can be met and not substituted with other areas where conflict with the same or other species can take place.

My family and I often take advantage of the local walks across Imberhorne Farm enjoying the open countryside and far reaching views. If this is replaced by a large development then we are far more likely to jump into the car and travel further afield to partake in walking activities. I am sure that this is not what the Council wants to hear but it will be the result if this building goes ahead.

"Provide a Sustainable Transport Strategy which identifies sustainable transport infrastructure improvements and demonstrates how the development will integrate with and enhance the existing sustainable transport network providing appropriate enhancements to the existing public transport networks and safe and convenient routes for walking and cycling to key destinations and links to the existing networks.

- Working collaboratively with Surrey and West Sussex County Council Highway Authorities mitigate development impacts by maximising sustainable transport enhancements; where addition impacts remain, highway mitigation measures will be considered.
- Taking account for sustainable transport interventions, contribute towards providing any necessary capacity and safety improvements to junctions impacted upon by the development in the vicinity of the site along the A22/A264 corridor.
- Vehicular access and necessary safety improvements will be provided on Imberhorne Lane; the access shall include footpaths to either side to connect with the existing pedestrian network along Imberhorne Lane.

The above paragraphs are quite shocking and indeed insulting for those who live in the areas impacted by SA19 and SA20. For decades there have been talks and discussions about how to alleviate the traffic congestion around East Grinstead. Nothing within the DPD document gives any constructive view on how this will be mitigated. I accept that tinkering with the existing road infrastructure may, or may not take place, but until an overriding traffic solution has been found, agreed and implemented by Kent, Surrey and Sussex Councils then no new major developments should be considered.

Finally SA20 is proposed to be built upon existing farmland. It has been reported recently that the UK is short of wheat this year as a consequence of the hot and dry weather. Whilst the UK is usually a net exporter of wheat this year there will not be sufficient for the home market with the expectation that bread prices will rise. Surely as the threat of global warming intensifies we should be protecting existing farmland to feed the nation.

I am sure that many of my above concerns will not be deemed as acceptable points under the remit of the DPD policy. However my hope is that some semblance of common sense will come into play. I note that local MPs in Kent have recently complained about the housing demands that they are seeing from above. The response to the BBC (on South East Today) from the relevant Government Department was that the local councils need to be sure that the housing numbers are correct and that any numbers from central Government were suggested and not final. Are you sure that this level of building is actually required?

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

A full post Covid-19 re-assessment of housing demand needs to take place to ensure that SA19 and SA20 are sound.

A full review of the local traffic needs is needed to fully comprehend how SA19 and SA20 will impact the existing road network and what can actually be done to smooth traffic flow and not just blight the area.

A full assessment of the local wildlife and the impact of major development is needed. A few new trees and bushes will not be enough to compensate for the damage to the areas surrounding the farm fields.

An assessment needs to be undertaken to understand the impact upon local air quality for residents and school children (primary and secondary).

People who currently use SA20 areas for recreation may well be driven away by the development resulting in a detrimental impact upon the Ashdown Forest.

Is the SA20 land suitable for development or should the requirement to feed the nation override this?

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

If your representation is seeking a change, do you consider it necessary to attend and give evidence at the hearing part of the examination

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

Please notify me when-The Plan has been submitted for Examination

yes

Please notify me when-The publication of the recommendations from the Examination

yes

Please notify me when-The Site Allocations DPD is adopted

yes

Date

20/09/2020

1562

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA20

ID: 1562
Response Ref: Reg19/1562/2
Respondent: Mr F Lilley
Organisation:
On Behalf Of:
Category: Resident
Appear at Examination? x

Name	Frank Lilley
Address	[REDACTED]
Phone	[REDACTED]
Email	[REDACTED]
Which document are you commenting on?	Site Allocations DPD
Sites DPD Policy Number (e.g. SA1 - SA38)	SA19 and SA20
Do you consider the Site Allocations DPD is in accordance with legal and procedural requirements; including the duty to cooperate	No
(1) Positively prepared	Unsound
(2) Justified	Unsound
(3) Effective	Unsound
(4) Consistent with national policy	Unsound
Please outline why you either support or object (on legal or soundness grounds) to the Site Allocations DPD	<p>I have a number of objections to the planned developments SA19 and SA20:</p> <ol style="list-style-type: none"> 1. The area put forward for development would ruin beautiful countryside. 2. The number of houses proposed is unsuitable to the area. Local facilities (schools, hospitals) would not be able to cope with such a new influx of people. 3. Similarly local traffic, already problematic in this area, would be unable to cope with the added number of vehicles and considerable disruption would occur. 4. There is no a supply of work for large numbers of new people entering the area. 5. Before putting forward plans to build on such countryside, the Council should explore seriously all possible brownfield sites. Given the impact of COVID-19, there may be considerable potential to redevelop commercial and office buildings that will no longer be required. 6. Finally, your consultation process is inadequate. Local residents have not been informed of the existence of a consultation (I discovered this by chance) and the timetable is too short.
If you wish to provide further documentation to support your response, you can upload it here	
If your representation is seeking a change, do you consider it necessary to attend and give evidence at the hearing part of the examination	No, I do not wish to participate at the oral examination
Please notify me when-The Plan has been submitted for Examination	yes
Please notify me when-The publication of the recommendations from the Examination	yes
Please notify me when-The Site Allocations DPD is adopted	yes
Date	21/09/2020

1566

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA20

ID: 1566
Response Ref: Reg19/1566/1
Respondent: Mr P Johnson
Organisation:
On Behalf Of:
Category: Resident
Appear at Examination? x

[REDACTED]

From: Peter Johnson [REDACTED]
Sent: 20 September 2020 21:42
To: ldfconsultation
Subject: Imberhorne Farm Development SA20

Dear Sirs,

I reside in East Grinstead and a local volunteer group has alerted me to a potential residential development of 550 houses at Imberhorne Farm (plus an additional 200 houses at nearby Felbridge).

I am horrified to discover that, unknown to me; this matter was apparently out for discussion and consultation in the autumn of 2019. As a resident who will be directly negatively affected by this development can you please advise why I, as a ratepayer funding your salary, had to learn of this development perchance from a small local group of concerned residents?

I use the Worth Way and Imberhorne Farm for recreational purposes every day yet I have no recollection of any notices being prominently displayed in the local area to notify residents of the development; please explain to me how that can be?

Nor can I recall being alerted to the development in the 'Mid Sussex Matters' magazine. If I were a cynical person I might conclude that Mid Sussex District Council had actually gone to some lengths to deliberately shield residents from this information!

I understand that you assert that you gave sufficient notification by including details on a Facebook page that you have, by tweeting on Twitter and by placing details within the public library and local Council Offices. This is simply not acceptable as social media is hardly the place anyone would expect to search for official council notifications; many of us are not regular visitors to the local library and I have not the faintest idea where my nearest Council Office is or why I would have any need to visit it.

So, despite being informed that the consultation process is closed, I consider that I have every right to register my opposition to the development. The development of Imberhorne Farm (and the associated housing at Felbridge) will have a massive negative impact on the local area. The additional traffic that will be generated cannot be absorbed into the existing road infrastructure. The Imberhorne Lane/A22 junction and Felbridge junctions cannot manage an increase in traffic volume. In normal times there is a daily queue of vehicles on Imberhorne Lane attempting to get onto the northbound A22. This queue regularly backs up beyond the Heathcote Drive/Imberhorne Lane junction and it's not uncommon for vehicles to queue on Gardenwood Road waiting to get onto Heathcote Drive to then get onto Heathcote Drive, to get onto Imberhorne Lane, to get onto the A22. Please note that the traffic pollution impacts on a number of schools in the immediate vicinity. And if you fancy that occupants of these 750 houses will commute by bicycle you are living in a fool's paradise.

Already local roads are used as 'rat-runs' and it is simply not feasible for the existing road system to absorb a substantial increase in vehicle movements; especially on Imberhorne Lane. Your research must have indicated that the Imberhorne Lane/A2 junction and the A22/A264 junctions are over capacity?

A development of the scale envisaged at Imberhorne Farm and Felbridge should not be considered unless effective and workable road infrastructure solutions are identified and implemented.

I await your response.

Yours faithfully
Peter Johnson
[REDACTED]



Virus-free. www.avast.com

1584

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA20

ID: 1584

Response Ref: Reg19/1584/1

Respondent: Ms R Eveleigh

Organisation:

On Behalf Of:

Category: Resident

Appear at Examination? x

Name	Rebecca Eveleigh
Job title	Teacher
Organisation	Eveleigh
Address	[REDACTED]
Email	[REDACTED]
Name or Organisation	RebeccaEveleigh
Which document are you commenting on?	Site Allocations DPD
Sites DPD Policy Number (e.g. SA1 - SA38)	SA20
Do you consider the Site Allocations DPD is in accordance with legal and procedural requirements; including the duty to cooperate	Yes
(1) Positively prepared	Unsound
(2) Justified	Unsound
(3) Effective	Unsound
(4) Consistent with national policy	Unsound
Please outline why you either support or object (on legal or soundness grounds) to the Site Allocations DPD	<p>I think that it would be tragic if the land to the south and west of Imberhorne Upper School were developed into housing.</p> <p>Generally, and in light of Covid-19, so many people from east Grinstead use this area to connect with the outside and nature. It is within walking distance from home for most people in west East Grinstead, transport is not needed to travel there, and this makes it a precious space. There is nowhere else like it within walking distance from my house and it would be tragic if we lost this space.</p> <p>The SANG suggested alternative is a managed space and would not have the view to the right of the path when walking from Imberhorne Lane towards Gullede.</p> <p>Plans have been made for a primary school but what are the plans for secondary education? Imberhorne School is already at capacity. Where will the children attend school.</p> <p>The traffic is terrible at times down Imberhorne Lane and Heathcote drive at rush-hour backing up from the traffic lights by Pets at Home.</p>
Please set out what change(s) you consider necessary to make the Site Allocations DPD legally compliant or sound, having regard to the reason you have identified at question 5 above where this relates to soundness.	Don't buy thee
If you wish to provide further documentation to support your response, you can upload it here	
If your representation is seeking a change, do you consider it necessary to attend and give evidence at the hearing part of the examination	No, I do not wish to participate at the oral examination
Date	21/09/2020

1596

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA20

ID: 1596

Response Ref: Reg19/1596/1

Respondent: Mr P Lockwood

Organisation:

On Behalf Of:

Category: Resident

Appear at Examination? x

[REDACTED]

From: peter.lockwood1 [REDACTED]
Sent: 21 September 2020 18:30
To: ldfconsultation
Subject: Imberhorne Lane Development

Categories: SiteDPD

Dear Sir

I am writing to object to the possible development of the site on Imberhorne Farm.

- If this development were allowed to go ahead the traffic increase in an already heavily congested area would be catastrophic. There are already traffic jams in the immediate area every rush hour and the local roads are just not fit to carry the extra volume of cars. The pollution levels will increase.
- There is no local infrastructure to cater for more houses, there are already waiting lists for Doctors and Dentists and the local schools would not cope.
- There is a lack of employment in the area. Gatwick Airport which employs a huge volume of local personnel is in decline. There are, and will be for the foreseeable future, a huge reduction in flights and therefore the knock-on effect will be unemployment. This will not improve in the near future.
- Why destroy some beautiful farmland which is used by hundreds of locals every day to exercise, walk dogs and ride horses.

This development MUST NOT go ahead.

Yours faithfully

P.J.Lockwood (resident of Felbridge for 36 years)

1618

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA20

ID: 1618

Response Ref: Reg19/1618/1

Respondent: Mr J Feck

Organisation:

On Behalf Of:

Category: Resident

Appear at Examination? x

Name	Justin Feck
Address	[REDACTED]
Email	[REDACTED]
Which document are you commenting on?	Site Allocations DPD
Sites DPD Policy Number (e.g. SA1 - SA38)	SA20
Do you consider the Site Allocations DPD is in accordance with legal and procedural requirements; including the duty to cooperate	Yes
(1) Positively prepared	Unsound
(2) Justified	Unsound
(3) Effective	Unsound
(4) Consistent with national policy	Unsound
Please outline why you either support or object (on legal or soundness grounds) to the Site Allocations DPD	<p>I object to the developmental proposal at SA20 (Gullege Farm, East Grinstead) on the basis that it would cause a catastrophic loss of natural habitat, and is totally disproportionate to the needs of East Grinstead.</p> <p>The land that is proposed to be developed is vital to the mental health and wellbeing for many, many residents of the local area. It provides refuge to the pressures of modern day life, especially in the current climate of Covid-19.</p> <p>If the project is approved, then it proves that money has spoken, and that no one in the council cares about their residents, and that they have greenlight the decline of nature in process as well.</p> <p>I understand that houses are needed, but the obscene destruction of land to,</p>
If you wish to provide further documentation to support your response, you can upload it here	
If your representation is seeking a change, do you consider it necessary to attend and give evidence at the hearing part of the examination	No, I do not wish to participate at the oral examination
Please notify me when-The publication of the recommendations from the Examination	yes
Date	22/09/2020

1641

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA20

ID: 1641

Response Ref: Reg19/1641/1

Respondent: Mrs P Byam-Cook

Organisation:

On Behalf Of:

Category: Resident

Appear at Examination? x

Name	Philippa Byam-Cook
Address	[REDACTED]
Email	[REDACTED]
Which document are you commenting on?	Sustainability Appraisal
Sites DPD Policy Number (e.g. SA1 - SA38)	SA20
Do you consider the Site Allocations DPD is in accordance with legal and procedural requirements; including the duty to cooperate	No
(1) Positively prepared	Unsound
(2) Justified	Unsound
(3) Effective	Unsound
(4) Consistent with national policy	Unsound

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

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 -
□ 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.
□ No alerts on the Council's website
o Neither the main landing page nor the main 'Planning and Building' page make ANY reference to the consultation.
o 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
o 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.
o 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."
o 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 -
□ 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.

Allocation of site SA20 would ...

3) Lead to reduced opportunities for people to live and work within their communities -
□ 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
o 714 with permission as at April 2014
o 270 allocated in the Neighbourhood Plan
o 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.

4) Lead to unsustainable traffic congestion with local junctions already over capacity -
□ 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." □ 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) Be contrary to national planning policies & the Local Development Plan -
□ At a review of Neighbourhood Plan policies on 3rd May 2018 following the adoption of the District Plan, MSDC confirmed that 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 Imberhorne Farm and south of the Crawley Down Road precisely the location of the proposed sites SA19 and SA20.

6) Result in loss of valued agricultural land and habitat, harm the setting of heritage assets and result in coalescence with the village of Felbridge -
□ 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).
o 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."
o 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.
o 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
o 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
o 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
o 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"
o 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"
o 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.
o 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.
o 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."

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.

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 proposed allocations at East Grinstead and Felbridge should be withdrawn as they cannot be delivered sustainably.

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

If your representation is seeking a change, do you consider it necessary to attend and give evidence at the hearing part of the examination

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

Please notify me when-The Plan has been submitted for Examination

yes

Please notify me when-The publication of the recommendations from the Examination

yes

Please notify me when-The Site Allocations DPD is adopted

yes

Date

23/09/2020

1690

Site Allocations DPD: Regulation 19 Consultation Response


Policy: SA20

ID:	1690
Response Ref:	Reg19/1690/1
Respondent:	Mrs C Lightburn
Organisation:	
On Behalf Of:	
Category:	Resident
Appear at Examination?	x

of sufficient importance ~~to~~ to merit a colour photograph in the new volume. It is of local interest, & the Council has provided a "viewing seat" on the North Way to cater for this. But the house needs to retain a ~~rural~~ rural setting.

If 500+ more homes are to be built in East Gornstead - the infra-structure has increasingly been unable to cope from over-population pressures for the last ten years or so - I would suggest they are built in the field immediately south of the North Way & east of Imberhome Lane. This site touches the edge of existing East Gornstead housing all along its north-east side and has the great advantages ① that it has no public profile ② that the new inhabitants could be within easy walking distance of the town centre, supermarkets, & railway station.

Yours sincerely


MRS CAROLINE LIGHTBORN

MID SUSSEX DC

23 SEP 2020

Thursday 22 October 2020

Dear Sir

Application No SA 20 Planning ref. DM
for development on Imberhome Farm

I wrote this letter to you when the plan was first posted on Imberhome Farm, but as this was during the office total shutdown & I received no acknowledgment I should like to make quite sure you have received it & join the formal protest of the Infrastructure First group.

When the Council rejected the earlier application for development on Imberhome Farm it was, among other factors, on the grounds that the farm provided a buffer between East Grinstead & Crawley Town, a vital "lung" for the inhabitants of East Grinstead. The footpath through the farm is in continuous use by hikers, horse riders, joggers, walking groups, families with pushchairs, children getting to school, dog-walkers - all enjoying the peace, country views, absence of cars & fresh air.

The area also provides a haven for wildlife, whose habitat is increasingly rapidly disappearing locally. Buzzards, kestrels, owls, sky larks; deer, badgers, foxes, squirrels, rabbits; dormice, moles, crested newts, slow-worms and grass snakes are among much other wild life all crowded into this area.

The old manor house of Gullede is designated II* (not grade II as on the planning application) & is a significant architectural feature of East Grinstead. Elizabeth Williamson, editor of the recent revision of the Sussex volume of Buildings of England, considered it

1691

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA20

ID: 1691
Response Ref: Reg19/1691/1
Respondent: Mr E Lightburn
Organisation:
On Behalf Of:
Category: Resident
Appear at Examination? x

Mid Sussex District Council
Planning RH16 1SS

21/ Sept/ 20

Dear Sirs

Imberhorne Farm SA 20/19
Response to Submission Sites Allocations

I have lived in East Grinstead for 25 years. For all that time Imberhorne Farm has been an essential 'lung' so that residents can breathe the fresh air and enjoy open and real countryside. The 'lung' also ensures that East Grinstead maintains its separate identity from Crawley Down / Crawley. The Developers proposals in effect destroy this 'lung', the fields they propose leaving open are merely a sop to gain approval for their housing and how long will they remain open? With the 'lung' gone the vital and living identity of East Grinstead will also be gone.

I strongly oppose the Developers proposals.

I also strongly support the arguments of the Infrastructure First Group.

Yours faithfully

MID SUSSEX DC

23 SEP 2020

1723

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA20

ID: 1723

Response Ref: Reg19/1723/3

Respondent: Mrs J Roberts

Organisation:

On Behalf Of:

Category: Resident

Appear at Examination? x

Site Allocations and Development Plan Document (DPD) July 2020

I write to express my concern at aspects of the DPD proposed by M.S.D.C.

As a resident of East Grinstead, I am particularly concerned about the unacceptable increase in levels of traffic on roads in East Grinstead and feel that to add further major housing developments in the area will only exacerbate the situation. There have been many traffic studies on the local area, which conclude that the road network is already at capacity. In spite of proposals to improve the congestion at Felbridge, Imberhorne Lane and Lingfield Road there have been no significant road improvements. Until these are planned and carried out the proposed housing developments at Imberhorne Lane, Felbridge and Crawley Down would seem to be the height of folly.

I also feel that the development of sites at Felbridge and Imberhorne Lane goes against the Neighbourhood Plan, which in policy EG2 states that it “ensures that development does not result in the gradual accretion of development at the urban fringe”. The District Council’s own Plan 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 land, which does not need to be there.”

There does not appear to be a shortage of accommodation for people of East Grinstead, so why are these sites being proposed ? Many office blocks in East Grinstead have been converted to apartments, and the former site of Martell’s in the centre of the town now accommodates a large apartment block. There has also been a considerable amount of ‘infill’ with small building sites around the town. If the Felbridge and Imberhorne sites are being proposed to provide housing for people from Crawley, why not build housing on the edge of Crawley, which would obviate the need for unnecessary travel and protect the environment.

Considering the sites individually :

SA18 Police Station at East Court

This housing will occupy land on the only considerable parkland area in East Grinstead. The private road through the park is only meant to bring people to East Court and is not designed for use by housing residents. Any road extension or parking would seriously undermine the amenity for the rest of the population of East Grinstead and the junctions at the entrances to East Court are not suitable for increased traffic.

SA19 Crawley Down Road

Again, one of the major objections to this proposed site is the increase in traffic onto already overloaded roads. In addition the junction of the Crawley Down Road with the A264 forms a difficult junction at a green space, which is apparently protected for

the people of Felbridge and so unavailable for road improvements. This housing would also considerably increase the population of the village and with limited facilities available, residents would have to travel to East Grinstead for other services, increasing local traffic.

SA20 Imberhorne Farm

Once again the traffic implications of building an estate of 550 houses here are considerable. With an enlarged comprehensive school, and traffic using the junction at Felbridge, as well as joining the Turners Hill Road at the other end of Imberhorne Lane, where it would meet traffic from the Hill Place Farm development, the possibility of gridlock is considerable.

Environment

All these site allocations result in increased traffic and more pollution in our area. This, in spite of the fact that we are urged to cut car emissions to improve air quality. The improvement of air quality was particularly noticeable during the recent lockdown for Covid 19.

1792

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA20

ID: 1792

Response Ref: Reg19/1792/2

Respondent: Ms J Edwards

Organisation: Sport England

On Behalf Of:

Category: Statutory Consultee

Appear at Examination? x

From: Jo Edwards <Jo.Edwards@sportengland.org>
Sent: 25 September 2020 10:28
To: ldfconsultation
Subject: Mid Sussex District Council Site Allocations DPD - Regulation 19 Consultation

Dear Sir / Madam,

Thank you for consulting Sport England on this DPD.

Sport England has the following comments:

SA16 St Wilfrid's Catholic Primary School, Burgess Hill

The Council's Playing Pitch Strategy (PPS) indicates a projected shortfall in junior pitches and therefore Sport England would expect that the playing field and pitches lost would need to be compensated for to at least equivalent quality and quantity in an appropriate location in accordance with NPPF paragraph 97 and Sport England's Playing Field Policy. Suggest that at the end of the Social and Community section after 'to the satisfaction of the Council and Sport England', '*in accordance with the NPPF and Sport England's Playing Field Policy*' is added.

SA20 Land to the south and west of Imberhorne Upper School, East Grinstead

The site allocation appears to clip part of the school playing field and part of one of the existing football pitches on the field. Clarification is requested tht the existing school provision will not be adversely affected or that any loss will be adequately mitigated in accordance with the NPPF paragraph 97 and Sport England's Playing Field Policy.

SA25 Land west of Selesfield Road, Ardingly

Urban Design Principles: it may be prudent to acknowledge presence of cricket pitch on adjoining playing field and any potential, albeit slight risk of ball strike to be considered in respect to housing layout, removal of existing bund and any boundary trees/ hedges.

Please do not hesitate to contact me if further clarification on any of these matters is required.

Yours Faithfully,

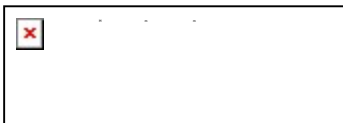
Jo Edwards
Planning Manager

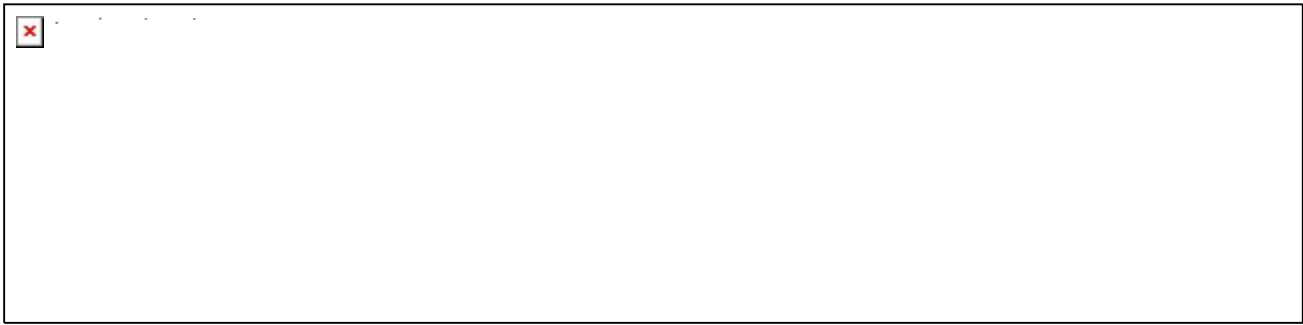
T: 07826354343

M: 07826354343

F: 020 7273 1704

E: Jo.Edwards@sportengland.org





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1810

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA20

ID:	1810
Response Ref:	Reg19/1810/1
Respondent:	Mr M Bishop
Organisation:	
On Behalf Of:	
Category:	Resident
Appear at Examination?	x

[REDACTED]

From: enquiries
Sent: 25 September 2020 12:37
To: planninginfo
Subject: FW: SA20 land south and west of Imberhorne School. Objection to development of 550 houses.

From: Martin Bishop [REDACTED]
Sent: 25 September 2020 11:18
To: enquiries <enquiries@midsussex.gov.uk>
Cc: natureshome@rspb.org.uk; mims.davies.mp@parliament.uk
Subject: SA20 land south and west of Imberhorne School. Objection to development of 550 houses.

----- Forwarded message -----

From: Martin Bishop [REDACTED]
Date: Fri, 25 Sep 2020, 9:03 am
Subject: SA20 land south and west of Imberhorne School. Objection to development of 550 houses.
WasTo: <LDFCconsultation@midsussex.gov.uk>
Cc: <mims.davies.mp@parliament.uk>, <natureshome@rspb.org.uk>, <enquires@sussexwt.org.uk>

Dear Sir/Madam,

I object unreservedly to the above proposed development and the nightmare this will cause to the environment and local people's health.

This development will effectively mean the destruction of Imberhorne Farm an important habitat for rare and protected bird species such as skylark, Yellowhammer, Linnet, Kestrel and the very rare Hobby. This is just a nice area for walking, dog walking and bird watching which I have enjoyed doing for over 40 years and it would be tragic if this land was destroyed as so much land in and around East Grinstead and been lost to unscrupulous development just to make a fast buck.

Then there is the question of Covid-19 which would appear to be rampant once more so a development such as this will impact local residents health not to mention more pollution, more cars and more rubbish and everything that goes with over population.

I do to have to question the legality of this development and destroying rare bird habitat is breaking the law. I am sure my local MP and wildlife groups cc'd in may wish to comment on this.

Therefore, my final thoughts are that I beg you not to destroy this area so people can continue to enjoy the pleasure's this area gives.

Thank You
Martin Bishop

[REDACTED]

[REDACTED]



1846

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA20

ID: 1846
Response Ref: Reg19/1846/1
Respondent: R Browne
Organisation:
On Behalf Of:
Category: Resident
Appear at Examination? x

Name	Rowan Browne
Address	[REDACTED]
Phone	[REDACTED]
Email	[REDACTED]
Which document are you commenting on?	Site Allocations DPD
Sites DPD Policy Number (e.g. SA1 - SA38)	SA20
Do you consider the Site Allocations DPD is in accordance with legal and procedural requirements; including the duty to cooperate	No
(1) Positively prepared	Unsound
(2) Justified	Unsound
(3) Effective	Unsound
(4) Consistent with national policy	Unsound
Please outline why you either support or object (on legal or soundness grounds) to the Site Allocations DPD	I strongly object to the proposed development of Imberhorne farm and school field. Traffic is already a huge problem and during non COVID times affects daily my ability to work my required hours near Gatwick. This should not be a problem after school drop off but the traffic is always gridlocked and that is without additional traffic of a new development. We also cannot access an NHS dentist as a family. The infrastructure is not able to support the current inhabitants never mind more. We need to preserve our green spaces in the area.
If you wish to provide further documentation to support your response, you can upload it here	
If your representation is seeking a change, do you consider it necessary to attend and give evidence at the hearing part of the examination	No, I do not wish to participate at the oral examination
Please notify me when-The publication of the recommendations from the Examination	yes
Please notify me when-The Site Allocations DPD is adopted	yes
Date	25/09/2020

1910

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA20

ID: 1910

Response Ref: Reg19/1910/1

Respondent: Ms K Lambert

Organisation:

On Behalf Of:

Category: Resident

Appear at Examination? x

[REDACTED]

From: Kirsty Lambert [REDACTED]
Sent: 27 September 2020 21:16
To: ldfconsultation
Subject: Land south and west of imberhorne upper school

- My name is Kirsty Lambert, [REDACTED]

Please add my objection the Imberhorne construction of 550 homes.

This is the most beautiful walking spot for many local people. I have actively walked round these fields for many many years with my dogs, and these routes are massively used by runners, dog walkers and horse riders.

During lock down this route has been especially important as it gives us the space to be more than at least 2 metres apart, not something that you can do around the local streets.. I tried and it was not possible.

I never heard or read anything about the earlier consultation and I do actively look at these as my dog and I have walked around east grinstead all my life

- It is important for the Infrastructure First group to be represented at the public examination .

I am amazed that you think east grinstead can support another 550 homes, you have obviously never tried to get a doctor or dentist appointment without at least a 4 week wait.

The traffic is also terrible, so most houses now have at least 2 cars, how do you propose the support another 1000 cars right by a main school. This is an accident waiting to happen.

Please note my objection to this request for building these houses on this amazing land that is used by so many local people

Kirsty Lambert

Sent from my iPad

1918

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA20

ID: 1918

Response Ref: Reg19/1918/2

Respondent: Mrs K Picton

Organisation:

On Behalf Of:

Category: Resident

Appear at Examination? x

[REDACTED]

From: Kay Picton [REDACTED]
Sent: 27 September 2020 10:38
To: ldfconsultation
Subject: Imberhorne Proposed development

I totally oppose this development I live in [REDACTED] and believe that it is the wrong location as it is too far to walk to town and we do not have the job opportunities in East Grinstead.

Therefore we will be inundated with more traffic which our roads can not deal with - at present - as we do not have a train service to Crawley it can take up to 1hour to travel there for work.

I do not believe this is the development for East Grinstead as since I have lived here we have had numerous smaller housing developments and it has meant East Grinstead is now stretched with traffic and horrendous traffic jams on a regular basis.

We do not have the road organisation and public transport to take this housing development therefore I strongly disagree to this development.

Mrs Kay Picton
75

2002

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA20

ID: 2002

Response Ref: Reg19/2002/3

Respondent: Mr R Burleigh

Organisation:

On Behalf Of:

Category: Resident

Appear at Examination? x

Name	Raymond Burleigh
Job title	Retired
Address	[REDACTED]
Phone	[REDACTED]
Email	[REDACTED]
Which document are you commenting on?	Site Allocations DPD
Sites DPD Policy Number (e.g. SA1 - SA38)	SA18, SA19, SA20
Do you consider the Site Allocations DPD is in accordance with legal and procedural requirements; including the duty to cooperate	No
(1) Positively prepared	Unsound
(2) Justified	Unsound
(3) Effective	Unsound
(4) Consistent with national policy	Unsound
Please outline why you either support or object (on legal or soundness grounds) to the Site Allocations DPD	I totally object to proposals SA18, SA19 and SA20 which are far too large for East Grinstead. The town is already overdeveloped and suffers from daily chronic traffic congestion on the A22 north of the town and on the A264 approaching Felbridge. The extra traffic generated by these three developments will simply contribute to bringing traffic to a standstill in the Felbridge and Imberhorne Lane areas at rush hour times. Plus we already have a situation where people wanting to go shopping always regularly avoid East Grinstead, preferring instead to drive to other centres. All to the detriment of our own shopkeepers in London Road and the High Street. Instead of developing the town more housing will, in fact, choke it to death. As it is the daily exhaust pollution from traffic fumes from tail backed vehicles in London Rd/ Felbridge is a disgrace and the air quality should be properly investigated against national and EU standards.
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.	Abandon SA18, SA19 and SA20 on environmental grounds as set out above.
If you wish to provide further documentation to support your response, you can upload it here	
If your representation is seeking a change, do you consider it necessary to attend and give evidence at the hearing part of the examination	No, I do not wish to participate at the oral examination
Please notify me when-The Plan has been submitted for Examination	yes
Please notify me when-The publication of the recommendations from the Examination	yes
Date	27/09/2020

2065

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA20

ID: 2065

Response Ref: Reg19/2065/10

Respondent: Mr A Black

Organisation: Andrew Black consulting

On Behalf Of: Denton - Horsham Road

Category: Promoter

Appear at Examination? x



Mid Sussex District Council

Draft Site Allocations DPD (Regulation 19)
Consultation

Representation on behalf of Denton Homes – Land
North of Horsham Road, Pease Pottage

September 2020

Project MSDC Draft Site Allocations DPD

ABC Reference ABC/0075/07a

Local Authority Mid Sussex District Council

Client Denton Homes

Issue Final

Author Andrew Black

Date September 2020

Disclaimer: This report has been prepared for the above named client for the purpose agreed in Andrew Black Consulting's (ABC) terms of engagement. Whilst every effort has been made to ensure the accuracy and suitability of the information contained in this report, the results and recommendations presented should not be used as the basis of design, management or implementation of decisions unless the client has first discussed with ABC their suitability for these purposes and ABC has confirmed their suitability in writing to the client. ABC does not warrant, in any way whatsoever, the use of information contained in this report by parties other than the above named client.

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1. Introduction

- 1.1 These representations for the Draft Site Allocations DPD (Regulation 19) Consultation (Herein referred to as the ‘SADPD’) are submitted by Andrew Black Consulting on behalf of Denton Homes regarding two linked sites within their control at Horsham Road in Pease Pottage.
- 1.2 The two sites are known as *Land at former Driving Range, Horsham Road, Pease Pottage* (SHELAA ID 219) and *Land north of the Former Golf House, Horsham Road, Pease Pottage* (SHELAA ID 818)
- 1.3 It is understood that the SADPD has been produced in accordance with the Planning and Compulsory Purchase Act 2004, and other relevant regulations.
- 1.4 The NPPF states that Development Plan Documents should be prepared in accordance with the legal and procedural requirements. To be found to be ‘sound’, plans must be:
 - a) *positively prepared*
 - b) *justified*
 - c) *effective, and*
 - d) *consistent with national policy.*
- 1.5 It is with this in mind that these representations are made.
- 1.6 The draft SADPD has been prepared using an extensive and legally compliant evidence base including a Sustainability Appraisal, Habitat Regulations Assessment, Community Involvement Plan, Equalities Impact Assessment, and various technical reports and studies. Of particular note is the Built Up Area Boundary and Policies Map Topic Paper (TP1) produced in August 2020.
- 1.7 The Site Allocations DPD proposes to allocate 22 sites to meet this residual necessary to meet the overall agreed housing requirement for the plan period as reflected in the ‘stepped trajectory’ and in accordance with the District Plan.
- 1.8 These representations set out the detail of the Site and Surroundings and a response to the detailed parts of the SADPD.

2. Site and Surroundings

- 2.1 The two sites are located within close proximity of each other as highlighted in the below SHELAA map.

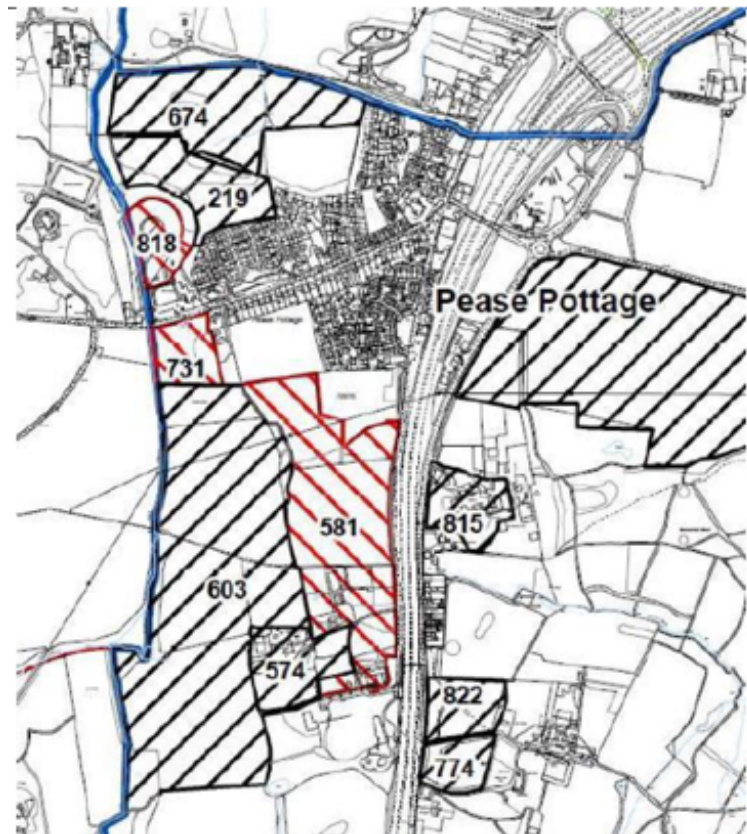


Figure 1 – SHELAA Extract

- 2.2 The sites were assessed in the most recent under SHELAA (Ref 219 and 818) as Suitable, Available and Achievable in the Medium to Long Term (The full extract of the SHELAA is set out in Appendix 1). Several constraints were note within the HELAA form which are addressed below.

Surrounding Developments and Proposed Allocations

- 2.3 Both sites are in close proximity to areas which have been developed for housing in recent years.
- 2.4 To the south of the sites, permission was granted at appeal for the redevelopment of the former area of Golf Course for 95 dwellings which has been subsequently completed.
- 2.5 The application was submitted in 2013 (13/02994/OUT) and refused at local level before being allowed at appeal in 2014 (ref APP/D3830/A/2215289)



Figure 2 – Riverdale Homes site layout

2.6 The site directly to the west of the Golf Course site which comprised of the former club house and driving range was granted permission for the *demolition of existing buildings and redevelopment of the site to provide 25no. dwellings with associated access, parking and landscaping and other associated works* (Ref DM/17/0747).



Figure 3 – Approved layout on land to south (forming access road)

- 2.7 The site provides an access to the further parcels at the rear of the site (SHELAA ref 219 and 818)
- 2.8 The Proposals Map for the SADPD shows the significant growth forecasted in Pease Pottage in the lifetime of the plan.

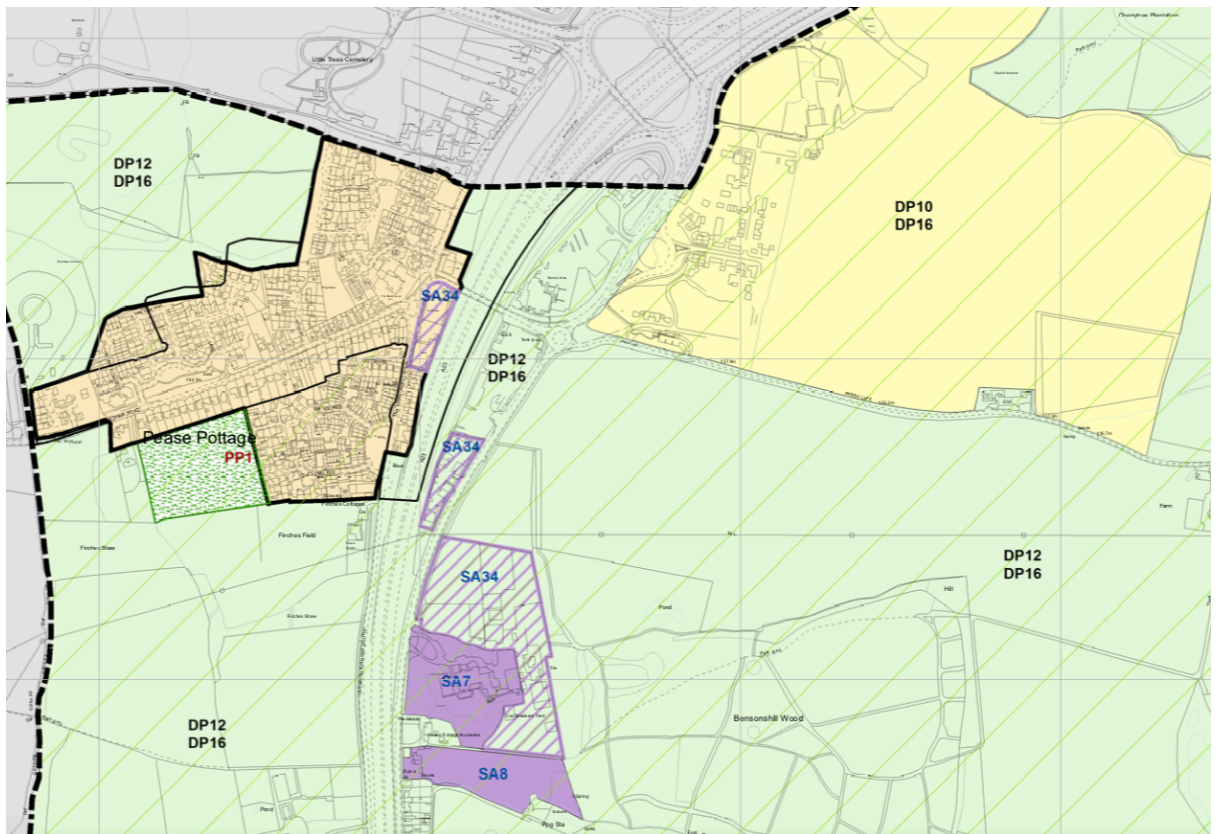


Figure 4 – SADPD Proposals Map

- 2.9 The large development to the East of Pease Pottage is being brought forward by Thakeham Homes and will deliver a substantial portion of housing together with new facilities for the Village including a new Primary School, Village Shop, Village Café and areas of open space.
- 2.10 The site was dismissed within the Site Selection Process for its lack of proximity to services

Part 3 - Sustainability / Access to Services	
14 - Education	More than 20 Minute Walk
15 - Health	More than 20 Minute Walk
16 - Services	10-15 Minute Walk
17 - Public Transport	Poor

- 2.11 This may be the case at present but will substantially improve with the development of the Thakeham site.
- 2.12 Sites SA7 Cedars (Former Crawley Forest School) and SA8 Pease Pottage Nurseries are allocated within the SADPD for B1, B2 and B8 employment.

- 2.13 All of the new development coming forward with Pease Pottage is also within the AONB. It demonstrates that Pease Pottage will experience significant growth in the coming years and is able to support an uplift in housing which will be located alongside facilities and employment opportunities.

3. Housing Site Allocation Process

- 3.1 The District Plan 2014-2031 sets out the housing requirement for the district for the plan period of 16,390 dwellings. This meets the Objectively Assessed Need (OAN) for the district of 14,892 dwellings in full and makes provision for the agreed quantum of unmet housing need for the Northern West Sussex Housing Market Area, to be addressed within Mid Sussex, of 1,498 dwellings.
- 3.2 The District Plan 2014-2031 established a ‘stepped’ trajectory for housing delivery with an average of 876 dwellings per annum (dpa) between 2014/15 and 2023/24 and thereafter an average of 1,090 dpa between 2024/25 and 2030/31. This represents a significant increase in housing supply compared with historical rates within the district.
- 3.3 The latest data on completions from MSDC was published in *MSDC Housing Land Supply Position Statement* was published in August 2020 (Document H1) and shows a significant shortfall in delivery against the housing requirement since the start of the plan:

Category		Number of Dwellings
Housing Requirement for the full plan period (April 2014 to March 2031)		16,390
Housing Completions (April 2014 to March 2020)		4,917
Completions 2014/15		630
Completions 2015/16		868
Completions 2016/17		912
Completions 2017/18		843
Completions 2018/19		661
Completions 2019/20		1003
Housing Supply (April 2014 to March 2031)	Commitments (including District Plan Allocations)	9,689
	Site Allocations DPD - Allocations	1,764
	Windfalls	504
Total Supply (at 1 April 2019)		16,874

Figure 5 – Extract from MSDC Housing Land Supply Position Statement

- 3.4 The Housing Delivery Test was introduced in the July 2018 update to the NPPF. The Housing Delivery Test is an annual measurement of housing delivery for each local authority and the first results were published in February 2019 by the Ministry of Housing, Communities and Local Government (MHCLG). Where the Housing Delivery Test indicates that delivery has fallen below 95% of the local planning authority’s housing requirement over the previous 3 years then it is required to prepare an action plan. Where delivery has fallen below 85% of the housing requirement a 20% buffer should be added to the five year supply of deliverable sites.
- 3.5 The result for Mid Sussex produced in February 2020 was 95%. This result is based on monitoring years 2016-17, 2017-18 and 2018-19. Mid Sussex is therefore not required to add 20% buffer for significant under delivery, or prepare an Action Plan. However, it is clear that under current performance the council will struggle when the housing target steps up to 1,090 in 2024.
- 3.6 Para 4.10 of the previous MSDC Housing Land Supply Position Statement (2019) sets out how the identified to the shortfall to calculate the five year supply requirement for the district:

Annual Requirement As set out in District Plan	876 x 5 years =	4,380
Shortfall spread over remaining plan period	466 divided by 12 remaining years x 5 years	194
Total		4,574
Buffer (see paras 2.4,4.9 above)	10%	457
Total five year supply requirement		5,032

Figure6 – Total Five Year Housing Requirement taken from MSDC Housing Land Supply Position Statement

3.7 MSDC is seeking to confirm the five year housing land supply under the terms of paragraph 74 of the NPPF through submission of the annual position statement to the secretary of state. Paragraph 74 of the framework states:

A five year supply of deliverable housing sites, with the appropriate buffer, can be demonstrated where it has been established in a recently adopted plan, or in a subsequent annual position statement which:

- a) has been produced through engagement with developers and others who have an impact on delivery, and been considered by the Secretary of State; and*
- b) incorporates the recommendation of the Secretary of State, where the position on specific sites could not be agreed during the engagement process.*

3.8 The report on the Annual Position Statement was issues by the Planning Inspectorate on 13 January 2020. It was confirmed that as the council did not have a recently adopted plan in conformity with the definition of the NPPF then the correct process had not been followed and the inspector was unable to confirm that the council had a five year housing land supply.

3.9 It is therefore clear that the council does not currently have a five year housing land supply and the demonstration of sufficiently deliverable sites within the SADPD is of critical importance for MSDC.

Deliverability of Sites

- 3.10 Any sites that have been included in the final Sites DPD will need to pass the tests of deliverability as set out in the NPPF. This is defined within the glossary of the framework as follows:

Deliverable: *To be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years. In particular:*

- a) *sites which do not involve major development and have planning permission, and all sites with detailed planning permission, should be considered deliverable until permission expires, unless there is clear evidence that homes will not be delivered within five years (for example because they are no longer viable, there is no longer a demand for the type of units or sites have long term phasing plans).*
- b) *where a site has outline planning permission for major development, has been allocated in a development plan, has a grant of permission in principle, or is identified on a brownfield register, it should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years.*

- 3.11 The Planning Practice Guidance provides a further explanation on how the deliverability of sites should be considered:

A site can be considered available for development, when, on the best information available (confirmed by the call for sites and information from land owners and legal searches where appropriate), there is confidence that there are no legal or ownership impediments to development. For example, land controlled by a developer or landowner who has expressed an intention to develop may be considered available.

The existence of planning permission can be a good indication of the availability of sites. Sites meeting the definition of deliverable should be considered available unless evidence indicates otherwise. Sites without permission can be considered available within the first five years, further guidance to this is contained in the 5 year housing land supply guidance. Consideration can also be given to the delivery record of the developers or landowners putting forward sites, and whether the planning background of a site shows a history of unimplemented permissions.

Paragraph: 019 Reference ID: 3-019-20190722

Revision date: 22 07 2019

- 3.12 It is with this in mind that the proposed sites within the Sites DPD are scrutinised within subsequent sections of this document. It is considered that many of the proposed sites do not fully accord with the definition of delivery and consideration of alternative sites is required.

Historic Environment

- 3.13 Several of the allocations within the DPD are in close proximity to heritage assets. Paragraph 193 of the framework sets out the approach to heritage assets as follows:

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any

potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

- 3.14 In many instances the council themselves suggest that the development of housing on the sites is likely to have ‘less than significant harm’ on the heritage assets in question. Paragraph 196 of the framework sets out the approach which should be taken in this instance:

Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable

- 3.15 The council has sought in their assessment of sites to grade the level of harm within the category of less than substantial harm. This is not appropriate way to suggest that this harm could be mitigated if it is at the lower end of ‘less than substantial harm’ is an incorrect interpretation of planning policy, legislation and guidance. The most recent authority on this matter is in the high court decision for *James Hall and Company Limited v City of Bradford Metropolitan District Council & Co-operative Group Limited & Dalehead Properties Limited* in a judgement handed down on 22 October 2019 ([2019] EWHC 2899) where the ruling confirmed that ‘negligible’ or ‘minimal’ harm still equates to ‘harm’ for the purposes of the heritage tests in the NPPF.
- 3.16 It is not considered that the harm caused to heritage assets has been adequately assessed within the Sustainability Appraisal for many of the proposed sites and further consideration is required of the sites in this regard. This would include assessing sites which would not have an impact on heritage assets through a robust application of reasonable alternatives within the Sustainability Appraisal.

4. Sustainability Appraisal

- 4.1 The SADPD is accompanied by a Sustainability Appraisal (SA) report which is a legal requirement derived from the Planning and Compulsory Purchase Act 2004 (Section 19). Section 39 of the Act requires documents such as the SADPD to be prepared with a view to contributing to the achievement of sustainable development.
- 4.2 The requirement for Strategic Environmental Assessment, in addition to the SA, is set out in the European Directive 2001/42/EC adopted into UK law as the “Environmental Assessment of Plans or Programmes Regulations 2004”.
- 4.3 In line with best practice the SEA has been incorporated into the SA of the SADPD.
- 4.4 The planning practice guidance sets out detailed consideration as to how any sustainability should assess alternatives and identify likely significant effects:

The sustainability appraisal needs to consider and compare all reasonable alternatives as the plan evolves, including the preferred approach, and assess these against the baseline environmental, economic and social characteristics of the area and the likely situation if the plan were not to be adopted. In doing so it is important to:

- *outline the reasons the alternatives were selected, and identify, describe and evaluate their likely significant effects on environmental, economic and social factors using the evidence base (employing the same level of detail for each alternative option). Criteria for determining the likely significance of effects on the environment are set out in [schedule 1 to the Environmental Assessment of Plans and Programmes Regulations 2004](#);*
- *as part of this, identify any likely significant adverse effects and measures envisaged to prevent, reduce and, as fully as possible, offset them;*
- *provide conclusions on the reasons the rejected options are not being taken forward and the reasons for selecting the preferred approach in light of the alternatives.*

Any assumptions used in assessing the significance of the effects of the plan will need to be documented. Reasonable alternatives are the different realistic options considered by the plan-maker in developing the policies in the plan. They need to be sufficiently distinct to highlight the different sustainability implications of each so that meaningful comparisons can be made.

The development and appraisal of proposals in plans needs to be an iterative process, with the proposals being revised to take account of the appraisal findings.

Paragraph: 018 Reference ID: 11-018-20140306

Revision date: 06 03 2014

- 4.5 In response to this guidance and requirement, paragraph 6.16 of the Sustainability Appraisal states that:

The Site Selection Paper 2 (paras 6.2 - 6.3) also recognises that, in order to meet the District Plan strategy, conclusions will be compared on a settlement-by-settlement basis with the most suitable sites at each settlement chosen in order to meet the residual needs of that settlement. This may result in some sites being chosen for allocation which have higher negative impact across all the objectives because this will be on the basis that the aim is to distribute allocations according to the District Plan strategy in the first instance; as opposed to simply selecting only

the most sustainable sites in the district (as this may not accord with the spatial strategy and would lead to an unequal distribution of sites across settlements). 20 sites that perform well individually and on a settlement basis, the residual housing need of 1,507 would be met with a small over-supply of 112 units.

4.6 Paragraph 6.45 recognises that this small over-supply *may not be a sufficient buffer should sites fall out of the allocations process between now and adoption (for example, due to delivery issues, reduction in yield, or any other reasons identified during consultation or the evidence base).*

4.7 The SA therefore considers reasonable alternatives of option A, B and C as follows:

Option A – 20 ‘Constant Sites’ – 1,619 dwellings

Option B – 20 ‘Constant Sites’ + Folders Lane, Burgess Hill (x3 sites) – 1,962 dwellings.

Option C – 20 ‘Constant Sites’ + Haywards Heath Golf Court – 2,249 dwellings

4.8 Paragraph 6.52 of the SA concludes that:

Following the assessment of all reasonable alternative options for site selection, the preferred option is option B. Although option A would meet residual housing need, option B proposes a sufficient buffer to allow for non-delivery, therefore provides more certainty that the housing need could be met. Whilst option C also proposes a sufficient buffer, it is at the expense of negative impacts arising on environmental objectives. The level of development within option C is approximately 50% above the residual housing need, the positives of delivering an excess of this amount within the Site Allocations DPD is outweighed by the negative environmental impacts associated with it.

4.9 It is not considered that this assessment of Option A, B and C is a sufficient enough assessment of reasonable alternatives as required by guidance and legislation. All of the options contain the ‘20 Constant Sites’ with no derivation of alternative options such as those which seek to divert housing growth away from the AONB or designated heritage assets.

4.10 It is apparent that other sites other than the 20 Constant Sites will need to be assessed if the council is to adequately demonstrate that reasonable alternatives have been considered as required.

5. Assessment of Proposed Sites.

- 5.1 This section analyses each of the proposed allocations against the tests of deliverability as set out in the NPPF and the potential shortcomings of several of the sites which require significant consideration. The findings of *Appendix B: Housing Site Proformas* of the *Site Selection Paper 3* (Appendix B) and the conclusions of the Sustainability Appraisal (SA) are considered in detail.

SA 12 Land South of 96 Folders Lane, Burgess Hill

- 5.2 Appendix B of the reg 18 SADPD set out that this site has *moderate landscape sensitivity and moderate landscape value. This site could be visible from the South Downs National Park*. The SA states that an LVIA is required to determine any impact on the national park. Given the weight that the NPPF requires to be placed on the protection of the national park, any impact must be measured prior to allocation. If it is deemed that mitigation would not minimise the harm caused, then the proposed allocation must fall away.
- 5.3 Appendix B of the reg 18 SADPD also set out that a TPO area lines the norther border and potential access route. It should be noted that an application was submitted in 2019 for the *erection of 43 dwellings and associated works* (DM/19/0276) but was withdrawn in September 2019 due to concerns over highways. The deliverability of this site is therefore not considered to be in accordance with the guidance set out in the framework.
- 5.4 Finally, whilst the priority for sites higher in the settlement hierarchy is acknowledged, this is site is very remote from the services offered by Burgess Hill. This is highlighted within the sustainability appraisal for the site which states that it is more than a 20 minute walk from the site to schools, GP and shops.

SA 13 Land East of Keymer Road and South of Folders Lane, Burgess Hill.

- 5.5 As with SA12, this site is in close proximity to the national park and the conclusions as set out above apply equally to this site.
- 5.6 The SA sets out that this is the only site within Burgess Hill to have any impact on listed buildings where it is stated that development of this site would cause *less than substantial harm (medium) on High Chimneys (Grade II listed)*. This is not mentioned within appendix B and this therefore calls into question the consistency of assessment of the sites in this regard.
- 5.7 Given that site SA12 and SA13 are in close proximity to one another it is notable that the cumulative impact of the development of both of these sites has not been assessed for a number of ‘in-combination’ impacts such as highways and landscape impact.

SA 14 Land to the south of Selby Close, Hammonds Ridge, Burgess Hill

- 5.8 There is a TPO at the front of this site which is potentially why access is proposed through the CALA Homes site (DM/17/0205). No evidence is submitted to suggest that this form of access is agreed or available. The section relating to Highways and Access within the SADPD simply states that this access *will need to be investigated further*.
- 5.9 The SA and appendix B both point towards the Southern Water Infrastructure which crosses the site. The wording in the DPD recommends that the layout of the development is considered to *ensure future access for maintenance and/or improvement work, unless diversion of the sewer is possible*. Given that the site is only 0.16ha it is therefore questionable whether there would be adequate space to develop the site for housing and provide accommodation for the sewage infrastructure crossing the site. The deliverability of this site has therefore not been adequately demonstrated.

- 5.10 As with SA12 and SA13 there are questions of the sustainability of the site given that the SA notes that it is more than a 20 minute walk to the school and GP.

SA 15 Land South of Southway, Burgess Hill

- 5.11 The SADPD describes the site as *overgrown and inaccessible land designated as a Local Green Space in the Burgess Hill Neighbourhood Plan*. It is unclear whether this site was ever previously in use as playing pitches and whether re-provision of this space would be required under Sport England policies.
- 5.12 Appendix B of the reg 18 SADPD points towards issues with relocation of existing parking on the site and states that:

Private parking areas would need to be removed to provide a suitable access point with sufficient visibility. The parking spaces are visitor spaces over which the owners/developers of the subject land have rights to access it to serve new development onto Linnet Lane. Accordingly, a new access into the site can be provided any new development would include two visitor spaces as close as reasonably possible to the existing visitor spaces.

- 5.13 It is clear that there are substantial issues with deliverability and availability of this site given these constraints and the site should be deleted as a proposed allocation until this can be adequately demonstrated.

SA 16 St. Wilfrids Catholic Primary School, School Close, Burgess Hill

- 5.14 The SADPD sets out that the satisfactory relocation of St Wilfrid's Primary School to St Paul's Catholic College site is required before development can commence on the school part of the site. There is also a requirement to re-provide the emergency services accommodation in a new emergency service centre either on this site or elsewhere in the town.
- 5.15 Given that the allocation is for 300 dwellings and requires this relocation first, it is considered that there is insufficient evidence to justify delivery of development of this site in the 6-10 year time period as set out.

SA 17 Woodfield House, Isaacs Lane, Burgess Hill

- 5.16 The SADPD sets out some significant landscape features on site which require retention and it is stated that:

There is a group Tree Preservation Order in the southern and western areas of the site. High quality substantial new planting of native trees is required, should these be lost to provide access from Isaac's Lane. All other TPO trees on the site are to be retained.

Retain and enhance important landscape features, mature trees, hedgerows and the pond at the south of the site and incorporate these into the landscape structure and Green Infrastructure proposals for the development. Open space is to be provided as an integral part of this landscape structure and should be prominent and accessible within the scheme.

- 5.17 Given that the site is only 1.4 hectares in size it is questionable whether there is adequate space on the site for 30 dwellings after retention of these landscape features.
- 5.18 It is clear from the Sites DPD that access to site is envisaged to be from the Northern Arc where it is stated that:

Integrated access with the Northern Arc Development is strongly preferred, the details of which will need to be investigated further.

5.19 This is also set out in appendix B of the reg 18 SADPD where it is stated that:

Entrance drive to house. Access on bend with limited visibility. 50 mph road. Would involve removal of trees that are subject to TPO. Objection for tree officer. However, future access is anticipated to be provided via the Northern Arc. Whilst the specific details of this remain uncertain on the basis that the enabling development is still at an early stage, it is considered that the identified constraints will no longer apply.

5.20 Given the uncertainty of the deliverability of the land immediately adjoining the site as part of the Northern Arc it is considered that the deliverability of this site is not clear enough to justify allocation within the sites DPD. The uncertainty of this deliverability also has an implication of the sustainability of the site and proximity to adequate services. This is highlighted within the SA where it is stated that:

The impact of option (h) on these objectives (Health/Retail/Education) is uncertain; currently the site is a long distance from local services, however, this will change once the Northern Arc is built out.

5.21 Overall it is not considered that this site is suitable for allocation and should be removed from the Sites DPD

SA 18 East Grinstead Police Station, College Lane, East Grinstead

5.22 We have no comments to make in relation to this allocation.

SA 19 Land south of Crawley Down Road, Felbridge

5.23 As set out, this allocation is directly to the west of the land under the control of Vanderbilt Homes which is also adjoined to the east by land with the benefit of planning permission for 62 dwellings.

5.24 Given that the entire area will be included within the revised Built Up Area Boundary, then it is considered logical that the adjoining sites are also identified for allocation within the SADPD.

SA 20 Land south and west of Imberhorne Upper School, Imberhorne Lane, East Grinstead

5.25 There is a requirement in the SADPD for this site to provide a detailed phasing plan with agreement from key stakeholders to secure:

- Land for early years and primary school (2FE) provision – 2.2 ha
- A land exchange agreement between WSCC and the developer to secure 6 ha (gross) land to create new playing field facilities in association with Imberhorne Secondary School (c.4 ha net - excluding land for provision of a new vehicular access onto Imberhorne Lane).

5.26 It is unclear when these requirements are to be provided by within the development of any site and whether it is considered that the site would be suitable for allocation should these uses not come forward.

5.27 There are clear concerns over the suitability of this site in terms of ecology as set out in appendix B of the reg 18 SADPD which states:

Natural England have concerns over the high density of housing south of Felbridge. Hedgecourt SSSI is accessible from the proposed site allocations via a network of Public Rights of Way. In

line with paragraph 175 of the NPPF, Mid Sussex District Council should determine if allocations are likely to have an adverse effect (either individually or in combination) on SSSI's. The NPPF states that "if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused." We would be happy to provide further advice if requested, although this may need to be on a cost recovery basis. The LWS adjacent to the site is an important recreational route and therefore consideration needs to be given to additional recreational disturbance to its habitats. We are unable to advise you on specific impacts as we have no details of the scale or type of proposed development consider further impacts of disturbance of the LWS and Ancient woodland arising from people and domestic pets, connectivity, light and noise pollution, appropriate buffer and cumulative impact. This site is adjacent to the Worth Way. The SHELAA should be redrawn to remove the section of LWS. The site is an important recreational route and therefore consideration needs to be given to additional recreational disturbance to its habitats. Further consideration be given to impacts of disturbance on LWS and Ancient Woodland from people and pets, impacts on connectivity, impacts of light and noise pollution, need for Ancient Woodland buffer. Cumulative impact with SHELAA 686 and 561.

- 5.28 It is clear that the impacts upon ecology and the SSSI have not been adequately addressed.
- 5.29 As with other sites there is potential for impact upon local heritage assets of Gullege Farm, Imberhorne Farm and Imberhorne Cottages as set out below. The harm in terms of less than strategic harm is inappropriately weighted in the assessment as a means for justification of allocation.

APPENDIX B : Gullege Farm, Imberhorne Lane

This isolated farmstead has historically had a rural setting and continues to do so today. The introduction of a substantial housing development to the north, east and south of the listed manor house would have a fundamental impact on the character of that setting and would detract from the way in which the special interest of this Grade II listed rural manor house and the of the historic farmstead is appreciated.

NPPF: LSH, high

Imberhorne Farm and Imberhorne Cottages

In its original incarnation Imberhorne Cottages was probably constructed as a dwelling providing accommodation between London and Lewes, on Lewes Priory lands. It may have acted as the manor house to the substantial manor of Imberhorne, which was owned by the Priory. It seems likely that the building became farm cottages when the new farmhouse (Imberhorne) was constructed in the early 19th century. The currently rural setting of both buildings within the Imberhorne farmstead informs an understanding of their past function and therefore contributes positively to their special interest.

The proposed development site would engulf the farmstead to the west, north and east and would have a fundamental impact on the character of the greater part of its existing of rural setting and on views from both listed buildings. It would adversely affect the manner in which the special interest of the two listed buildings within their rural setting is appreciated, including by those passing along the PROW to the north of the farmstead.

NPPF: LSH, high

- 5.30 The potential harm to heritage is also referred to in the SA which states that:

option (e) which is not constrained by a conservation area, but would have a less than substantial harm (high) on Gullege Farm (Grade II listed) and Imberhorne Farm and Imberhorne Cottages (Grade II listed). As this is a large site, there is potential to still achieve the yield whilst providing necessary mitigation to lower the impact on these heritage assets.*

- 5.31 Notwithstanding the significant constraints to delivery from this site it is notable that the delivery of 550 in 6-10 years as set out in the SADPD is particularly optimistic and would need to be revised in order to be realistic on the constraints to delivery including the requirement for provision of education on the site.

SA 21 Rogers Farm, Fox Hill, Haywards Heath

- 5.32 This site is also significantly constrained by the presence of heritage assets. This is referenced in the SA which states that:

Site option (b) is constrained in terms of impact upon a listed building; it would have a less than substantial harm (medium) on Cleavewater (Grade II listed) and The Old Cottage (Grade II listed).

- 5.33 Appendix B also references these heritage assets together with an assessment of the likely impact as follows:

*Cleavewaters, Fox Hill there would be a fundamental impact not only on views from the building and associated farmstead but on the context and manner in which the farmhouse and farmstead are appreciated by those travelling along the road which runs between the farmstead and the site. **NPPF: LSH, MID***

*Olde Cottage, there would be some potential impact on views from the Cottage and its garden setting. The belt of woodland between the asset and the site is relatively narrow and development on the site is likely to be visible, particularly in winter. There would also be an impact on the setting in which the Cottage is appreciated by those approaching along the access drive from Ditchling Road. **NPPF: LSH, MID***

- 5.34 The impact on heritage assets and character of the area has been assessed in an appeal decision on the site (APP/D3830/W/17/3187318) issued in January 2019 following an application for up to 37 dwellings on the site (DM/16/3998).

15 The combination of the buffer and local topography would mean that any development would be clearly visible on the approach down Lunce's Hill and perceived as a separate and distinct residential development. I am not persuaded that it would be seen within the context of an urban fringe setting as the appellant suggests. On the contrary it would be a harmful encroachment into the countryside and the rural character of the approach into the settlement would be irrevocably changed and harmed through the loss of this open land.

16 Overall, the proposal would result in an unacceptable suburbanisation of the appeal site that would fundamentally change the character and appearance of the rural setting of the settlement. The effects would also be exacerbated somewhat by the loss of part of the existing mature hedgerow for the access. Proposed mitigation, in the form of additional landscaping would restrict the visibility of the proposal from a number of viewpoints. However, it would take a substantial amount of time to mature and be dependent on a number of factors to be successful. Moreover, I am not persuaded that it would fully mitigate the visual impacts.

17 For these reasons, the proposal would not be a suitable site for housing in terms of location and would cause significant harm to the character and appearance of the area. It would therefore conflict with Policy C1 of the LP and Policies E5 and E9 of the HHNP. In addition to the requirements set out above, these policies also require new development to be permitted where it would protect, reinforce and not unduly erode the landscape character of the area. There would also be some conflict with Policies DP10 and DP24 which, seek to protect the countryside in recognition of its intrinsic character and beauty and promote well located and designed development.

- 5.35 Overall it is not considered that the site represents a logical, justified or deliverable site and should not be considered for allocation within the Sites DPD.

SA 22 Land north of Burleigh Lane, Crawley Down

- 5.36 As with other proposed sites, it has been identified that the development of this site would cause harm to adjoining heritage assets. Appendix B of the reg 18 SADPD sets out the following:

Burleigh Cottage is a Grade II listed 17th century building faced with weatherboarding and painted brick. Previously the building was the farmhouse for Sandhillgate Farm, and was renamed Burleigh Cottage in the mid 20th century. An outbuilding shown on historic maps dating from the mid 19th century appears to survive to the north east of the house, but otherwise the former farm buildings appear to have been lost. If in fact pre-dating 1948 this outbuilding may be regarded as curtilage listed. Sandhillgate Farm is recorded in the West Sussex Historic Farmstead and Landscape Character assessment, which is part of the HER, as an historic farmstead dating from the 19th century.

*Burleigh Cottage is in a semi-rural location on the southern edge of Crawley Down.
NPPF: LSH, MEDIUM*

- 5.37 Conclusions in relation to heritage made for other proposed allocations apply equally to this site.

SA 23 Land at Hanlye Lane to the east of Ardingly Road, Cuckfield

- 5.38 No comments.

SA 24 Land to the north of Shepherds Walk, Hassocks

- 5.39 The access for this site is through an adjacent parcel of land which has a ransom strip over this land. The deliverability of this site is therefore in doubt unless a right of access can be confirmed by the site owners.

SA 25 Land west of Selsfield Road, Ardingly

- 5.40 No comments.

SA 26 Land south of Hammerwood Road, Ashurst Wood

- 5.41 The site is within the AONB and it is considered it is inappropriate to allocate this site for development without thorough appraisal of reasonable alternatives as previously set out.

SA 27 Land at St. Martin Close, Handcross

- 5.42 No comments.

SA28 Land South of The Old Police House, Birchgrove Road, Horsted Keynes

5.43 No comments.

SA 29 Land south of St. Stephens Church, Hamsland, Horsted Keynes

5.44 No comments.

SA 30 Land to the north Lyndon, Reeds Lane, Sayers Common

5.45 The sustainability of this site has been considered in the SA which sets out that the site is more than 20 minutes away from services such as GP and the School. It is therefore not considered that the development of this site would be justified in sustainability terms.

5.46 The site is located within the Brick Clay (Weald) Mineral Safeguarding Area. No further evidence has been provided which demonstrates that the site is required for further mineral extraction.

SA 31 Land to the rear Firlands, Church Road, Scaynes Hill

5.47 The site is located within the Building Stone (Cuckfield) Mineral safeguarding Area. No further evidence has been provided which demonstrates that the site is required for further mineral extraction.

SA 32 Withypitts Farm, Selsfield Road, Turners Hill

5.48 No comments.

5.49 The site is located within the Brick Clay (Weald) Mineral Safeguarding Area. No further evidence has been provided which demonstrates that the site is required for further mineral extraction.

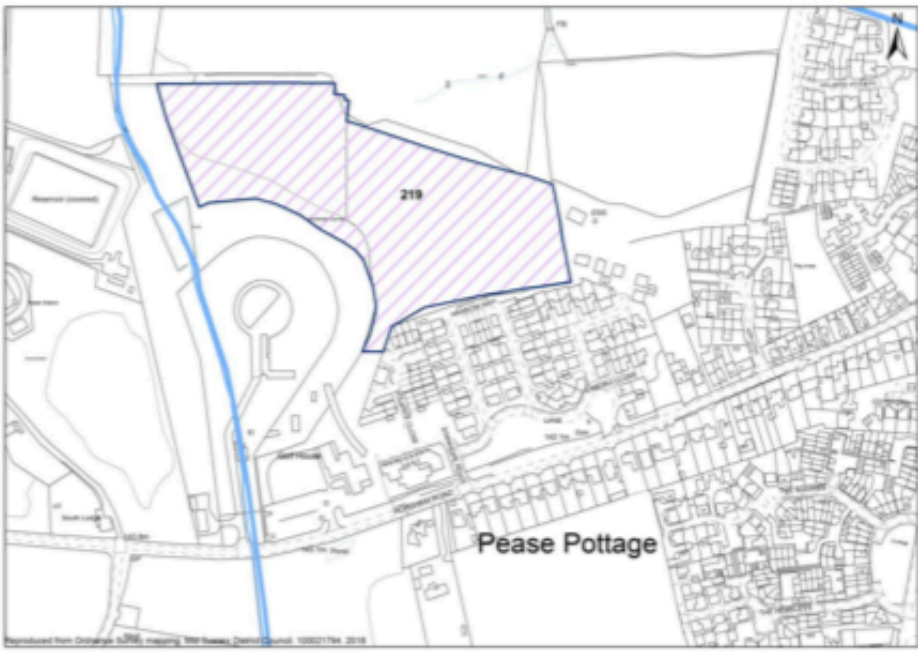
SA 33 Ansty Cross Garage, Cuckfield Road, Ansty

5.50 This site is not considered to be a sustainable location. A total of four separate sites were considered within Ansty with this being the only one accepted. The only difference between this and the other sites was that this scored slightly higher in the SA due to it being PDL. Whilst this is correct it is not considered that the PDL nature of this site makes it appropriate for allocation within the Sites DPD.

6. Conclusions

- 6.1 Detailed consideration of the sites identified for allocation within the SADPD show that there are some significant technical constraints and policy issues with many of the sites. These are matters which have been previously raised as part of regulation 18 representations and the council has done nothing to address these matters.
- 6.2 The analysis of the proposed allocations demonstrates there are some significant failings in the deliverability of the sites which requires reconsideration of the appropriateness of these allocations and selection of alternative sites.
- 6.3 The assessment of reasonable alternatives is significantly lacking and requires further retesting which would logically include this site. As a result, it is not considered that the SADPD is positively prepared or justified and therefore fails the test as set out in the NPPF as a result.
- 6.4 It is clear that the adoption of the SADPD is of significance importance to Mid Sussex in demonstrating a robust and deliverable five year housing land supply. It is therefore suggested that consideration is given to the allocation of the site as set out within these representations which can deliver much needed housing in the early part of the plan period.

7. Appendix 1 – SHELAA Extract – February 2020

Stage 1 Site Pro-Forma – All Sites		
SHELAA Ref	219	
Parish	Slaugham	
Site Location	Land at former Driving Range, Horsham Road, Pease Pottage	
		
Site uses	Sports Facilities and Grounds	
Gross Site Area (ha)	3.97	
Potential Yield	75	
Site History		
Absolute Constraint	Flood Zone 2 or 3	✘
	Site of Special Scientific Interest	✘
Other Constraints	Ancient Woodland	✓
	Area of Outstanding Natural Beauty	✓
	Local Nature Reserve	✘
	Conservation Area	Development would not have a negative impact on Conservation area and/or Area of Townscape Character
	Scheduled Monument	✘
	Listed Buildings	Development will not affect listed building/s
	Access	Safe access to site already exists
Suitable	Relatively unconstrained - assessed as Suitable at Stage 1, progress to Stage 2 assessment	
Availability	Site submitted by site proponent to the SHELAA for assessment - considered available	
Achievability	There is a reasonable prospect that site could be developed within the Plan period	
Timescale	Medium-Long Term	

Stage 1 Site Pro-Forma – All Sites

SHELAA Ref 818		Parish Slaugham
Site Location Land north of the Former Golf House, Horsham Road, Pease Pottage		
Site uses	Car Parks	
Gross Site Area (ha)	1.7	
Potential Yield	41	
Site History		
Absolute Constraint	Flood Zone 2 or 3	✗
	Site of Special Scientific Interest	✗
Other Constraints	Ancient Woodland	✗
	Area of Outstanding Natural Beauty	✓
	Local Nature Reserve	✗
	Conservation Area	Development would not have a negative impact on Conservation area and/or Area of Townscape Character
	Scheduled Monument	✗
	Listed Buildings	Development will not affect listed building/s
	Access	Safe access to site already exists
Suitable	Relatively unconstrained - assessed as Suitable at Stage 1, progress to Stage 2 assessment	
Availability	Site submitted by site proponent to the SHELAA for assessment - considered available	
Achievability	There is a reasonable prospect that site could be developed within the Plan period	
Timescale	Medium-Long Term	

8. Appendix 2 – Site Selection Paper Extract

Site Selection - Housing

Pease Pottage

ID 818 Land north of the Former Golf House, Horsham Road, Pease Pottage



Site Details

Units: 41 Site Area (ha): 1.4

Part 1 - Planning Constraints

1 - AONB	Wholly within – Moderate Impact	Moderate impact on AONB due to potential impact on Ancient Woodland. Impact may be low for apartments on site of existing buildings. Pond within Ancient Woodland to the north of the site and a drain to the east of the site. On western edge of the main village of Pease Pottage, currently occupied by an office and car parking. Offices within the Golf House immediately to the east with modern in depth development beyond. Horsham Road is a historic routeway. Ancient Woodland surrounds the site on three sides and may reduce capacity due to need to retain 15m buffers. Twentieth century clearance of woodland. Site not visible from public vantage points.
2 - Flood Risk	None	The site lies entirely within Flood Zone 1, the area of lowest fluvial flood risk.
3 - Ancient Woodland	Adjacent	
4 - SSSI/SNCI/LNR	None	This site is not adjacent to any Sites of Special Scientific Interest or Local Wildlife Site
5 - Listed Buildings	None	There are no listed buildings within or adjacent to the site
6 - Conservation Area	None	There are no conservation areas within or adjacent to the site
7 - Archaeology	None	
8 - Landscape	AONB	Site is within the High Weald AONB (assessed under criterion 1)
9 - Trees/TPOs	Low/Medium	Trees along the south eastern boundary of the site.

Part 2 - Deliverability Considerations

818 Land north of the Former Golf House, Horsham Road, Pease Pottage

Site Selection - Housing		
10 - Highways		
11 - Local Road/Access	None	Safe access to site already exists.
12 - Deliverability	Reasonable prospect developability	Housebuilder in an option agreement with the landowner. Intend to submit an application if the site is given a draft allocation in the Site Allocations Document.
13 - Infrastructure	Infrastructure capacity	Developer Questionnaire - normal contributions apply.
Part 3 - Sustainability / Access to Services		
14 - Education	More than 20 Minute Walk	
15 - Health	More than 20 Minute Walk	
16 - Services	10-15 Minute Walk	
17 - Public Transport	Poor	
Part 4 - Other Considerations		
Neighbourhood Plan Policy 1 Protecting AONB Policy 2 Protection of landscape Policy 3 Protection of the open countryside Aim 1 Preventing coalescence		Minerals Minerals considerations unnecessary as site does not progress past detailed assessment stage.
Waste Water and wastewater considerations unnecessary as site does not progress past detailed assessment stage.		Environmental Health Environmental health considerations unnecessary as site does not progress past detailed assessment stage.
Sustainability Appraisal Assessment indicates site is not a reasonable alternative and is therefore not tested through the SA.		Notes
Part 5 - Conclusion		
Summary	The assessment finds that the site is not suitable for allocation.	
Recommendation	Site is not proposed for allocation.	

2067

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA20

ID: 2067

Response Ref: Reg19/2067/11

Respondent: Mr A Black

Organisation: Andrew Black consulting

On Behalf Of: Denton Homes - Butlers green

Category: Promoter

Appear at Examination? x



Mid Sussex District Council

Draft Site Allocations DPD (Regulation 19)
Consultation

Representation on behalf of Denton Homes – Land
North of Butlers Green Road, Haywards Heath

September 2020

Project	MSDC Draft Site Allocations DPD
ABC Reference	ABC/0075/07
Local Authority	Mid Sussex District Council
Client	Denton Homes
Issue	Final
Author	Andrew Black
Date	September 2020

Disclaimer: This report has been prepared for the above named client for the purpose agreed in Andrew Black Consulting's (ABC) terms of engagement. Whilst every effort has been made to ensure the accuracy and suitability of the information contained in this report, the results and recommendations presented should not be used as the basis of design, management or implementation of decisions unless the client has first discussed with ABC their suitability for these purposes and ABC has confirmed their suitability in writing to the client. ABC does not warrant, in any way whatsoever, the use of information contained in this report by parties other than the above named client.

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8. **Appendix 1 – SHELAA Extract – February 2020**
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1. Introduction

- 1.1 These representations for the Draft Site Allocations DPD (Regulation 19) Consultation (Herein referred to as the ‘SADPD’) are submitted by Andrew Black Consulting on behalf of Denton Homes regarding a within their control in Haywards Heath.
- 1.2 The site is known as *Land north of Butlers Green Road, Haywards Heath* (SHELAA ID 673).
- 1.3 It is understood that the SADPD has been produced in accordance with the Planning and Compulsory Purchase Act 2004, and other relevant regulations.
- 1.4 The NPPF states that Development Plan Documents should be prepared in accordance with the legal and procedural requirements. To be found to be ‘sound’, plans must be:
 - a) *positively prepared*
 - b) *justified*
 - c) *effective, and*
 - d) *consistent with national policy.*
- 1.5 It is with this in mind that these representations are made.
- 1.6 The draft SADPD has been prepared using an extensive and legally compliant evidence base including a Sustainability Appraisal, Habitat Regulations Assessment, Community Involvement Plan, Equalities Impact Assessment, and various technical reports and studies. Of particular note is the Built Up Area Boundary and Policies Map Topic Paper (TP1) produced in August 2020.
- 1.7 The Site Allocations DPD proposes to allocate 22 sites to meet this residual necessary to meet the overall agreed housing requirement for the plan period as reflected in the ‘stepped trajectory’ and in accordance with the District Plan.
- 1.8 These representations set out the detail of the Site and Surroundings and a response to the detailed parts of the SADPD.

2. Site and Surroundings

2.1 The site is located to the North of Butlers Green Road in Haywards Heath.



Figure 1 – SHELAA Extract

2.2 The site was assessed as Suitable, Available and Achievable in the Medium to Long Term (The full extract of the SHELAA is set out in Appendix 1).

3. Housing Site Allocation Process

- 3.1 The District Plan 2014-2031 sets out the housing requirement for the district for the plan period of 16,390 dwellings. This meets the Objectively Assessed Need (OAN) for the district of 14,892 dwellings in full and makes provision for the agreed quantum of unmet housing need for the Northern West Sussex Housing Market Area, to be addressed within Mid Sussex, of 1,498 dwellings.
- 3.2 The District Plan 2014-2031 established a ‘stepped’ trajectory for housing delivery with an average of 876 dwellings per annum (dpa) between 2014/15 and 2023/24 and thereafter an average of 1,090 dpa between 2024/25 and 2030/31. This represents a significant increase in housing supply compared with historical rates within the district.
- 3.3 The latest data on completions from MSDC was published in *MSDC Housing Land Supply Position Statement* was published in August 2020 (Document H1) and shows a significant shortfall in delivery against the housing requirement since the start of the plan:

Category		Number of Dwellings
Housing Requirement for the full plan period (April 2014 to March 2031)		16,390
Housing Completions (April 2014 to March 2020)		4,917
Completions 2014/15		630
Completions 2015/16		868
Completions 2016/17		912
Completions 2017/18		843
Completions 2018/19		661
Completions 2019/20		1003
Housing Supply (April 2014 to March 2031)	Commitments (including District Plan Allocations)	9,689
	Site Allocations DPD - Allocations	1,764
	Windfalls	504
Total Supply (at 1 April 2019)		16,874

Figure 5 – Extract from MSDC Housing Land Supply Position Statement

- 3.4 The Housing Delivery Test was introduced in the July 2018 update to the NPPF. The Housing Delivery Test is an annual measurement of housing delivery for each local authority and the first results were published in February 2019 by the Ministry of Housing, Communities and Local Government (MHCLG). Where the Housing Delivery Test indicates that delivery has fallen below 95% of the local planning authority’s housing requirement over the previous 3 years then it is required to prepare an action plan. Where delivery has fallen below 85% of the housing requirement a 20% buffer should be added to the five year supply of deliverable sites.
- 3.5 The result for Mid Sussex produced in February 2020 was 95%. This result is based on monitoring years 2016-17, 2017-18 and 2018-19. Mid Sussex is therefore not required to add 20% buffer for significant under delivery, or prepare an Action Plan. However, it is clear that under current performance the council will struggle when the housing target steps up to 1,090 in 2024.
- 3.6 Para 4.10 of the previous MSDC Housing Land Supply Position Statement (2019) sets out how the identified to the shortfall to calculate the five year supply requirement for the district:

Annual Requirement As set out in District Plan	876 x 5 years =	4,380
Shortfall spread over remaining plan period	466 divided by 12 remaining years x 5 years	194
Total		4,574
Buffer (see paras 2.4,4.9 above)	10%	457
Total five year supply requirement		5,032

Figure6 – Total Five Year Housing Requirement taken from MSDC Housing Land Supply Position Statement

3.7 MSDC is seeking to confirm the five year housing land supply under the terms of paragraph 74 of the NPPF through submission of the annual position statement to the secretary of state. Paragraph 74 of the framework states:

A five year supply of deliverable housing sites, with the appropriate buffer, can be demonstrated where it has been established in a recently adopted plan, or in a subsequent annual position statement which:

- a) has been produced through engagement with developers and others who have an impact on delivery, and been considered by the Secretary of State; and*
- b) incorporates the recommendation of the Secretary of State, where the position on specific sites could not be agreed during the engagement process.*

3.8 The report on the Annual Position Statement was issues by the Planning Inspectorate on 13 January 2020. It was confirmed that as the council did not have a recently adopted plan in conformity with the definition of the NPPF then the correct process had not been followed and the inspector was unable to confirm that the council had a five year housing land supply.

3.9 It is therefore clear that the council does not currently have a five year housing land supply and the demonstration of sufficiently deliverable sites within the SADPD is of critical importance for MSDC.

Deliverability of Sites

- 3.10 Any sites that have been included in the final Sites DPD will need to pass the tests of deliverability as set out in the NPPF. This is defined within the glossary of the framework as follows:

Deliverable: *To be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years. In particular:*

- a) *sites which do not involve major development and have planning permission, and all sites with detailed planning permission, should be considered deliverable until permission expires, unless there is clear evidence that homes will not be delivered within five years (for example because they are no longer viable, there is no longer a demand for the type of units or sites have long term phasing plans).*
- b) *where a site has outline planning permission for major development, has been allocated in a development plan, has a grant of permission in principle, or is identified on a brownfield register, it should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years.*

- 3.11 The Planning Practice Guidance provides a further explanation on how the deliverability of sites should be considered:

A site can be considered available for development, when, on the best information available (confirmed by the call for sites and information from land owners and legal searches where appropriate), there is confidence that there are no legal or ownership impediments to development. For example, land controlled by a developer or landowner who has expressed an intention to develop may be considered available.

The existence of planning permission can be a good indication of the availability of sites. Sites meeting the definition of deliverable should be considered available unless evidence indicates otherwise. Sites without permission can be considered available within the first five years, further guidance to this is contained in the 5 year housing land supply guidance. Consideration can also be given to the delivery record of the developers or landowners putting forward sites, and whether the planning background of a site shows a history of unimplemented permissions.

Paragraph: 019 Reference ID: 3-019-20190722

Revision date: 22 07 2019

- 3.12 It is with this in mind that the proposed sites within the Sites DPD are scrutinised within subsequent sections of this document. It is considered that many of the proposed sites do not fully accord with the definition of delivery and consideration of alternative sites is required.

4. Sustainability Appraisal

- 4.1 The SADPD is accompanied by a Sustainability Appraisal (SA) report which is a legal requirement derived from the Planning and Compulsory Purchase Act 2004 (Section 19). Section 39 of the Act requires documents such as the SADPD to be prepared with a view to contributing to the achievement of sustainable development.
- 4.2 The requirement for Strategic Environmental Assessment, in addition to the SA, is set out in the European Directive 2001/42/EC adopted into UK law as the “Environmental Assessment of Plans or Programmes Regulations 2004”.
- 4.3 In line with best practice the SEA has been incorporated into the SA of the SADPD.
- 4.4 The planning practice guidance sets out detailed consideration as to how any sustainability should assess alternatives and identify likely significant effects:

The sustainability appraisal needs to consider and compare all reasonable alternatives as the plan evolves, including the preferred approach, and assess these against the baseline environmental, economic and social characteristics of the area and the likely situation if the plan were not to be adopted. In doing so it is important to:

- *outline the reasons the alternatives were selected, and identify, describe and evaluate their likely significant effects on environmental, economic and social factors using the evidence base (employing the same level of detail for each alternative option). Criteria for determining the likely significance of effects on the environment are set out in [schedule 1 to the Environmental Assessment of Plans and Programmes Regulations 2004](#);*
- *as part of this, identify any likely significant adverse effects and measures envisaged to prevent, reduce and, as fully as possible, offset them;*
- *provide conclusions on the reasons the rejected options are not being taken forward and the reasons for selecting the preferred approach in light of the alternatives.*

Any assumptions used in assessing the significance of the effects of the plan will need to be documented. Reasonable alternatives are the different realistic options considered by the plan-maker in developing the policies in the plan. They need to be sufficiently distinct to highlight the different sustainability implications of each so that meaningful comparisons can be made.

The development and appraisal of proposals in plans needs to be an iterative process, with the proposals being revised to take account of the appraisal findings.

Paragraph: 018 Reference ID: 11-018-20140306

Revision date: 06 03 2014

- 4.5 In response to this guidance and requirement, paragraph 6.16 of the Sustainability Appraisal states that:

The Site Selection Paper 2 (paras 6.2 - 6.3) also recognises that, in order to meet the District Plan strategy, conclusions will be compared on a settlement-by-settlement basis with the most suitable sites at each settlement chosen in order to meet the residual needs of that settlement. This may result in some sites being chosen for allocation which have higher negative impact across all the objectives because this will be on the basis that the aim is to distribute allocations according to the District Plan strategy in the first instance; as opposed to simply selecting only

the most sustainable sites in the district (as this may not accord with the spatial strategy and would lead to an unequal distribution of sites across settlements). 20 sites that perform well individually and on a settlement basis, the residual housing need of 1,507 would be met with a small over-supply of 112 units.

4.6 Paragraph 6.45 recognises that this small over-supply may not be a sufficient buffer should sites fall out of the allocations process between now and adoption (for example, due to delivery issues, reduction in yield, or any other reasons identified during consultation or the evidence base).

4.7 The SA therefore considers reasonable alternatives of option A, B and C as follows:

Option A – 20 ‘Constant Sites’ – 1,619 dwellings

Option B – 20 ‘Constant Sites’ + Folders Lane, Burgess Hill (x3 sites) – 1,962 dwellings.

Option C – 20 ‘Constant Sites’ + Haywards Heath Golf Court – 2,249 dwellings

4.8 Paragraph 6.52 of the SA concludes that:

Following the assessment of all reasonable alternative options for site selection, the preferred option is option B. Although option A would meet residual housing need, option B proposes a sufficient buffer to allow for non-delivery, therefore provides more certainty that the housing need could be met. Whilst option C also proposes a sufficient buffer, it is at the expense of negative impacts arising on environmental objectives. The level of development within option C is approximately 50% above the residual housing need, the positives of delivering an excess of this amount within the Site Allocations DPD is outweighed by the negative environmental impacts associated with it.

4.9 It is not considered that this assessment of Option A, B and C is a sufficient enough assessment of reasonable alternatives as required by guidance and legislation. All of the options contain the ‘20 Constant Sites’ with no derivation of alternative options such as those which seek to divert housing growth away from the AONB or designated heritage assets.

4.10 It is apparent that other sites other than the 20 Constant Sites will need to be assessed if the council is to adequately demonstrate that reasonable alternatives have been considered as required.

5. Assessment of Proposed Sites.

- 5.1 This section analyses each of the proposed allocations against the tests of deliverability as set out in the NPPF and the potential shortcomings of several of the sites which require significant consideration. The findings of *Appendix B: Housing Site Proformas* of the *Site Selection Paper 3* (Appendix B) and the conclusions of the Sustainability Appraisal (SA) are considered in detail.

SA 12 Land South of 96 Folders Lane, Burgess Hill

- 5.2 Appendix B of the reg 18 SADPD set out that this site has *moderate landscape sensitivity and moderate landscape value. This site could be visible from the South Downs National Park.* The SA states that an LVIA is required to determine any impact on the national park. Given the weight that the NPPF requires to be placed on the protection of the national park, any impact must be measured prior to allocation. If it is deemed that mitigation would not minimise the harm caused, then the proposed allocation must fall away.
- 5.3 Appendix B of the reg 18 SADPD also set out that a TPO area lines the norther border and potential access route. It should be noted that an application was submitted in 2019 for the *erection of 43 dwellings and associated works* (DM/19/0276) but was withdrawn in September 2019 due to concerns over highways. The deliverability of this site is therefore not considered to be in accordance with the guidance set out in the framework.
- 5.4 Finally, whilst the priority for sites higher in the settlement hierarchy is acknowledged, this is site is very remote from the services offered by Burgess Hill. This is highlighted within the sustainability appraisal for the site which states that it is more than a 20 minute walk from the site to schools, GP and shops.

SA 13 Land East of Keymer Road and South of Folders Lane, Burgess Hill.

- 5.5 As with SA12, this site is in close proximity to the national park and the conclusions as set out above apply equally to this site.
- 5.6 The SA sets out that this is the only site within Burgess Hill to have any impact on listed buildings where it is stated that development of this site would cause *less than substantial harm (medium) on High Chimneys (Grade II listed)*. This is not mentioned within appendix B and this therefore calls into question the consistency of assessment of the sites in this regard.
- 5.7 Given that site SA12 and SA13 are in close proximity to one another it is notable that the cumulative impact of the development of both of these sites has not been assessed for a number of ‘in-combination’ impacts such as highways and landscape impact.

SA 14 Land to the south of Selby Close, Hammonds Ridge, Burgess Hill

- 5.8 There is a TPO at the front of this site which is potentially why access is proposed through the CALA Homes site (DM/17/0205). No evidence is submitted to suggest that this form of access is agreed or available. The section relating to Highways and Access within the SADPD simply states that this access *will need to be investigated further.*
- 5.9 The SA and appendix B both point towards the Southern Water Infrastructure which crosses the site. The wording in the DPD recommends that the layout of the development is considered to *ensure future access for maintenance and/or improvement work, unless diversion of the sewer is possible.* Given that the site is only 0.16ha it is therefore questionable whether there would be adequate space to develop the site for housing and provide accommodation for the sewage infrastructure crossing the site. The deliverability of this site has therefore not been adequately demonstrated.

- 5.10 As with SA12 and SA13 there are questions of the sustainability of the site given that the SA notes that it is more than a 20 minute walk to the school and GP.

SA 15 Land South of Southway, Burgess Hill

- 5.11 The SADPD describes the site as *overgrown and inaccessible land designated as a Local Green Space in the Burgess Hill Neighbourhood Plan*. It is unclear whether this site was ever previously in use as playing pitches and whether re-provision of this space would be required under Sport England policies.
- 5.12 Appendix B of the reg 18 SADPD points towards issues with relocation of existing parking on the site and states that:

Private parking areas would need to be removed to provide a suitable access point with sufficient visibility. The parking spaces are visitor spaces over which the owners/developers of the subject land have rights to access it to serve new development onto Linnet Lane. Accordingly, a new access into the site can be provided any new development would include two visitor spaces as close as reasonably possible to the existing visitor spaces.

- 5.13 It is clear that there are substantial issues with deliverability and availability of this site given these constraints and the site should be deleted as a proposed allocation until this can be adequately demonstrated.

SA 16 St. Wilfrids Catholic Primary School, School Close, Burgess Hill

- 5.14 The SADPD sets out that the satisfactory relocation of St Wilfrid's Primary School to St Paul's Catholic College site is required before development can commence on the school part of the site. There is also a requirement to re-provide the emergency services accommodation in a new emergency service centre either on this site or elsewhere in the town.
- 5.15 Given that the allocation is for 300 dwellings and requires this relocation first, it is considered that there is insufficient evidence to justify delivery of development of this site in the 6-10 year time period as set out.

SA 17 Woodfield House, Isaacs Lane, Burgess Hill

- 5.16 The SADPD sets out some significant landscape features on site which require retention and it is stated that:

There is a group Tree Preservation Order in the southern and western areas of the site. High quality substantial new planting of native trees is required, should these be lost to provide access from Isaac's Lane. All other TPO trees on the site are to be retained.

Retain and enhance important landscape features, mature trees, hedgerows and the pond at the south of the site and incorporate these into the landscape structure and Green Infrastructure proposals for the development. Open space is to be provided as an integral part of this landscape structure and should be prominent and accessible within the scheme.

- 5.17 Given that the site is only 1.4 hectares in size it is questionable whether there is adequate space on the site for 30 dwellings after retention of these landscape features.
- 5.18 It is clear from the Sites DPD that access to site is envisaged to be from the Northern Arc where it is stated that:

Integrated access with the Northern Arc Development is strongly preferred, the details of which will need to be investigated further.

5.19 This is also set out in appendix B of the reg 18 SADPD where it is stated that:

Entrance drive to house. Access on bend with limited visibility. 50 mph road. Would involve removal of trees that are subject to TPO. Objection for tree officer. However, future access is anticipated to be provided via the Northern Arc. Whilst the specific details of this remain uncertain on the basis that the enabling development is still at an early stage, it is considered that the identified constraints will no longer apply.

5.20 Given the uncertainty of the deliverability of the land immediately adjoining the site as part of the Northern Arc it is considered that the deliverability of this site is not clear enough to justify allocation within the sites DPD. The uncertainty of this deliverability also has an implication of the sustainability of the site and proximity to adequate services. This is highlighted within the SA where it is stated that:

The impact of option (h) on these objectives (Health/Retail/Education) is uncertain; currently the site is a long distance from local services, however, this will change once the Northern Arc is built out.

5.21 Overall it is not considered that this site is suitable for allocation and should be removed from the Sites DPD

SA 18 East Grinstead Police Station, College Lane, East Grinstead

5.22 We have no comments to make in relation to this allocation.

SA 19 Land south of Crawley Down Road, Felbridge

5.23 As set out, this allocation is directly to the west of the land under the control of Vanderbilt Homes which is also adjoined to the east by land with the benefit of planning permission for 62 dwellings.

5.24 Given that the entire area will be included within the revised Built Up Area Boundary, then it is considered logical that the adjoining sites are also identified for allocation within the SADPD.

SA 20 Land south and west of Imberhorne Upper School, Imberhorne Lane, East Grinstead

5.25 There is a requirement in the SADPD for this site to provide a detailed phasing plan with agreement from key stakeholders to secure:

- Land for early years and primary school (2FE) provision – 2.2 ha
- A land exchange agreement between WSCC and the developer to secure 6 ha (gross) land to create new playing field facilities in association with Imberhorne Secondary School (c.4 ha net - excluding land for provision of a new vehicular access onto Imberhorne Lane).

5.26 It is unclear when these requirements are to be provided by within the development of any site and whether it is considered that the site would be suitable for allocation should these uses not come forward.

5.27 There are clear concerns over the suitability of this site in terms of ecology as set out in appendix B of the reg 18 SADPD which states:

Natural England have concerns over the high density of housing south of Felbridge. Hedgecourt SSSI is accessible from the proposed site allocations via a network of Public Rights of Way. In

line with paragraph 175 of the NPPF, Mid Sussex District Council should determine if allocations are likely to have an adverse effect (either individually or in combination) on SSSI's. The NPPF states that "if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused." We would be happy to provide further advice if requested, although this may need to be on a cost recovery basis. The LWS adjacent to the site is an important recreational route and therefore consideration needs to be given to additional recreational disturbance to its habitats. We are unable to advise you on specific impacts as we have no details of the scale or type of proposed development consider further impacts of disturbance of the LWS and Ancient woodland arising from people and domestic pets, connectivity, light and noise pollution, appropriate buffer and cumulative impact. This site is adjacent to the Worth Way. The SHELAA should be redrawn to remove the section of LWS. The site is an important recreational route and therefore consideration needs to be given to additional recreational disturbance to its habitats. Further consideration be given to impacts of disturbance on LWS and Ancient Woodland from people and pets, impacts on connectivity, impacts of light and noise pollution, need for Ancient Woodland buffer. Cumulative impact with SHELAA 686 and 561.

- 5.28 It is clear that the impacts upon ecology and the SSSI have not been adequately addressed.
- 5.29 As with other sites there is potential for impact upon local heritage assets of Gullege Farm, Imberhorne Farm and Imberhorne Cottages as set out below. The harm in terms of less than strategic harm is inappropriately weighted in the assessment as a means for justification of allocation.

APPENDIX B : Gullege Farm, Imberhorne Lane

This isolated farmstead has historically had a rural setting and continues to do so today. The introduction of a substantial housing development to the north, east and south of the listed manor house would have a fundamental impact on the character of that setting and would detract from the way in which the special interest of this Grade II listed rural manor house and the of the historic farmstead is appreciated.

NPPF: LSH, high

Imberhorne Farm and Imberhorne Cottages

In its original incarnation Imberhorne Cottages was probably constructed as a dwelling providing accommodation between London and Lewes, on Lewes Priory lands. It may have acted as the manor house to the substantial manor of Imberhorne, which was owned by the Priory. It seems likely that the building became farm cottages when the new farmhouse (Imberhorne) was constructed in the early 19th century. The currently rural setting of both buildings within the Imberhorne farmstead informs an understanding of their past function and therefore contributes positively to their special interest.

The proposed development site would engulf the farmstead to the west, north and east and would have a fundamental impact on the character of the greater part of its existing of rural setting and on views from both listed buildings. It would adversely affect the manner in which the special interest of the two listed buildings within their rural setting is appreciated, including by those passing along the PROW to the north of the farmstead.

NPPF: LSH, high

- 5.30 The potential harm to heritage is also referred to in the SA which states that:

option (e) which is not constrained by a conservation area, but would have a less than substantial harm (high) on Gullege Farm (Grade II listed) and Imberhorne Farm and Imberhorne Cottages (Grade II listed). As this is a large site, there is potential to still achieve the yield whilst providing necessary mitigation to lower the impact on these heritage assets.*

- 5.31 Notwithstanding the significant constraints to delivery from this site it is notable that the delivery of 550 in 6-10 years as set out in the SADPD is particularly optimistic and would need to be revised in order to be realistic on the constraints to delivery including the requirement for provision of education on the site.

SA 21 Rogers Farm, Fox Hill, Haywards Heath

- 5.32 This site is also significantly constrained by the presence of heritage assets. This is referenced in the SA which states that:

Site option (b) is constrained in terms of impact upon a listed building; it would have a less than substantial harm (medium) on Cleavewater (Grade II listed) and The Old Cottage (Grade II listed).

- 5.33 Appendix B also references these heritage assets together with an assessment of the likely impact as follows:

*Cleavewaters, Fox Hill there would be a fundamental impact not only on views from the building and associated farmstead but on the context and manner in which the farmhouse and farmstead are appreciated by those travelling along the road which runs between the farmstead and the site. **NPPF: LSH, MID***

*Olde Cottage, there would be some potential impact on views from the Cottage and its garden setting. The belt of woodland between the asset and the site is relatively narrow and development on the site is likely to be visible, particularly in winter. There would also be an impact on the setting in which the Cottage is appreciated by those approaching along the access drive from Ditchling Road. **NPPF: LSH, MID***

- 5.34 The impact on heritage assets and character of the area has been assessed in an appeal decision on the site (APP/D3830/W/17/3187318) issued in January 2019 following an application for up to 37 dwellings on the site (DM/16/3998).

15 The combination of the buffer and local topography would mean that any development would be clearly visible on the approach down Lunce's Hill and perceived as a separate and distinct residential development. I am not persuaded that it would be seen within the context of an urban fringe setting as the appellant suggests. On the contrary it would be a harmful encroachment into the countryside and the rural character of the approach into the settlement would be irrevocably changed and harmed through the loss of this open land.

16 Overall, the proposal would result in an unacceptable suburbanisation of the appeal site that would fundamentally change the character and appearance of the rural setting of the settlement. The effects would also be exacerbated somewhat by the loss of part of the existing mature hedgerow for the access. Proposed mitigation, in the form of additional landscaping would restrict the visibility of the proposal from a number of viewpoints. However, it would take a substantial amount of time to mature and be dependent on a number of factors to be successful. Moreover, I am not persuaded that it would fully mitigate the visual impacts.

17 For these reasons, the proposal would not be a suitable site for housing in terms of location and would cause significant harm to the character and appearance of the area. It would therefore conflict with Policy C1 of the LP and Policies E5 and E9 of the HHNP. In addition to the requirements set out above, these policies also require new development to be permitted where it would protect, reinforce and not unduly erode the landscape character of the area. There would also be some conflict with Policies DP10 and DP24 which, seek to protect the countryside in recognition of its intrinsic character and beauty and promote well located and designed development.

- 5.35 Overall it is not considered that the site represents a logical, justified or deliverable site and should not be considered for allocation within the Sites DPD.

SA 22 Land north of Burleigh Lane, Crawley Down

- 5.36 As with other proposed sites, it has been identified that the development of this site would cause harm to adjoining heritage assets. Appendix B of the reg 18 SADPD sets out the following:

Burleigh Cottage is a Grade II listed 17th century building faced with weatherboarding and painted brick. Previously the building was the farmhouse for Sandhillgate Farm, and was renamed Burleigh Cottage in the mid 20th century. An outbuilding shown on historic maps dating from the mid 19th century appears to survive to the north east of the house, but otherwise the former farm buildings appear to have been lost. If in fact pre-dating 1948 this outbuilding may be regarded as curtilage listed. Sandhillgate Farm is recorded in the West Sussex Historic Farmstead and Landscape Character assessment, which is part of the HER, as an historic farmstead dating from the 19th century.

*Burleigh Cottage is in a semi-rural location on the southern edge of Crawley Down.
NPPF: LSH, MEDIUM*

- 5.37 Conclusions in relation to heritage made for other proposed allocations apply equally to this site.

SA 23 Land at Hanlye Lane to the east of Ardingly Road, Cuckfield

- 5.38 No comments.

SA 24 Land to the north of Shepherds Walk, Hassocks

- 5.39 The access for this site is through an adjacent parcel of land which has a ransom strip over this land. The deliverability of this site is therefore in doubt unless a right of access can be confirmed by the site owners.

SA 25 Land west of Selsfield Road, Ardingly

- 5.40 No comments.

SA 26 Land south of Hammerwood Road, Ashurst Wood

- 5.41 The site is within the AONB and it is considered it is inappropriate to allocate this site for development without thorough appraisal of reasonable alternatives as previously set out.

SA 27 Land at St. Martin Close, Handcross

- 5.42 No comments.

SA28 Land South of The Old Police House, Birchgrove Road, Horsted Keynes

5.43 No comments.

SA 29 Land south of St. Stephens Church, Hamsland, Horsted Keynes

5.44 No comments.

SA 30 Land to the north Lyndon, Reeds Lane, Sayers Common

5.45 The sustainability of this site has been considered in the SA which sets out that the site is more than 20 minutes away from services such as GP and the School. It is therefore not considered that the development of this site would be justified in sustainability terms.

5.46 The site is located within the Brick Clay (Weald) Mineral Safeguarding Area. No further evidence has been provided which demonstrates that the site is required for further mineral extraction.

SA 31 Land to the rear Firlands, Church Road, Scaynes Hill

5.47 The site is located within the Building Stone (Cuckfield) Mineral safeguarding Area. No further evidence has been provided which demonstrates that the site is required for further mineral extraction.

SA 32 Withypitts Farm, Selsfield Road, Turners Hill

5.48 No comments.

5.49 The site is located within the Brick Clay (Weald) Mineral Safeguarding Area. No further evidence has been provided which demonstrates that the site is required for further mineral extraction.


SA 33 Ansty Cross Garage, Cuckfield Road, Ansty

5.50 This site is not considered to be a sustainable location. A total of four separate sites were considered within Ansty with this being the only one accepted. The only difference between this and the other sites was that this scored slightly higher in the SA due to it being PDL. Whilst this is correct it is not considered that the PDL nature of this site makes it appropriate for allocation within the Sites DPD.

6. Conclusions

- 6.1 Detailed consideration of the sites identified for allocation within the SADPD show that there are some significant technical constraints and policy issues with many of the sites. These are matters which have been previously raised as part of regulation 18 representations and the council has done nothing to address these matters.
- 6.2 The analysis of the proposed allocations demonstrates there are some significant failings in the deliverability of the sites which requires reconsideration of the appropriateness of these allocations and selection of alternative sites.
- 6.3 The assessment of reasonable alternatives is significantly lacking and requires further retesting which would logically include this site. As a result, it is not considered that the SADPD is positively prepared or justified and therefore fails the test as set out in the NPPF as a result.
- 6.4 It is clear that the adoption of the SADPD is of significance importance to Mid Sussex in demonstrating a robust and deliverable five year housing land supply. It is therefore suggested that consideration is given to the allocation of the site as set out within these representations which can deliver much needed housing in the early part of the plan period.

7. Appendix 1 – SHELAA Extract – February 2020


Stage 1 Site Pro-Forma – All Sites		
SHELAA Ref	673	
Parish	Haywards Heath	
Site Location	Land north of Butlers Green Road, Haywards Heath	
		
Site uses	Agriculture	
Gross Site Area (ha)	1.5	
Potential Yield	5	
Site History		
Absolute Constraint	Flood Zone 2 or 3	✘
	Site of Special Scientific Interest	✘
Other Constraints	Ancient Woodland	✘
	Area of Outstanding Natural Beauty	✘
	Local Nature Reserve	✘
	Conservation Area	Development would not have a negative impact on Conservation area and/or Area of Townscape Character
	Scheduled Monument	✘
	Listed Buildings	Development may potentially affect listed building/s - mitigation may be necessary
	Access	Safe access is not available but potential exists to easily gain access
Suitable	No known constraints - assessed as Suitable at Stage 1, progress to Stage 2 assessment	
Availability	Site submitted by site proponent to the SHELAA for assessment - considered available	
Achievability	There is a reasonable prospect that site could be developed within the Plan period	
Timescale	Medium-Long Term	


8. Appendix 2 – Site Selection Paper Extract

Site Selection - Housing

Haywards Heath

ID 673 **Land north of Butlers Green Road, Haywards Heath**





Site Details

Units: 45 **Site Area (ha):** 1.5

Part 1 - Planning Constraints

1 - AONB	N/A	The site is remote from the High Weald AONB
2 - Flood Risk	None	The site lies entirely within Flood Zone 1, the area of lowest fluvial flood risk.
3 - Ancient Woodland	None	The site is not affected by Ancient Woodland
4 - SSSI/SNCI/LNR	Local Wildlife Site - SWT Mitigation	
5 - Listed Buildings	Listed Building - Less Than Substantial Harm (High)	Butlers Green House, Grade II* Development would have a fundamental impact on the currently rural character of the setting of the house and listed structures. The existing degree of separation between the heritage assets and the eastern edge of the Cuckfield would be reduced, and the open and verdant nature of the house's setting eroded. NPPF:LSH, HIGH
6 - Conservation Area	None	There are no conservation areas within or adjacent to the site
7 - Archaeology	None	
8 - Landscape	Low/Medium	
9 - Trees/TPOs	None	Site is not affected by trees

Part 2 - Deliverability Considerations

10 - Highways		
11 - Local Road/Access	Moderate - Improve	Safe access likely to be gained from Butlers Green road either from the roundabout or from the road itself.

673 Land north of Butlers Green Road, Haywards Heath

Site Selection - Housing		
12 - Deliverability	Developable	Site is owned by housebuilder. Outline application March 2019.
13 - Infrastructure	Infrastructure capacity	Developer Questionnaire - normal contributions apply.
Part 3 - Sustainability / Access to Services		
14 - Education	15-20 Minute Walk	
15 - Health	Less Than 10 Minute Walk	
16 - Services	10-15 Minute Walk	
17 - Public Transport	Fair	
Part 4 - Other Considerations		
Neighbourhood Plan		Notes

2077

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA20

ID: 2077

Response Ref: Reg19/2077/1

Respondent: L Wilson

Organisation:

On Behalf Of:

Category: Resident

Appear at Examination? x

[REDACTED]

From: lesley wilson [REDACTED]
Sent: 27 September 2020 09:26
To: ldfconsultation
Subject: Building on Imberhorne Farm, East Grinstead

Lesley Wilson
[REDACTED]

I object to any building projects to be made on Imberhorne Farm and Crawley Down. These places are beautiful, peaceful and tranquil homes to nature and all the people who enjoy them. Our family have enjoyed the land at Imberhorne during their lives and I frequently use the pathway on my mobility scooter. There is nowhere more magical than the whole area with ancient Gullege as a background to farmland. To take this away from the people of East Grinstead and surrounding areas would be a tragedy and as we have never been consulted and live nearby I am sure it would not be the right thing to do. You have already taken a woodland we named The dog fields as so many folks walked their dogs there. It had ramps for children in their bikes, a truly family used area, but now it was taken and we do mourn its loss. Please, please rethink these awful plans and leave our countryside to be just that.
COUNTRY SIDE!

Sent from my iPad

2079

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA20

ID: 2079

Response Ref: Reg19/2079/12

Respondent: Mr A Black

Organisation: Andrew Black consulting

On Behalf Of: Vanderbilt Homes - Hurstwood HH

Category: Promoter

Appear at Examination? x



Mid Sussex District Council

Draft Site Allocations DPD (Regulation 19)
Consultation

Representation on behalf of Vanderbilt Homes –
Land at Junction of Hurstwood Lane and Colwell
Lane, Haywards Heath

September 2020

Project MSDC Draft Site Allocations DPD

ABC Reference ABC/0072/07b

Local Authority Mid Sussex District Council

Client Vanderbilt Homes

Issue Final

Author Andrew Black

Date September 2020

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1. Introduction

- 1.1 These representations for the Draft Site Allocations DPD (Regulation 19) Consultation (Herein referred to as the ‘SADPD’) are submitted by Andrew Black Consulting on behalf of Vanderbilt Homes regarding a site within their control in Haywards Heath.
- 1.2 The site under the control of Vanderbilt Homes is Land at Junction of Hurstwood Lane and Colwell Lane, Haywards Heath and was previously considered in the SHELAA (ref 508) as Available, Achievable and Deliverable.
- 1.3 It is understood that the SADPD has been produced in accordance with the Planning and Compulsory Purchase Act 2004, and other relevant regulations.
- 1.4 The NPPF states that Development Plan Documents should be prepared in accordance with the legal and procedural requirements. To be found to be ‘sound’, plans must be:
 - a) *positively prepared*
 - b) *justified*
 - c) *effective, and*
 - d) *consistent with national policy.*
- 1.5 It is with this in mind that the representations are made.
- 1.6 The draft SADPD has been prepared using an extensive and legally compliant evidence base including a Sustainability Appraisal, Habitat Regulations Assessment, Community Involvement Plan, Equalities Impact Assessment, and various technical reports and studies. Of particular note is the Built Up Area Boundary and Policies Map Topic Paper (TP1) produced in August 2020.
- 1.7 The Site Allocations DPD proposes to allocate 22 sites to meet this residual necessary to meet the overall agreed housing requirement for the plan period as reflected in the ‘stepped trajectory’ and in accordance with the District Plan.
- 1.8 These representations set out the detail of the Site and Surroundings and a response to the detailed parts of the SADPD.

2. Site and Surroundings

- 2.1 The site is located to the at the Junction of Hurstwood Lane and Colwell Lane in Haywards Heath.



Figure 1 – SHELAA Extract

- 2.2 The site was assessed in the most recent SHELAA (Ref 508) as Suitable, Available and Achievable in the Medium to Long Term (The full extract of the SHELAA is set out in Appendix 1). Several constraints were note within the HELAA form which are addressed below.
- 2.3 The SHELAA Appraisal of the site confirms that there are no constraints to the development of the site in terms of Flooding, SSSIs, Ancient Woodland, AONB, Local Nature Reserves, Heritage Assets or Access.

Planning History

- 2.4 The site does not have any planning history.
- 2.5 The site is in close proximity to a site which was allocated under the District Plan (H1) and has a current application for a substantial application. An application was submitted in 2017 (DM/17/2739) with the following description:
- Outline application for development of up to 375 new homes, a 2 form entry primary school with Early Years provision, a new burial ground, allotments, Country Park, car parking, 'Green Way', new vehicular accesses and associated parking and landscaping. All matters are to be reserved except for access.*
- 2.6 A resolution to grant planning permission was made by planning committee in August 2018. A formal planning decision is yet to be issued as further negotiations are taking place regarding the s106 agreement. However, the allocation of the site and the resolution to grant planning

permission is considered as a strong indicator that development of the site is highly likely to take place and will result in substantial change in the immediate context of the area.

- 2.7 The proximity of the site to the site under control of Vanderbilt Homes (shown in red) is set out below:

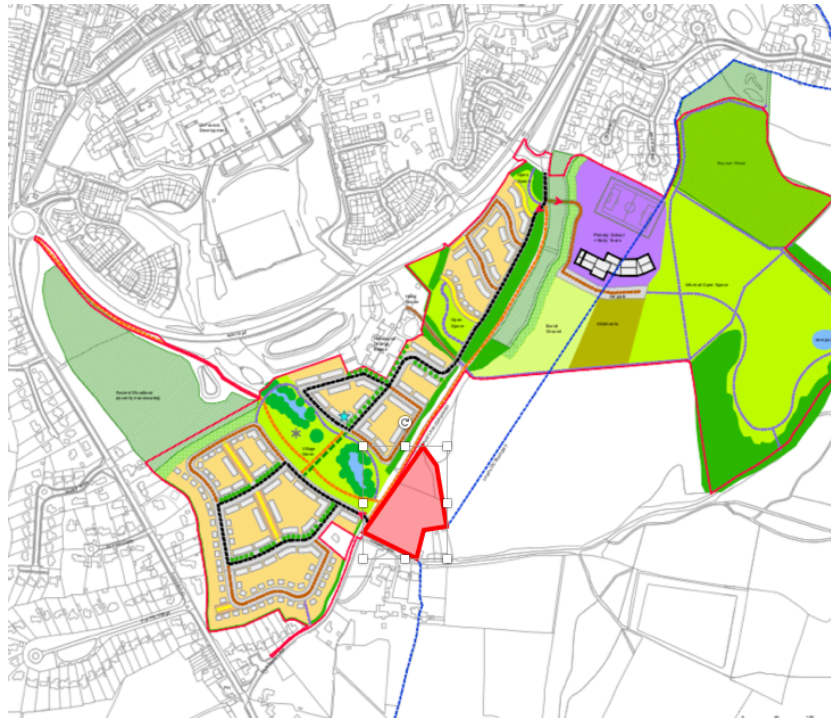


Figure 2 – Proximity of Site to significant application

- 2.8 The proposed policies map shows the extent of the built up area boundary, the proposed allocation of the site to the north (H1) and the proposed allocated site SA21 to the south-west.

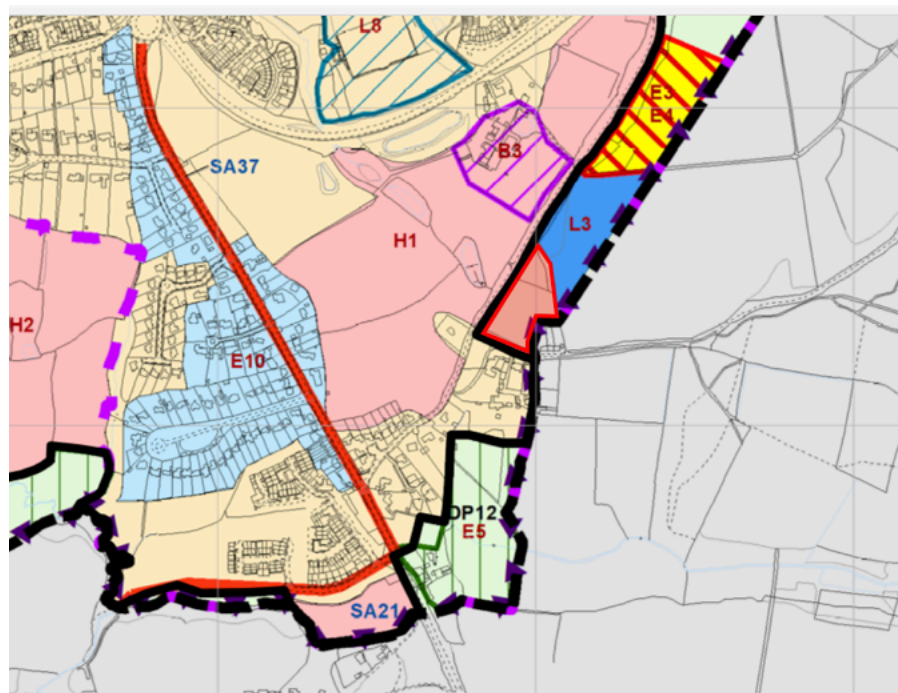


Figure 3 – Proposed Site Allocations Proposals Map

- 2.9 Specific representations are made against each of the allocated sites in subsequent sections of these representations. However, of specific focus is the allocation of Rogers Farm on Fox Hill in Haywards Heath. Significant concerns are raised as part of these representations as to why the Rogers Farm site has been allocated instead of the more obvious site under the control of Vanderbilt Homes at Hurstwood Lane.

SA 21 Rogers Farm, Fox Hill, Haywards Heath

- 2.10 This site is significantly constrained by the presence of heritage assets. This is referenced in the SA which states that:

Site option (b) is constrained in terms of impact upon a listed building; it would have a less than substantial harm (medium) on Cleavewater (Grade II listed) and The Old Cottage (Grade II listed).

- 2.11 Appendix B of the reg 18 SADPD also references these heritage assets together with an assessment of the likely impact as follows:

*Cleavewaters, Fox Hill there would be a fundamental impact not only on views from the building and associated farmstead but on the context and manner in which the farmhouse and farmstead are appreciated by those travelling along the road which runs between the farmstead and the site. **NPPF: LSH, MID***

*Olde Cottage, there would be some potential impact on views from the Cottage and its garden setting. The belt of woodland between the asset and the site is relatively narrow and development on the site is likely to be visible, particularly in winter. There would also be an impact on the setting in which the Cottage is appreciated by those approaching along the access drive from Ditchling Road. **NPPF: LSH, MID***

- 2.12 The impact on heritage assets and character of the area has been assessed in an appeal decision on the site (APP/D3830/W/17/3187318) issued in January 2019 following an application for up to 37 dwellings on the site (DM/16/3998).

15 The combination of the buffer and local topography would mean that any development would be clearly visible on the approach down Lunce's Hill and perceived as a separate and distinct residential development. I am not persuaded that it would be seen within the context of an urban fringe setting as the appellant suggests. On the contrary it would be a harmful encroachment into the countryside and the rural character of the approach into the settlement would be irrevocably changed and harmed through the loss of this open land.

16 Overall, the proposal would result in an unacceptable suburbanisation of the appeal site that would fundamentally change the character and appearance of the rural setting of the settlement. The effects would also be exacerbated somewhat by the loss of part of the existing mature hedgerow for the access. Proposed mitigation, in the form of additional landscaping would restrict the visibility of the proposal from a number of viewpoints. However, it would take a substantial amount of time to mature and be dependent on a number of factors to be successful. Moreover, I am not persuaded that it would fully mitigate the visual impacts.

17 For these reasons, the proposal would not be a suitable site for housing in terms of location and would cause significant harm to the character and appearance of the area. It would therefore conflict with Policy C1 of the LP and Policies E5 and E9 of the HHNP. In addition to the requirements set out above, these policies also require new development to be

permitted where it would protect, reinforce and not unduly erode the landscape character of the area. There would also be some conflict with Policies DP10 and DP24 which, seek to protect the countryside in recognition of its intrinsic character and beauty and promote well located and designed development.

2.13 In addition to consideration of heritage matters it would appear that the consideration of Sustainability / Access to Services is inconsistent between the Site Selection Paper (SSP3) and the Sustainability Appraisal.

2.14 In the Site Selection Paper (SSP3) the Sustainability / Access to Services of Rogers Farm is assessed as follows:

Part 3 - Sustainability / Access to Services	
14 - Education	More than 20 Minute Walk
15 - Health	15-20 Minute Walk
16 - Services	15-20 Minute Walk
17 - Public Transport	Fair

2.15 However, this differs from the assessment of these matters within the Sustainability Appraisal where the following conclusions are reached.

Objective	A - Oaklands	B - Rogers Farm	C - HH Golf Course	D - N. Old Wickham	Assessment
1 - Housing	+	+	++	+	All site options have demonstrated their deliverability; options (a), (b) and (d) make a contribution to the residual housing need, while (c) makes a significant contribution to the need.
2 - Health	++	0	++	-	Site options (a) and (c) are located a 10-15 minute walk from the nearest GP surgery, while option (b) is a 15-20 minute walk. Option (d) is more than a 20 minute walk.
3 - Education	+	-	++	+	Site option (c) is located less than a 10 minute walk from the nearest primary school, options (a) and (d) are a 10-15 minute walk, while option (b) is more than a 20 minute walk.
4 - Retail	++	+	++	+	Site options (a) and (c) is located less than a 10 minute walk from the nearest convenience store, while options (b) and (d) are a 10-15 minute walk.

2.16 The site is assessed positively for its access to retail and it is stated that they are a 10-15 minute walk when the SA correctly identifies that they are a 15-20 minute walk.

2.17 The Site Selection Paper (SSP3) for the Land at Hurstwood Lane makes it clear that whilst connectivity is currently poor, facilities will be provided at the Hurst Farm development and it is therefore considered that the SA would rate these as positive.

2.18 It is therefore clear that the Hurstwood Lane site has been overlooked in favour of the less suitable site at Rogers Farm.

2.19 It is apparent that the heritage constraints and poor sustainability for Rogers Farm weigh heavily against the allocation of the site and this should be readdressed within the final version of the SADPD.

3. Housing Site Allocation Process

- 3.1 The District Plan 2014-2031 sets out the housing requirement for the district for the plan period of 16,390 dwellings. This meets the Objectively Assessed Need (OAN) for the district of 14,892 dwellings in full and makes provision for the agreed quantum of unmet housing need for the Northern West Sussex Housing Market Area, to be addressed within Mid Sussex, of 1,498 dwellings.
- 3.2 The District Plan 2014-2031 established a ‘stepped’ trajectory for housing delivery with an average of 876 dwellings per annum (dpa) between 2014/15 and 2023/24 and thereafter an average of 1,090 dpa between 2024/25 and 2030/31. This represents a significant increase in housing supply compared with historical rates within the district.
- 3.3 The latest data on completions from MSDC was published in *MSDC Housing Land Supply Position Statement* was published in August 2020 (Document H1) and shows a significant shortfall in delivery against the housing requirement since the start of the plan:

Category		Number of Dwellings
Housing Requirement for the full plan period (April 2014 to March 2031)		16,390
Housing Completions (April 2014 to March 2020)		4,917
Completions 2014/15		630
Completions 2015/16		868
Completions 2016/17		912
Completions 2017/18		843
Completions 2018/19		661
Completions 2019/20		1003
Housing Supply (April 2014 to March 2031)	Commitments (including District Plan Allocations)	9,689
	Site Allocations DPD - Allocations	1,764
	Windfalls	504
Total Supply (at 1 April 2019)		16,874

Figure 4 – Extract from MSDC Housing Land Supply Position Statement

- 3.4 The Housing Delivery Test was introduced in the July 2018 update to the NPPF. The Housing Delivery Test is an annual measurement of housing delivery for each local authority and the first results were published in February 2019 by the Ministry of Housing, Communities and Local Government (MHCLG). Where the Housing Delivery Test indicates that delivery has fallen below 95% of the local planning authority’s housing requirement over the previous 3 years then it is required to prepare an action plan. Where delivery has fallen below 85% of the housing requirement a 20% buffer should be added to the five year supply of deliverable sites.
- 3.5 The result for Mid Sussex produced in February 2020 was 95%. This result is based on monitoring years 2016-17, 2017-18 and 2018-19. Mid Sussex is therefore not required to add 20% buffer for significant under delivery, or prepare an Action Plan. However, it is clear that under current performance the council will struggle when the housing target steps up to 1,090 in 2024.
- 3.6 Para 4.10 of the previous MSDC Housing Land Supply Position Statement (2019) sets out the five year supply requirement for the district as follows:

Annual Requirement As set out in District Plan	876 x 5 years =	4,380
Shortfall spread over remaining plan period	466 divided by 12 remaining years x 5 years	194
Total		4,574
Buffer (see paras 2.4,4.9 above)	10%	457
Total five year supply requirement		5,032

Figure 5 – Total Five Year Housing Requirement taken from MSDC Housing Land Supply Position Statement

3.7 MSDC is seeking to confirm the five year housing land supply under the terms of paragraph 74 of the NPPF through submission of the annual position statement to the secretary of state. Paragraph 74 of the framework states:

A five year supply of deliverable housing sites, with the appropriate buffer, can be demonstrated where it has been established in a recently adopted plan, or in a subsequent annual position statement which:

- a) has been produced through engagement with developers and others who have an impact on delivery, and been considered by the Secretary of State; and*
- b) incorporates the recommendation of the Secretary of State, where the position on specific sites could not be agreed during the engagement process.*

3.8 The report on the Annual Position Statement was issued by the Planning Inspectorate on 13 January 2020. It was confirmed that as the council did not have a recently adopted plan in conformity with the definition of the NPPF then the correct process had not been followed and the inspector was unable to confirm that the council had a five year housing land supply.

3.9 It is therefore clear that the council does not currently have a five year housing land supply and the demonstration of sufficiently deliverable sites within the SADPD is of critical importance for MSDC.

Deliverability of Sites

- 3.10 Any sites that have been included in the final Sites DPD will need to pass the tests of deliverability as set out in the NPPF. This is defined within the glossary of the framework as follows:

***Deliverable:** To be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years. In particular:*

- a) *sites which do not involve major development and have planning permission, and all sites with detailed planning permission, should be considered deliverable until permission expires, unless there is clear evidence that homes will not be delivered within five years (for example because they are no longer viable, there is no longer a demand for the type of units or sites have long term phasing plans).*
- b) *where a site has outline planning permission for major development, has been allocated in a development plan, has a grant of permission in principle, or is identified on a brownfield register, it should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years.*

- 3.11 The Planning Practice Guidance provides a further explanation on how the deliverability of sites should be considered:

A site can be considered available for development, when, on the best information available (confirmed by the call for sites and information from land owners and legal searches where appropriate), there is confidence that there are no legal or ownership impediments to development. For example, land controlled by a developer or landowner who has expressed an intention to develop may be considered available.

The existence of planning permission can be a good indication of the availability of sites. Sites meeting the definition of deliverable should be considered available unless evidence indicates otherwise. Sites without permission can be considered available within the first five years, further guidance to this is contained in the 5 year housing land supply guidance. Consideration can also be given to the delivery record of the developers or landowners putting forward sites, and whether the planning background of a site shows a history of unimplemented permissions.

Paragraph: 019 Reference ID: 3-019-20190722

Revision date: 22 07 2019

- 3.12 It is with this in mind that the proposed sites within the Sites DPD are scrutinised within subsequent sections of this document. It is considered that many of the proposed sites do not fully accord with the definition of delivery and consideration of alternative sites is required.

Area of Outstanding Natural Beauty

- 3.13 A significant number of the proposed sites are located within, or close to, the High Weald AONB. Paragraph 172 sets out the significant protection which should be afforded to the AONB in planning terms and states that:

Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife

and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads. The scale and extent of development within these designated areas should be limited. Planning permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:

a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;

b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and

c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

3.14 It is part b of paragraph 172 that is of particular importance in this instance. It is not considered that MSDC has considered sites outside of the AONB which could be used to meet the identified residual housing requirement. It would appear that sites have been selected because of their conformity to the spatial strategy and hierarchy without the proper application of the ‘great weight’ required to protect the AONB.

3.15 The approach of allocating sites within the AONB as opposed to ‘outside the designated area’ should have been tested through a robust analysis of reasonable alternatives within the Sustainability Appraisal. The failure to do this adequately is a matter of soundness and it is considered that the Sites DPD fails the tests within the NPPF on this basis alone.

Historic Environment

3.16 Several of the allocations within the DPD are in close proximity to heritage assets. Paragraph 193 of the framework sets out the approach to heritage assets as follows:

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

3.17 In many instances the council themselves suggest that the development of housing on the sites is likely to have ‘less than significant harm’ on the heritage assets in question. Paragraph 196 of the framework sets out the approach which should be taken in this instance:

Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the

3.18 It is not considered that the harm caused to heritage assets has been adequately assessed within the Sustainability Appraisal for many of the proposed sites and further consideration is required of the sites in this regard. This would include assessing sites which would not have an impact on heritage assets through a robust application of reasonable alternatives within the Sustainability Appraisal.

4. Sustainability Appraisal

- 4.1 The SADPD is accompanied by a Sustainability Appraisal (SA) report which is a legal requirement derived from the Planning and Compulsory Purchase Act 2004 (Section 19). Section 39 of the Act requires documents such as the SADPD to be prepared with a view to contributing to the achievement of sustainable development.
- 4.2 The requirement for Strategic Environmental Assessment, in addition to the SA, is set out in the European Directive 2001/42/EC adopted into UK law as the “Environmental Assessment of Plans or Programmes Regulations 2004”.
- 4.3 In line with best practice the SEA has been incorporated into the SA of the SADPD.
- 4.4 The planning practice guidance sets out detailed consideration as to how any sustainability should assess alternatives and identify likely significant effects:

The sustainability appraisal needs to consider and compare all reasonable alternatives as the plan evolves, including the preferred approach, and assess these against the baseline environmental, economic and social characteristics of the area and the likely situation if the plan were not to be adopted. In doing so it is important to:

- *outline the reasons the alternatives were selected, and identify, describe and evaluate their likely significant effects on environmental, economic and social factors using the evidence base (employing the same level of detail for each alternative option). Criteria for determining the likely significance of effects on the environment are set out in [schedule 1 to the Environmental Assessment of Plans and Programmes Regulations 2004](#);*
- *as part of this, identify any likely significant adverse effects and measures envisaged to prevent, reduce and, as fully as possible, offset them;*
- *provide conclusions on the reasons the rejected options are not being taken forward and the reasons for selecting the preferred approach in light of the alternatives.*

Any assumptions used in assessing the significance of the effects of the plan will need to be documented. Reasonable alternatives are the different realistic options considered by the plan-maker in developing the policies in the plan. They need to be sufficiently distinct to highlight the different sustainability implications of each so that meaningful comparisons can be made.

The development and appraisal of proposals in plans needs to be an iterative process, with the proposals being revised to take account of the appraisal findings.

Paragraph: 018 Reference ID: 11-018-20140306

Revision date: 06 03 2014

- 4.5 In response to this guidance and requirement, paragraph 6.16 of the Sustainability Appraisal states that:

The Site Selection Paper 2 (paras 6.2 - 6.3) also recognises that, in order to meet the District Plan strategy, conclusions will be compared on a settlement-by-settlement basis with the most suitable sites at each settlement chosen in order to meet the residual needs of that settlement. This may result in some sites being chosen for allocation which have higher negative impact across all the objectives because this will be on the basis that the aim is to distribute allocations according to the District Plan strategy in the first instance; as opposed to simply selecting only

the most sustainable sites in the district (as this may not accord with the spatial strategy and would lead to an unequal distribution of sites across settlements). 20 sites that perform well individually and on a settlement basis, the residual housing need of 1,507 would be met with a small over-supply of 112 units.

4.6 Paragraph 6.45 recognises that this small over-supply *may not be a sufficient buffer should sites fall out of the allocations process between now and adoption (for example, due to delivery issues, reduction in yield, or any other reasons identified during consultation or the evidence base).*

4.7 The SA therefore considers reasonable alternatives of option A, B and C as follows:

Option A – 20 ‘Constant Sites’ – 1,619 dwellings

Option B – 20 ‘Constant Sites’ + Folders Lane, Burgess Hill (x3 sites) – 1,962 dwellings.

Option C – 20 ‘Constant Sites’ + Haywards Heath Golf Court – 2,249 dwellings

4.8 Paragraph 6.52 of the SA concludes that:

Following the assessment of all reasonable alternative options for site selection, the preferred option is option B. Although option A would meet residual housing need, option B proposes a sufficient buffer to allow for non-delivery, therefore provides more certainty that the housing need could be met. Whilst option C also proposes a sufficient buffer, it is at the expense of negative impacts arising on environmental objectives. The level of development within option C is approximately 50% above the residual housing need, the positives of delivering an excess of this amount within the Site Allocations DPD is outweighed by the negative environmental impacts associated with it.

4.9 It is not considered that this assessment of Option A, B and C is a sufficient enough assessment of reasonable alternatives as required by guidance and legislation. All of the options contain the ‘20 Constant Sites’ with no derivation of alternative options such as those which seek to divert housing growth away from the AONB or designated heritage assets.

4.10 It is apparent that other sites other than the 20 Constant Sites will need to be assessed if the council is to adequately demonstrate that reasonable alternatives have been considered as required.

5. Assessment of Proposed Sites.

- 5.1 This section analyses each of the proposed allocations against the tests of deliverability as set out in the NPPF and the potential shortcomings of several of the sites which require significant consideration. The findings of *Appendix B: Housing Site Proformas* of the *Site Selection Paper 3* (Appendix B) and the conclusions of the Sustainability Appraisal (SA) are considered in detail.

SA 12 Land South of 96 Folders Lane, Burgess Hill

- 5.2 Appendix B of the reg 18 SADPD set out that this site has *moderate landscape sensitivity and moderate landscape value. This site could be visible from the South Downs National Park*. The SA states that an LVIA is required to determine any impact on the national park. Given the weight that the NPPF requires to be placed on the protection of the national park, any impact must be measured prior to allocation. If it is deemed that mitigation would not minimise the harm caused, then the proposed allocation must fall away.
- 5.3 Appendix B of the reg 18 SADPD also set out that a TPO area lines the norther border and potential access route. It should be noted that an application was submitted in 2019 for the *erection of 43 dwellings and associated works* (DM/19/0276) but was withdrawn in September 2019 due to concerns over highways. The deliverability of this site is therefore not considered to be in accordance with the guidance set out in the framework.
- 5.4 Finally, whilst the priority for sites higher in the settlement hierarchy is acknowledged, this is site is very remote from the services offered by Burgess Hill. This is highlighted within the sustainability appraisal for the site which states that it is more than a 20 minute walk from the site to schools, GP and shops.

SA 13 Land East of Keymer Road and South of Folders Lane, Burgess Hill.

- 5.5 As with SA12, this site is in close proximity to the national park and the conclusions as set out above apply equally to this site.
- 5.6 The SA sets out that this is the only site within Burgess Hill to have any impact on listed buildings where it is stated that development of this site would cause *less than substantial harm (medium) on High Chimneys (Grade II listed)*. This is not mentioned within appendix B and this therefore calls into question the consistency of assessment of the sites in this regard.
- 5.7 Given that site SA12 and SA13 are in close proximity to one another it is notable that the cumulative impact of the development of both of these sites has not been assessed for a number of ‘in-combination’ impacts such as highways and landscape impact.

SA 14 Land to the south of Selby Close, Hammonds Ridge, Burgess Hill

- 5.8 There is a TPO at the front of this site which is potentially why access is proposed through the CALA Homes site (DM/17/0205). No evidence is submitted to suggest that this form of access is agreed or available. The section relating to Highways and Access within the SADPD simply states that this access *will need to be investigated further*.
- 5.9 The SA and appendix B both point towards the Southern Water Infrastructure which crosses the site. The wording in the DPD recommends that the layout of the development is considered to *ensure future access for maintenance and/or improvement work, unless diversion of the sewer is possible*. Given that the site is only 0.16ha it is therefore questionable whether there would be adequate space to develop the site for housing and provide accommodation for the sewage infrastructure crossing the site. The deliverability of this site has therefore not been adequately demonstrated.

- 5.10 As with SA12 and SA13 there are questions of the sustainability of the site given that the SA notes that it is more than a 20 minute walk to the school and GP.

SA 15 Land South of Southway, Burgess Hill

- 5.11 The SADPD describes the site as *overgrown and inaccessible land designated as a Local Green Space in the Burgess Hill Neighbourhood Plan*. It is unclear whether this site was ever previously in use as playing pitches and whether re-provision of this space would be required under Sport England policies.
- 5.12 Appendix B of the reg 18 SADPD points towards issues with relocation of existing parking on the site and states that:

Private parking areas would need to be removed to provide a suitable access point with sufficient visibility. The parking spaces are visitor spaces over which the owners/developers of the subject land have rights to access it to serve new development onto Linnet Lane. Accordingly, a new access into the site can be provided any new development would include two visitor spaces as close as reasonably possible to the existing visitor spaces.

- 5.13 It is clear that there are substantial issues with deliverability and availability of this site given these constraints and the site should be deleted as a proposed allocation until this can be adequately demonstrated.

SA 16 St. Wilfrids Catholic Primary School, School Close, Burgess Hill

- 5.14 The SADPD sets out that the satisfactory relocation of St Wilfrid's Primary School to St Paul's Catholic College site is required before development can commence on the school part of the site. There is also a requirement to re-provide the emergency services accommodation in a new emergency service centre either on this site or elsewhere in the town.
- 5.15 Given that the allocation is for 300 dwellings and requires this relocation first, it is considered that there is insufficient evidence to justify delivery of development of this site in the 6-10 year time period as set out.

SA 17 Woodfield House, Isaacs Lane, Burgess Hill

- 5.16 The SADPD sets out some significant landscape features on site which require retention and it is stated that:

There is a group Tree Preservation Order in the southern and western areas of the site. High quality substantial new planting of native trees is required, should these be lost to provide access from Isaac's Lane. All other TPO trees on the site are to be retained.

Retain and enhance important landscape features, mature trees, hedgerows and the pond at the south of the site and incorporate these into the landscape structure and Green Infrastructure proposals for the development. Open space is to be provided as an integral part of this landscape structure and should be prominent and accessible within the scheme.

- 5.17 Given that the site is only 1.4 hectares in size it is questionable whether there is adequate space on the site for 30 dwellings after retention of these landscape features.
- 5.18 It is clear from the Sites DPD that access to site is envisaged to be from the Northern Arc where it is stated that:

Integrated access with the Northern Arc Development is strongly preferred, the details of which will need to be investigated further.

5.19 This is also set out in appendix B of the reg 18 SADPD where it is stated that:

Entrance drive to house. Access on bend with limited visibility. 50 mph road. Would involve removal of trees that are subject to TPO. Objection for tree officer. However, future access is anticipated to be provided via the Northern Arc. Whilst the specific details of this remain uncertain on the basis that the enabling development is still at an early stage, it is considered that the identified constraints will no longer apply.

5.20 Given the uncertainty of the deliverability of the land immediately adjoining the site as part of the Northern Arc it is considered that the deliverability of this site is not clear enough to justify allocation within the sites DPD. The uncertainty of this deliverability also has an implication of the sustainability of the site and proximity to adequate services. This is highlighted within the SA where it is stated that:

The impact of option (h) on these objectives (Health/Retail/Education) is uncertain; currently the site is a long distance from local services, however, this will change once the Northern Arc is built out.

5.21 Overall it is not considered that this site is suitable for allocation and should be removed from the Sites DPD

SA 18 East Grinstead Police Station, College Lane, East Grinstead

5.22 We have no comments to make in relation to this allocation.

SA 19 Land south of Crawley Down Road, Felbridge

5.23 As set out, this allocation is directly to the west of the land under the control of Vanderbilt Homes which is also adjoined to the east by land with the benefit of planning permission for 63 dwellings.

5.24 Given that the entire area will be included within the revised Built Up Area Boundary, then it is considered logical that the adjoining sites are also identified for allocation within the SADPD.

SA 20 Land south and west of Imberhorne Upper School, Imberhorne Lane, East Grinstead

5.25 There is a requirement in the SADPD for this site to provide a detailed phasing plan with agreement from key stakeholders to secure:

- Land for early years and primary school (2FE) provision – 2.2 ha
- A land exchange agreement between WSCC and the developer to secure 6 ha (gross) land to create new playing field facilities in association with Imberhorne Secondary School (c.4 ha net - excluding land for provision of a new vehicular access onto Imberhorne Lane).

5.26 It is unclear when these requirements are to be provided by within the development of any site and whether it is considered that the site would be suitable for allocation should these uses not come forward.

5.27 There are clear concerns over the suitability of this site in terms of ecology as set out in appendix B of the reg 18 SADPD which states:

Natural England have concerns over the high density of housing south of Felbridge. Hedgecourt SSSI is accessible from the proposed site allocations via a network of Public Rights of Way. In

line with paragraph 175 of the NPPF, Mid Sussex District Council should determine if allocations are likely to have an adverse effect (either individually or in combination) on SSSI's. The NPPF states that "if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused." We would be happy to provide further advice if requested, although this may need to be on a cost recovery basis. The LWS adjacent to the site is an important recreational route and therefore consideration needs to be given to additional recreational disturbance to its habitats. We are unable to advise you on specific impacts as we have no details of the scale or type of proposed development consider further impacts of disturbance of the LWS and Ancient woodland arising from people and domestic pets, connectivity, light and noise pollution, appropriate buffer and cumulative impact. This site is adjacent to the Worth Way. The SHELAA should be redrawn to remove the section of LWS. The site is an important recreational route and therefore consideration needs to be given to additional recreational disturbance to its habitats. Further consideration be given to impacts of disturbance on LWS and Ancient Woodland from people and pets, impacts on connectivity, impacts of light and noise pollution, need for Ancient Woodland buffer. Cumulative impact with SHELAA 686 and 561.

- 5.28 It is clear that the impacts upon ecology and the SSSI have not been adequately addressed.
- 5.29 As with other sites there is potential for impact upon local heritage assets of Gullege Farm, Imberhorne Farm and Imberhorne Cottages as set out below. The harm in terms of less than strategic harm is inappropriately weighted in the assessment as a means for justification of allocation.

APPENDIX B : Gullege Farm, Imberhorne Lane

This isolated farmstead has historically had a rural setting and continues to do so today. The introduction of a substantial housing development to the north, east and south of the listed manor house would have a fundamental impact on the character of that setting and would detract from the way in which the special interest of this Grade II listed rural manor house and the of the historic farmstead is appreciated.

NPPF: LSH, high

Imberhorne Farm and Imberhorne Cottages

In its original incarnation Imberhorne Cottages was probably constructed as a dwelling providing accommodation between London and Lewes, on Lewes Priory lands. It may have acted as the manor house to the substantial manor of Imberhorne, which was owned by the Priory. It seems likely that the building became farm cottages when the new farmhouse (Imberhorne) was constructed in the early 19th century. The currently rural setting of both buildings within the Imberhorne farmstead informs an understanding of their past function and therefore contributes positively to their special interest.

The proposed development site would engulf the farmstead to the west, north and east and would have a fundamental impact on the character of the greater part of its existing of rural setting and on views from both listed buildings. It would adversely affect the manner in which the special interest of the two listed buildings within their rural setting is appreciated, including by those passing along the PROW to the north of the farmstead.

NPPF: LSH, high

- 5.30 The potential harm to heritage is also referred to in the SA which states that:

option (e) which is not constrained by a conservation area, but would have a less than substantial harm (high) on Gullege Farm (Grade II listed) and Imberhorne Farm and Imberhorne Cottages (Grade II listed). As this is a large site, there is potential to still achieve the yield whilst providing necessary mitigation to lower the impact on these heritage assets.*

- 5.31 Notwithstanding the significant constraints to delivery from this site it is notable that the delivery of 550 in 6-10 years as set out in the SADPD is particularly optimistic and would need to be revised in order to be realistic on the constraints to delivery including the requirement for provision of education on the site.

SA 22 Land north of Burleigh Lane, Crawley Down

- 5.32 No comments.

SA 23 Land at Hanlye Lane to the east of Ardingly Road, Cuckfield

- 5.33 The site is within close proximity to the High Weald AONB. Previous comments made in relation to the requirements of the NPPF in relation to AONB for other allocations apply equally to this site.

SA 24 Land to the north of Shepherds Walk, Hassocks

- 5.34 The access for this site is through an adjacent parcel of land which has a ransom strip over this land. The deliverability of this site is therefore in doubt unless a right of access can be confirmed by the site owners.

SA 25 Land west of Selsfield Road, Ardingly

- 5.35 This site is located within the AONB and comments made in this regard to other proposed allocations apply to this site. The SA references this impact as follows:

There is a 'Very Negative' impact against objective (9) due to its location within the High Weald AONB, however the AONB unit have concluded that there is Moderate Impact as opposed to High Impact

- 5.36 The conclusions of the AONB unit have not been provided as part of the evidence base and requires further scrutiny in order to assess the impact of development of this site in this regard.

SA 26 Land south of Hammerwood Road, Ashurst Wood

- 5.37 The site is within the AONB and it is considered it is inappropriate to allocate this site for development without thorough appraisal of reasonable alternatives as previously set out.

SA 27 Land at St. Martin Close, Handcross

- 5.38 No comments.

SA28 Land South of The Old Police House, Birchgrove Road, Horsted Keynes

- 5.39 No comments.

SA 29 Land south of St. Stephens Church, Hamsland, Horsted Keynes

- 5.40 The site is within the AONB and it is considered it is inappropriate to allocate this site for development without thorough appraisal of reasonable alternatives as previously set out.

SA 30 Land to the north Lydon, Reeds Lane, Sayers Common

- 5.41 The sustainability of this site has been considered in the SA which sets out that the site is more than 20 minutes away from services such as GP and the School. It is therefore not considered that the development of this site would be justified in sustainability terms.
- 5.42 The site is located within the Brick Clay (Weald) Mineral Safeguarding Area. No further evidence has been provided which demonstrates that the site is required for further mineral extraction.

SA 31 Land to the rear Firlands, Church Road, Scaynes Hill

- 5.43 The site is located within the Building Stone (Cuckfield) Mineral safeguarding Area. No further evidence has been provided which demonstrates that the site is required for further mineral extraction.

SA 32 Withypitts Farm, Selsfield Road, Turners Hill

- 5.44 The site is within the AONB and it is considered it is inappropriate to allocate this site for development without thorough appraisal of reasonable alternatives as previously set out.
- 5.45 The site is located within the Brick Clay (Weald) Mineral Safeguarding Area. No further evidence has been provided which demonstrates that the site is required for further mineral extraction.

SA 33 Ansty Cross Garage, Cuckfield Road, Ansty


- 5.46 This site is not considered to be a sustainable location. A total of four separate sites were considered within Ansty with this being the only one accepted. The only difference between this and the other sites was that this scored slightly higher in the SA due to it being PDL. Whilst this is correct it is not considered that the PDL nature of this site makes it appropriate for allocation within the Sites DPD.

6. Conclusions

- 6.1 Detailed consideration of the sites identified for allocation within the SADPD show that there are some significant technical constraints and policy issues with many of the sites. These are matters which have been previously raised as part of regulation 18 representations and the council has done nothing to address these matters.
- 6.2 The analysis of the proposed allocations demonstrates there are some significant failings in the deliverability of the sites which requires reconsideration of the appropriateness of these allocations and selection of alternative sites.
- 6.3 The selection of sites with significant heritage constraints and also location within the AONB is not considered to be a sound approach. The assessment of reasonable alternatives is significantly lacking and requires further retesting which would logically include this site. As a result, it is not considered that the SADPD is positively prepared or justified and therefore fails the test as set out in the NPPF as a result.
- 6.4 It is clear that the adoption of the SADPD is of significance importance to Mid Sussex in demonstrating a robust and deliverable five year housing land supply. It is therefore suggested that consideration is given to the allocation of the site as set out within these representations which can deliver much needed housing in the early part of the plan period.

7. Appendix 1 – SHELAA Extract – February 2020

Stage 1 Site Pro-Forma – All Sites

SHELAA Ref 508		Parish Haywards Heath	
Site Location Land at Junction of Hurstwood Lane and Colwell Lane, Haywards Heath			
			
Site uses Agriculture			
Gross Site Area (ha) 1			
Potential Yield 30			
Site History			
Absolute Constraint	Flood Zone 2 or 3	x	
	Site of Special Scientific Interest	x	
Other Constraints	Ancient Woodland	x	
	Area of Outstanding Natural Beauty	x	
	Local Nature Reserve	x	
	Conservation Area	Development would not have a negative impact on Conservation Area and Areas of Townscape Character	
	Scheduled Monument	x	
	Listed Buildings	Development will not affect listed building/s	
	Access	Safe access to site already exists	
Suitable	No known constraints - assessed as Suitable at Stage 1, progress to Stage 2 assessment		
Availability	Controller of site has expressed intention to make the site available		
Achievability	There is a reasonable prospect that site could be developed within the Plan period		
Timescale	Medium-Long Term		

8. Appendix 2 – Site Selection Paper 3: Housing (SSP3) Extract

Site Selection - Housing

Haywards Heath

ID 508 Land at Junction of Hurstwood Lane and Colwell Lane, Haywards Heath



Site Details

Units: 25 Site Area (ha): 0.85

Part 1 - Planning Constraints

1 - AONB	N/A	The site is remote from the High Weald AONB
2 - Flood Risk	None	The site lies entirely within Flood Zone 1, the area of lowest fluvial flood risk.
3 - Ancient Woodland	None	The site is not affected by Ancient Woodland
4 - SSSI/SNCI/LNR	None	This site is not adjacent to any Sites of Special Scientific Interest or Local Wildlife Site
5 - Listed Buildings	None	There are no listed buildings within or adjacent to the site
6 - Conservation Area	None	There are no conservation areas within or adjacent to the site
7 - Archaeology	None	
8 - Landscape	Low/Medium	Development would have a significant and detrimental effect on the character of the landscape as a whole
9 - Trees/TPOs	None	Site is not affected by trees

Part 2 - Deliverability Considerations

10 - Highways		
11 - Local Road/Access	None	Safe access to site already exists
12 - Deliverability	Reasonable prospect developability	No householder in control of site. Advanced discussions with potential developers/Contractors. Pre application submission within a couple of months.
13 - Infrastructure	Infrastructure capacity	Developer Questionnaire - normal contributions apply.

Site Selection - Housing

Part 3 - Sustainability / Access to Services

14 - Education	More than 20 Minute Walk	Note: facilities are likely to be provided at Hurst Farm
15 - Health	More than 20 Minute Walk	
16 - Services	15-20 Minute Walk	
17 - Public Transport	Poor	

Part 4 - Other Considerations

Neighbourhood Plan None	Minerals Minerals considerations unnecessary as site does not progress past detailed assessment stage.
Waste Water and wastewater considerations unnecessary as site does not progress past detailed assessment stage.	Environmental Health Environmental health considerations unnecessary as site does not progress past detailed assessment stage.
Sustainability Appraisal Assessment indicates site is not a reasonable alternative and is therefore not tested through the SA.	Notes

Part 5 - Conclusion

Summary	The assessment finds that the site is not suitable for allocation.
Recommendation	Site is not proposed for allocation.

2080

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA20

ID: 2080

Response Ref: Reg19/2080/13

Respondent: Mr A Black

Organisation: Andrew Black consulting

On Behalf Of: Vanderbilt homes - CDR

Category: Promoter

Appear at Examination? x



Mid Sussex District Council

Draft Site Allocations DPD (Regulation 19)
Consultation

Representation on behalf of Vanderbilt Homes –
Land South of 61 Crawley Down Road, Felbridge

September 2020

Project MSDC Draft Site Allocations DPD

ABC Reference ABC/0072/07

Local Authority Mid Sussex District Council

Client Vanderbilt Homes

Issue Final

Author Andrew Black

Date September 2020

Disclaimer: This report has been prepared for the above named client for the purpose agreed in Andrew Black Consulting's (ABC) terms of engagement. Whilst every effort has been made to ensure the accuracy and suitability of the information contained in this report, the results and recommendations presented should not be used as the basis of design, management or implementation of decisions unless the client has first discussed with ABC their suitability for these purposes and ABC has confirmed their suitability in writing to the client. ABC does not warrant, in any way whatsoever, the use of information contained in this report by parties other than the above named client.

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1. Introduction

- 1.1 These representations for the Draft Site Allocations DPD (Regulation 19) Consultation (Herein referred to as the ‘SADPD’) are submitted by Andrew Black Consulting on behalf of Vanderbilt Homes regarding a site within their control at Crawley Down Road in Felbridge.
- 1.2 The site under the control of Vanderbilt Homes is known as Land South of 61 Crawley Down Road, Felbridge and was previously considered in the SHELAA as Available, Achievable and Deliverable.
- 1.3 It is understood that the SADPD has been produced in accordance with the Planning and Compulsory Purchase Act 2004, and other relevant regulations.
- 1.4 The NPPF states that Development Plan Documents should be prepared in accordance with the legal and procedural requirements. To be found to be ‘sound’, plans must be:
 - a) *positively prepared*
 - b) *justified*
 - c) *effective, and*
 - d) *consistent with national policy.*
- 1.5 It is with this in mind that these representations are made.
- 1.6 The draft SADPD has been prepared using an extensive and legally compliant evidence base including a Sustainability Appraisal, Habitat Regulations Assessment, Community Involvement Plan, Equalities Impact Assessment, and various technical reports and studies. Of particular note is the Built Up Area Boundary and Policies Map Topic Paper (TP1) produced in August 2020.
- 1.7 The Site Allocations DPD proposes to allocate 22 sites to meet this residual necessary to meet the overall agreed housing requirement for the plan period as reflected in the ‘stepped trajectory’ and in accordance with the District Plan.
- 1.8 These representations set out the detail of the Site and Surroundings and a response to the detailed parts of the SADPD.

2. Site and Surroundings

- 2.1 The Site is located to the South of Crawley Down Road and is in an area that has experienced significant housing growth in recent years.



Figure 1 – SHELAA Extract

- 2.2 The site was assessed in the most recent SHELAA (Ref 676) as Suitable, Available and Achievable in the Medium to Long Term (The full extract of the SHELAA is set out in Appendix 1). Each of the constraints within the SHELAA for are taken in turn below:

Flood Risk

- 2.3 Whilst the location of the site in flood zone 2/3 is noted within the SHELAA Proforma, the extract from the Environment Agency Flood Risk Map shows this to be negligible. It is only the very southern extent of the site that is potentially within an area of flood risk. In any event, the site can clearly demonstrate the ability to provide a safe access and egress to any housing on site which can equally be located well outside of any areas prone to flooding.

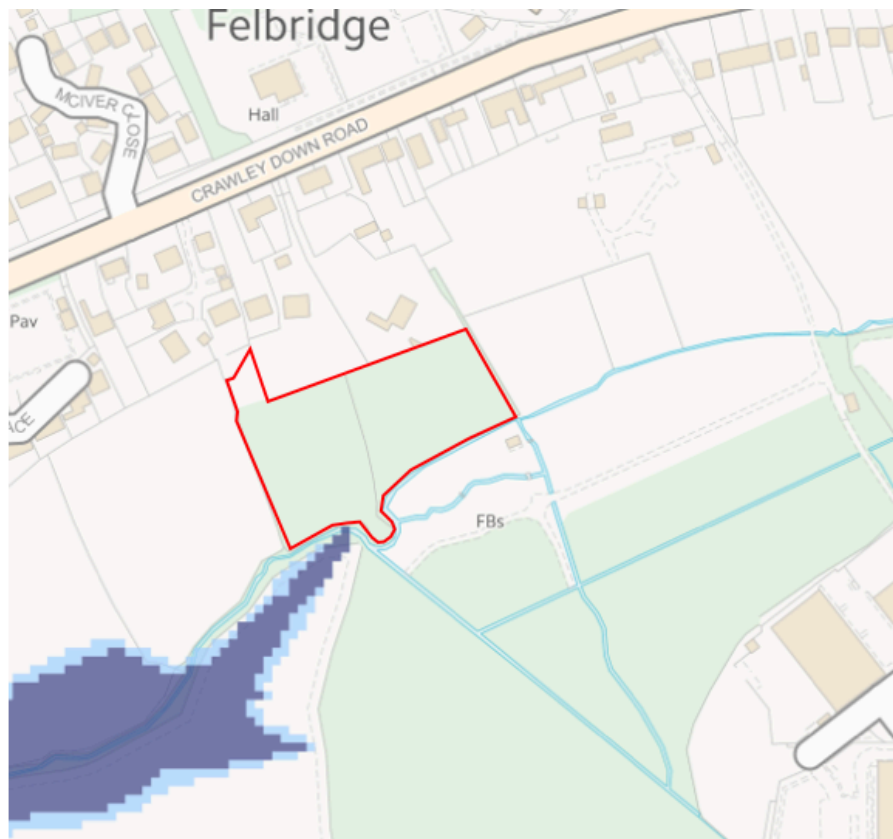


Figure 2 – Extract from Environment Agency Flood Risk Map

Ancient Woodland

2.4 The SHELAA report also makes reference to proximity to Ancient Woodland. The map below shows the extent of the nearby ancient woodland which is to the south of the existing site.

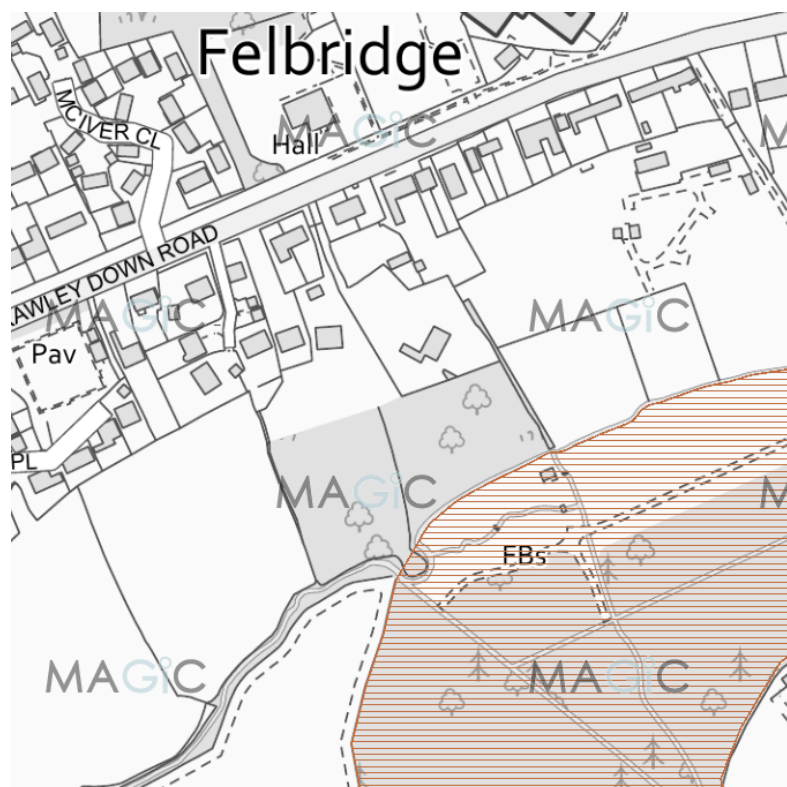


Figure 3 – Location of Ancient Woodland

2.5 It is evident that development could be incorporated on the site without any impact on the Ancient Woodland and that an adequate buffer could be provided between any proposed houses and the ancient woodland to the south.

Site of Special Scientific Interest

2.6 The site is not within, nor in proximity to, a SSSI

Area of Outstanding Natural Beauty

2.7 The site is not within, nor in proximity to, an AONB

Local Nature Reserve

2.8 The site is not within, nor in proximity to, a Local Nature Reserve

Conservation Area

2.9 The SHELAA specifically states that *development would not have a negative impact on Conservation area and /or Area of Townscape*

Scheduled Monument

2.10 There are no scheduled monuments in proximity to the site.

Listed Buildings

2.11 The SHELAA confirms that *development will not affect listed buildings.*

Access

2.12 The SHELAA sets out that *safe access to the site already exists.*

2.13 As set out the site directly adjoins the land to the east which has the benefit of outline planning permission for residential development. This land is also in the control of Vanderbilt Homes and it is possible that access could be provided through this land into this site as indicated below:



Figure 4 – Potential Access.

- 2.14 If the site was assessed against the criteria for Reasonable Alternatives as set out in the Sustainability Appraisal then it would perform identically to the adjoining allocated site. Furthermore it performs better against each of the criteria than the sites at ‘Land south and west of Imberhorne Upper School, Imberhorne Lane’ for 550 dwellings and ‘East Grinstead Police Station, College Lane’ for 12 dwellings. It is therefore entirely logically that this site should be allocated for development within the Site Allocations DPD.

Planning History

- 2.15 The site itself has been subject to a number of previous applications which are set out below:

App Ref	App Date	Description of Development	Decision
12/02577	Jul 2012	Residential development comprising 7 dwellings (3 detached properties and 2 pairs of semi-detached houses) with associated garaging, new road layout and landscaping.	Refused / Appeal Withdrawn
13/02528	Jul 2013	Residential development comprising 5 detached dwellings with associated garaging, new road layout and landscaping	Refused / Appeal Dismissed
16/5662	Dec 2016	Residential development comprising 4 no. detached dwellings.	Refused / Appeal Dismissed.

- 2.16 The previous applications were refused on the basis of the site being outside of the settlement boundary and therefore any development would have been considered to be in direct conflict with the adopted District Plan at the time of determination. The outcome of these applications would clearly have been different had the sites been within the Built Up Area Boundary
- 2.17 No other issues were identified which would warrant refusal of an application if the site was within the Built Up Area Boundary as proposed within the draft SADPD.

Surrounding Developments and Proposed Allocations

- 2.18 The site located directly to the east has the benefit of an outline planning permission for the *erection of 63 dwellings and new vehicular access onto Crawley Down Road required [sic] the demolition of existing buildings and structures at no’s 15 and 39 Crawley Down Road (DM/17/2570)*
- 2.19 The access to the site is located within Tandridge District Council which was granted under application TA/2017/1290.



Figure 5 – Approved Parameters Plan of adjoining site – Outline Planning Application

- 2.20 Reserved matters applications have been made against both of the outline applications. The reserved matters application for the access was approved by Tandridge Council in July 2020 (TA/2020/555).
- 2.21 At the time of submission of these representations, the reserved matters application for the housing within the Mid Sussex element of the site for the housing is still under determination (DM/20/1078).
- 2.22 It is therefore highly likely that the development of the land directly adjoining the site subject to these representations will come forward in the immediate short term.



Figure 6 – Reserved Matters Plan for adjoining site.

2.23 The site (yellow) is therefore directly between the allocated site SA19 for 196 dwellings to the east (pink) and the site subject to approval for 63 dwellings (blue).

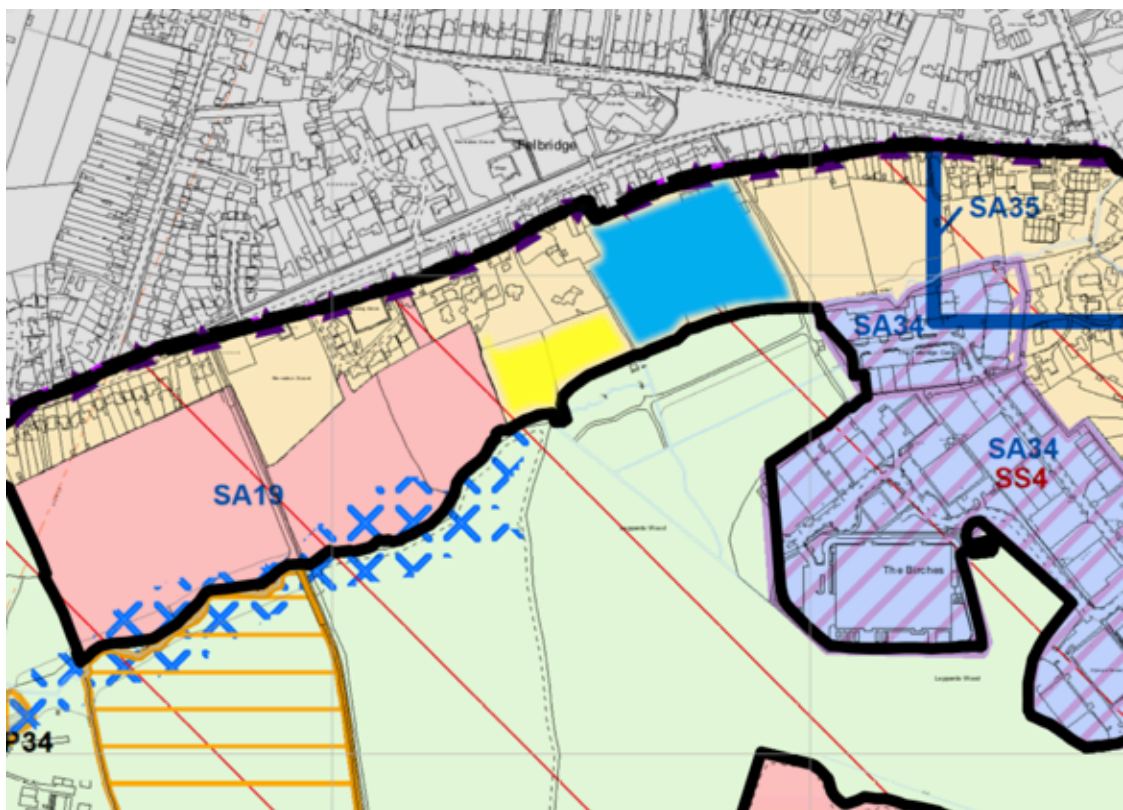


Figure 7 – Map of proposed allocation SA19, BUAB, Consented Land and Proposed Site

2.24 Overall, it is considered that the immediate context of this site makes it highly appropriate for allocations within the SADPD.

3. Built up Area Boundary Review

3.1 In addition to the allocation of sites for development the SADPD seeks to make changes to the existing Built Up Area Boundary (BUAB) as established under the District Plan Process. The Built Up Area Boundary and Policies Map Topic Paper (TP1) produced in August 2020 forms a vital part of the evidence base for the SADPD.

3.2 Paragraph 2.4 of TP1 sets out that the purpose of the review as part of the SADPD is to:

- *Assess areas that have been built since the last review, which logically could be included within the BUA.*
- *Assess areas that have planning permission which have not yet commenced/completed, which logically could be included within the BUA.*

3.3 TP1 goes on to set out the criteria for consideration of changes to the boundary.

3.4 Within the adopted District Plan proposals map, the site is outside of the Built Up Area Boundary as illustrated in the extract below:



Figure 8 – Existing District Plan Proposals Map

3.5 Within the draft SADPD, it is proposed that the site, and all adjoining land will be now set within the BUAB as highlighted below.

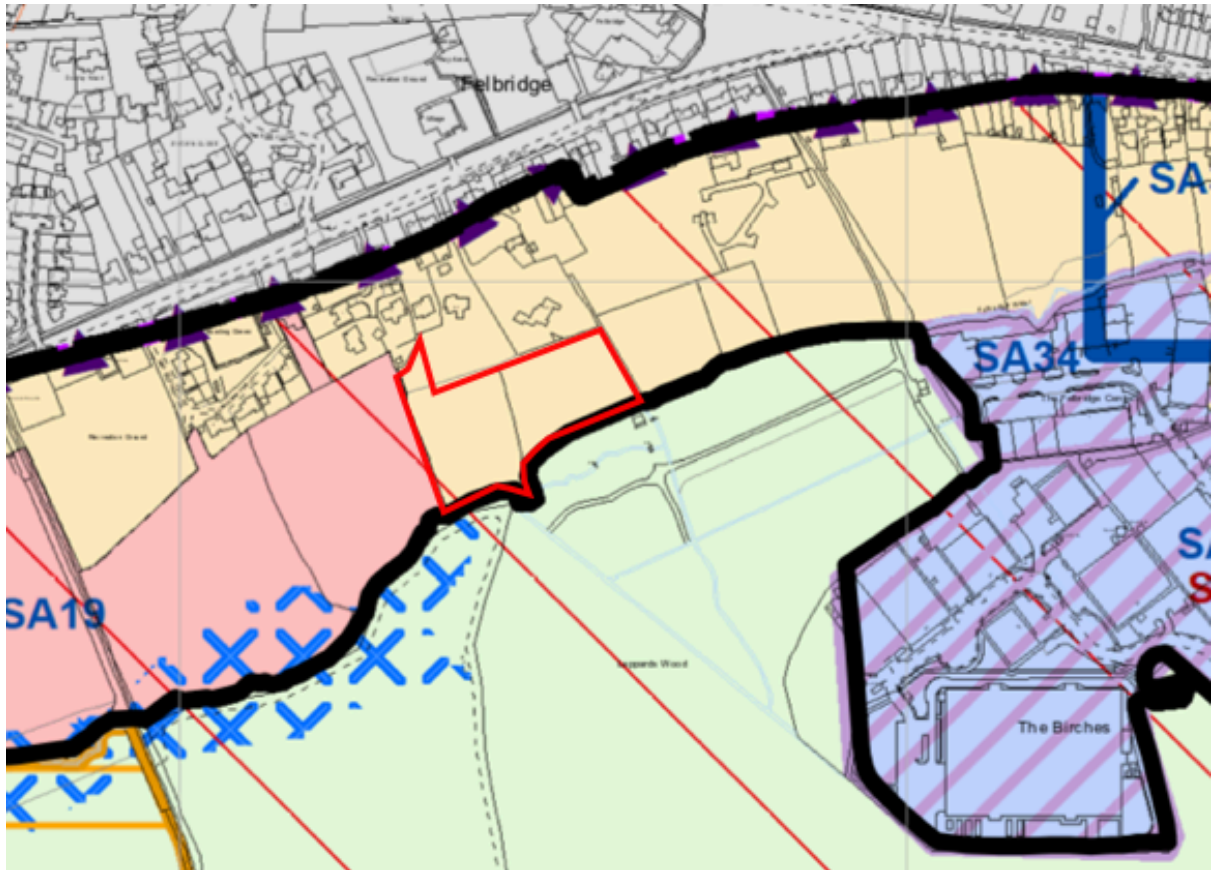


Figure 9 – Proposed BUAB

- 3.6 The principle of including this site within the BUAB is logical and supported. However, for reasons as set out in subsequent sections of these representations, it is considered that it would be appropriate for the site to be allocated for development.

4. Housing Site Allocation Process

- 4.1 The District Plan 2014-2031 sets out the housing requirement for the district for the plan period of 16,390 dwellings. This meets the Objectively Assessed Need (OAN) for the district of 14,892 dwellings in full and makes provision for the agreed quantum of unmet housing need for the Northern West Sussex Housing Market Area, to be addressed within Mid Sussex, of 1,498 dwellings.
- 4.2 The District Plan 2014-2031 established a ‘stepped’ trajectory for housing delivery with an average of 876 dwellings per annum (dpa) between 2014/15 and 2023/24 and thereafter an average of 1,090 dpa between 2024/25 and 2030/31. This represents a significant increase in housing supply compared with historical rates within the district.
- 4.3 The latest data on completions from MSDC was published in *MSDC Housing Land Supply Position Statement* was published in August 2020 (Document H1) and shows a significant shortfall in delivery against the housing requirement since the start of the plan:

Category		Number of Dwellings
Housing Requirement for the full plan period (April 2014 to March 2031)		16,390
Housing Completions (April 2014 to March 2020)		4,917
Completions 2014/15		630
Completions 2015/16		868
Completions 2016/17		912
Completions 2017/18		843
Completions 2018/19		661
Completions 2019/20		1003
Housing Supply (April 2014 to March 2031)	Commitments (including District Plan Allocations)	9,689
	Site Allocations DPD - Allocations	1,764
	Windfalls	504
Total Supply (at 1 April 2019)		16,874

Figure 10 – Extract from MSDC Housing Land Supply Position Statement

- 4.4 The Housing Delivery Test was introduced in the July 2018 update to the NPPF. The Housing Delivery Test is an annual measurement of housing delivery for each local authority and the first results were published in February 2019 by the Ministry of Housing, Communities and Local Government (MHCLG). Where the Housing Delivery Test indicates that delivery has fallen below 95% of the local planning authority’s housing requirement over the previous 3 years then it is required to prepare an action plan. Where delivery has fallen below 85% of the housing requirement a 20% buffer should be added to the five year supply of deliverable sites.
- 4.5 The result for Mid Sussex produced in February 2020 was 95%. This result is based on monitoring years 2016-17, 2017-18 and 2018-19. Mid Sussex is therefore not required to add 20% buffer for significant under delivery, or prepare an Action Plan. However, it is clear that under current performance the council will struggle when the housing target steps up to 1,090 in 2024.
- 4.6 Para 4.10 of the previous MSDC Housing Land Supply Position Statement (2019) sets out the five year supply requirement for the district as follows:

Annual Requirement As set out in District Plan	876 x 5 years =	4,380
Shortfall spread over remaining plan period	466 divided by 12 remaining years x 5 years	194
Total		4,574
Buffer (see paras 2.4,4.9 above)	10%	457
Total five year supply requirement		5,032

Figure 11 – Total Five Year Housing Requirement taken from MSDC Housing Land Supply Position Statement

4.7 MSDC is seeking to confirm the five year housing land supply under the terms of paragraph 74 of the NPPF through submission of the annual position statement to the secretary of state. Paragraph 74 of the framework states:

A five year supply of deliverable housing sites, with the appropriate buffer, can be demonstrated where it has been established in a recently adopted plan, or in a subsequent annual position statement which:

- a) has been produced through engagement with developers and others who have an impact on delivery, and been considered by the Secretary of State; and*
- b) incorporates the recommendation of the Secretary of State, where the position on specific sites could not be agreed during the engagement process.*

4.8 The report on the Annual Position Statement was issues by the Planning Inspectorate on 13 January 2020. It was confirmed that as the council did not have a recently adopted plan in conformity with the definition of the NPPF then the correct process had not been followed and the inspector was unable to confirm that the council had a five year housing land supply.

4.9 It is therefore clear that the council does not currently have a five year housing land supply and the demonstration of sufficiently deliverable sites within the SADPD is of critical importance for MSDC.

Deliverability of Sites

- 4.10 Any sites that have been included in the final Sites DPD will need to pass the tests of deliverability as set out in the NPPF. This is defined within the glossary of the framework as follows:

Deliverable: *To be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years. In particular:*

- a) *sites which do not involve major development and have planning permission, and all sites with detailed planning permission, should be considered deliverable until permission expires, unless there is clear evidence that homes will not be delivered within five years (for example because they are no longer viable, there is no longer a demand for the type of units or sites have long term phasing plans).*
- b) *where a site has outline planning permission for major development, has been allocated in a development plan, has a grant of permission in principle, or is identified on a brownfield register, it should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years.*

- 4.11 The Planning Practice Guidance provides a further explanation on how the deliverability of sites should be considered:

A site can be considered available for development, when, on the best information available (confirmed by the call for sites and information from land owners and legal searches where appropriate), there is confidence that there are no legal or ownership impediments to development. For example, land controlled by a developer or landowner who has expressed an intention to develop may be considered available.

The existence of planning permission can be a good indication of the availability of sites. Sites meeting the definition of deliverable should be considered available unless evidence indicates otherwise. Sites without permission can be considered available within the first five years, further guidance to this is contained in the 5 year housing land supply guidance. Consideration can also be given to the delivery record of the developers or landowners putting forward sites, and whether the planning background of a site shows a history of unimplemented permissions.

Paragraph: 019 Reference ID: 3-019-20190722

Revision date: 22 07 2019

- 4.12 It is with this in mind that the proposed sites within the Sites DPD are scrutinised within subsequent sections of this document. It is considered that many of the proposed sites do not fully accord with the definition of delivery and consideration of alternative sites is required.

Area of Outstanding Natural Beauty

- 4.13 A significant number of the proposed sites are located within, or close to, the High Weald AONB. Paragraph 172 sets out the significant protection which should be afforded to the AONB in planning terms and states that:

Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife

and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads. The scale and extent of development within these designated areas should be limited. Planning permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:

a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;

b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and

c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

4.14 It is part b of paragraph 172 that is of particular importance in this instance. It is not considered that MSDC has considered sites outside of the AONB should be used to meet the identified residual housing requirement. It would appear that sites have been selected because of their conformity to the spatial strategy and hierarchy without the proper application of the ‘great weight’ required to protect the AONB.

4.15 The approach of allocating sites within the AONB as opposed to ‘outside the designated area’ should have been tested through a robust analysis of reasonable alternatives within the Sustainability Appraisal. The failure to do this adequately is a matter of soundness and it is considered that the Sites DPD fails the tests within the NPPF on this basis alone.

Historic Environment

4.16 Several of the allocations within the DPD are in close proximity to heritage assets. Paragraph 193 of the framework sets out the approach to heritage assets as follows:

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

4.17 In many instances the council themselves suggest that the development of housing on the sites is likely to have ‘less than significant harm’ on the heritage assets in question. Paragraph 196 of the framework sets out the approach which should be taken in this instance:

Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable

4.18 It is not considered that the harm caused to heritage assets has been adequately assessed within the Sustainability Appraisal for many of the proposed sites and further consideration is required of the sites in this regard. This would include assessing sites which would not have an impact on heritage assets through a robust application of reasonable alternatives within the Sustainability Appraisal.

5. Sustainability Appraisal

- 5.1 The SADPD is accompanied by a Sustainability Appraisal (SA) report which is a legal requirement derived from the Planning and Compulsory Purchase Act 2004 (Section 19). Section 39 of the Act requires documents such as the SADPD to be prepared with a view to contributing to the achievement of sustainable development.
- 5.2 The requirement for Strategic Environmental Assessment, in addition to the SA, is set out in the European Directive 2001/42/EC adopted into UK law as the “Environmental Assessment of Plans or Programmes Regulations 2004”.
- 5.3 In line with best practice the SEA has been incorporated into the SA of the SADPD.
- 5.4 The planning practice guidance sets out detailed consideration as to how any sustainability should assess alternatives and identify likely significant effects:

The sustainability appraisal needs to consider and compare all reasonable alternatives as the plan evolves, including the preferred approach, and assess these against the baseline environmental, economic and social characteristics of the area and the likely situation if the plan were not to be adopted. In doing so it is important to:

- *outline the reasons the alternatives were selected, and identify, describe and evaluate their likely significant effects on environmental, economic and social factors using the evidence base (employing the same level of detail for each alternative option). Criteria for determining the likely significance of effects on the environment are set out in [schedule 1 to the Environmental Assessment of Plans and Programmes Regulations 2004](#);*
- *as part of this, identify any likely significant adverse effects and measures envisaged to prevent, reduce and, as fully as possible, offset them;*
- *provide conclusions on the reasons the rejected options are not being taken forward and the reasons for selecting the preferred approach in light of the alternatives.*

Any assumptions used in assessing the significance of the effects of the plan will need to be documented. Reasonable alternatives are the different realistic options considered by the plan-maker in developing the policies in the plan. They need to be sufficiently distinct to highlight the different sustainability implications of each so that meaningful comparisons can be made.

The development and appraisal of proposals in plans needs to be an iterative process, with the proposals being revised to take account of the appraisal findings.

Paragraph: 018 Reference ID: 11-018-20140306

Revision date: 06 03 2014

- 5.5 In response to this guidance and requirement, paragraph 6.16 of the Sustainability Appraisal states that:

The Site Selection Paper 2 (paras 6.2 - 6.3) also recognises that, in order to meet the District Plan strategy, conclusions will be compared on a settlement-by-settlement basis with the most suitable sites at each settlement chosen in order to meet the residual needs of that settlement. This may result in some sites being chosen for allocation which have higher negative impact across all the objectives because this will be on the basis that the aim is to distribute allocations according to the District Plan strategy in the first instance; as opposed to simply selecting only

the most sustainable sites in the district (as this may not accord with the spatial strategy and would lead to an unequal distribution of sites across settlements). 20 sites that perform well individually and on a settlement basis, the residual housing need of 1,507 would be met with a small over-supply of 112 units.

5.6 Paragraph 6.45 recognises that this small over-supply *may not be a sufficient buffer should sites fall out of the allocations process between now and adoption (for example, due to delivery issues, reduction in yield, or any other reasons identified during consultation or the evidence base).*

5.7 The SA therefore considers reasonable alternatives of option A, B and C as follows:

Option A – 20 ‘Constant Sites’ – 1,619 dwellings

Option B – 20 ‘Constant Sites’ + Folders Lane, Burgess Hill (x3 sites) – 1,962 dwellings.

Option C – 20 ‘Constant Sites’ + Haywards Heath Golf Court – 2,249 dwellings

5.8 Paragraph 6.52 of the SA concludes that:

Following the assessment of all reasonable alternative options for site selection, the preferred option is option B. Although option A would meet residual housing need, option B proposes a sufficient buffer to allow for non-delivery, therefore provides more certainty that the housing need could be met. Whilst option C also proposes a sufficient buffer, it is at the expense of negative impacts arising on environmental objectives. The level of development within option C is approximately 50% above the residual housing need, the positives of delivering an excess of this amount within the Site Allocations DPD is outweighed by the negative environmental impacts associated with it.

5.9 It is not considered that this assessment of Option A, B and C is a sufficient enough assessment of reasonable alternatives as required by guidance and legislation. All of the options contain the ‘20 Constant Sites’ with no derivation of alternative options such as those which seek to divert housing growth away from the AONB or designated heritage assets.

5.10 It is apparent that other sites other than the 20 Constant Sites will need to be assessed if the council is to adequately demonstrate that reasonable alternatives have been considered as required.

6. Assessment of Proposed Sites.

- 6.1 This section analyses each of the proposed allocations against the tests of deliverability as set out in the NPPF and the potential shortcomings of several of the sites which require significant consideration. The findings of *Appendix B: Housing Site Proformas* of the *Site Selection Paper 3* (Appendix B) and the conclusions of the Sustainability Appraisal (SA) are considered in detail.

SA 12 Land South of 96 Folders Lane, Burgess Hill

- 6.2 Appendix B of the reg 18 SADPD set out that this site has *moderate landscape sensitivity and moderate landscape value. This site could be visible from the South Downs National Park*. The SA states that an LVIA is required to determine any impact on the national park. Given the weight that the NPPF requires to be placed on the protection of the national park, any impact must be measured prior to allocation. If it is deemed that mitigation would not minimise the harm caused, then the proposed allocation must fall away.
- 6.3 Appendix B of the reg 18 SADPD also set out that a TPO area lines the norther border and potential access route. It should be noted that an application was submitted in 2019 for the *erection of 43 dwellings and associated works* (DM/19/0276) but was withdrawn in September 2019 due to concerns over highways. The deliverability of this site is therefore not considered to be in accordance with the guidance set out in the framework.
- 6.4 Finally, whilst the priority for sites higher in the settlement hierarchy is acknowledged, this is site is very remote from the services offered by Burgess Hill. This is highlighted within the sustainability appraisal for the site which states that it is more than a 20 minute walk from the site to schools, GP and shops.

SA 13 Land East of Keymer Road and South of Folders Lane, Burgess Hill.

- 6.5 As with SA12, this site is in close proximity to the national park and the conclusions as set out above apply equally to this site.
- 6.6 The SA sets out that this is the only site within Burgess Hill to have any impact on listed buildings where it is stated that development of this site would cause *less than substantial harm (medium) on High Chimneys (Grade II listed)*. This is not mentioned within appendix B and this therefore calls into question the consistency of assessment of the sites in this regard.
- 6.7 Given that site SA12 and SA13 are in close proximity to one another it is notable that the cumulative impact of the development of both of these sites has not been assessed for a number of ‘in-combination’ impacts such as highways and landscape impact.

SA 14 Land to the south of Selby Close, Hammonds Ridge, Burgess Hill

- 6.8 There is a TPO at the front of this site which is potentially why access is proposed through the CALA Homes site (DM/17/0205). No evidence is submitted to suggest that this form of access is agreed or available. The section relating to Highways and Access within the SADPD simply states that this access *will need to be investigated further*.
- 6.9 The SA and appendix B both point towards the Southern Water Infrastructure which crosses the site. The wording in the DPD recommends that the layout of the development is considered to *ensure future access for maintenance and/or improvement work, unless diversion of the sewer is possible*. Given that the site is only 0.16ha it is therefore questionable whether there would be adequate space to develop the site for housing and provide accommodation for the sewage infrastructure crossing the site. The deliverability of this site has therefore not been adequately demonstrated.

- 6.10 As with SA12 and SA13 there are questions of the sustainability of the site given that the SA notes that it is more than a 20 minute walk to the school and GP.

SA 15 Land South of Southway, Burgess Hill

- 6.11 The SADPD describes the site as *overgrown and inaccessible land designated as a Local Green Space in the Burgess Hill Neighbourhood Plan*. It is unclear whether this site was ever previously in use as playing pitches and whether re-provision of this space would be required under Sport England policies.
- 6.12 Appendix B of the reg 18 SADPD points towards issues with relocation of existing parking on the site and states that:

Private parking areas would need to be removed to provide a suitable access point with sufficient visibility. The parking spaces are visitor spaces over which the owners/developers of the subject land have rights to access it to serve new development onto Linnet Lane. Accordingly, a new access into the site can be provided any new development would include two visitor spaces as close as reasonably possible to the existing visitor spaces.

- 6.13 It is clear that there are substantial issues with deliverability and availability of this site given these constraints and the site should be deleted as a proposed allocation until this can be adequately demonstrated.

SA 16 St. Wilfrids Catholic Primary School, School Close, Burgess Hill

- 6.14 The SADPD sets out that the satisfactory relocation of St Wilfrid's Primary School to St Paul's Catholic College site is required before development can commence on the school part of the site. There is also a requirement to re-provide the emergency services accommodation in a new emergency service centre either on this site or elsewhere in the town.
- 6.15 Given that the allocation is for 300 dwellings and requires this relocation first, it is considered that there is insufficient evidence to justify delivery of development of this site in the 6-10 year time period as set out.

SA 17 Woodfield House, Isaacs Lane, Burgess Hill

- 6.16 The SADPD sets out some significant landscape features on site which require retention and it is stated that:

There is a group Tree Preservation Order in the southern and western areas of the site. High quality substantial new planting of native trees is required, should these be lost to provide access from Isaac's Lane. All other TPO trees on the site are to be retained.

Retain and enhance important landscape features, mature trees, hedgerows and the pond at the south of the site and incorporate these into the landscape structure and Green Infrastructure proposals for the development. Open space is to be provided as an integral part of this landscape structure and should be prominent and accessible within the scheme.

- 6.17 Given that the site is only 1.4 hectares in size it is questionable whether there is adequate space on the site for 30 dwellings after retention of these landscape features.
- 6.18 It is clear from the Sites DPD that access to site is envisaged to be from the Northern Arc where it is stated that:

Integrated access with the Northern Arc Development is strongly preferred, the details of which will need to be investigated further.

6.19 This is also set out in appendix B of the reg 18 SADPD where it is stated that:

Entrance drive to house. Access on bend with limited visibility. 50 mph road. Would involve removal of trees that are subject to TPO. Objection for tree officer. However, future access is anticipated to be provided via the Northern Arc. Whilst the specific details of this remain uncertain on the basis that the enabling development is still at an early stage, it is considered that the identified constraints will no longer apply.

6.20 Given the uncertainty of the deliverability of the land immediately adjoining the site as part of the Northern Arc it is considered that the deliverability of this site is not clear enough to justify allocation within the sites DPD. The uncertainty of this deliverability also has an implication of the sustainability of the site and proximity to adequate services. This is highlighted within the SA where it is stated that:

The impact of option (h) on these objectives (Health/Retail/Education) is uncertain; currently the site is a long distance from local services, however, this will change once the Northern Arc is built out.

6.21 Overall it is not considered that this site is suitable for allocation and should be removed from the Sites DPD

SA 18 East Grinstead Police Station, College Lane, East Grinstead

6.22 We have no comments to make in relation to this allocation.

SA 19 Land south of Crawley Down Road, Felbridge

6.23 As set out, this allocation is directly to the west of the land under the control of Vanderbilt Homes which is also adjoined to the east by land with the benefit of planning permission for 63 dwellings.

6.24 Given that the entire area will be included within the revised Built Up Area Boundary, then it is considered logical that the adjoining sites are also identified for allocation within the SADPD.

SA 20 Land south and west of Imberhorne Upper School, Imberhorne Lane, East Grinstead

6.25 There is a requirement in the SADPD for this site to provide a detailed phasing plan with agreement from key stakeholders to secure:

- Land for early years and primary school (2FE) provision – 2.2 ha
- A land exchange agreement between WSCC and the developer to secure 6 ha (gross) land to create new playing field facilities in association with Imberhorne Secondary School (c.4 ha net - excluding land for provision of a new vehicular access onto Imberhorne Lane).

6.26 It is unclear when these requirements are to be provided by within the development of any site and whether it is considered that the site would be suitable for allocation should these uses not come forward.

6.27 There are clear concerns over the suitability of this site in terms of ecology as set out in appendix B of the reg 18 SADPD which states:

Natural England have concerns over the high density of housing south of Felbridge. Hedgecourt SSSI is accessible from the proposed site allocations via a network of Public Rights of Way. In

line with paragraph 175 of the NPPF, Mid Sussex District Council should determine if allocations are likely to have an adverse effect (either individually or in combination) on SSSI's. The NPPF states that "if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused." We would be happy to provide further advice if requested, although this may need to be on a cost recovery basis. The LWS adjacent to the site is an important recreational route and therefore consideration needs to be given to additional recreational disturbance to its habitats. We are unable to advise you on specific impacts as we have no details of the scale or type of proposed development consider further impacts of disturbance of the LWS and Ancient woodland arising from people and domestic pets, connectivity, light and noise pollution, appropriate buffer and cumulative impact. This site is adjacent to the Worth Way. The SHELAA should be redrawn to remove the section of LWS. The site is an important recreational route and therefore consideration needs to be given to additional recreational disturbance to its habitats. Further consideration be given to impacts of disturbance on LWS and Ancient Woodland from people and pets, impacts on connectivity, impacts of light and noise pollution, need for Ancient Woodland buffer. Cumulative impact with SHELAA 686 and 561.

- 6.28 It is clear that the impacts upon ecology and the SSSI have not been adequately addressed.
- 6.29 As with other sites there is potential for impact upon local heritage assets of Gullege Farm, Imberhorne Farm and Imberhorne Cottages as set out below. The harm in terms of less than strategic harm is inappropriately weighted in the assessment as a means for justification of allocation.

APPENDIX B : Gullege Farm, Imberhorne Lane

This isolated farmstead has historically had a rural setting and continues to do so today. The introduction of a substantial housing development to the north, east and south of the listed manor house would have a fundamental impact on the character of that setting and would detract from the way in which the special interest of this Grade II listed rural manor house and the of the historic farmstead is appreciated.

NPPF: LSH, high

Imberhorne Farm and Imberhorne Cottages

In its original incarnation Imberhorne Cottages was probably constructed as a dwelling providing accommodation between London and Lewes, on Lewes Priory lands. It may have acted as the manor house to the substantial manor of Imberhorne, which was owned by the Priory. It seems likely that the building became farm cottages when the new farmhouse (Imberhorne) was constructed in the early 19th century. The currently rural setting of both buildings within the Imberhorne farmstead informs an understanding of their past function and therefore contributes positively to their special interest.

The proposed development site would engulf the farmstead to the west, north and east and would have a fundamental impact on the character of the greater part of its existing of rural setting and on views from both listed buildings. It would adversely affect the manner in which the special interest of the two listed buildings within their rural setting is appreciated, including by those passing along the PROW to the north of the farmstead.

NPPF: LSH, high

- 6.30 The potential harm to heritage is also referred to in the SA which states that:

option (e) which is not constrained by a conservation area, but would have a less than substantial harm (high) on Gullege Farm (Grade II listed) and Imberhorne Farm and Imberhorne Cottages (Grade II listed). As this is a large site, there is potential to still achieve the yield whilst providing necessary mitigation to lower the impact on these heritage assets.*

- 6.31 Notwithstanding the significant constraints to delivery from this site it is notable that the delivery of 550 in 6-10 years as set out in the SADPD is particularly optimistic and would need to be revised in order to be realistic on the constraints to delivery including the requirement for provision of education on the site.

SA 21 Rogers Farm, Fox Hill, Haywards Heath

- 6.32 This site is also significantly constrained by the presence of heritage assets. This is referenced in the SA which states that:

Site option (b) is constrained in terms of impact upon a listed building; it would have a less than substantial harm (medium) on Cleavewater (Grade II listed) and The Old Cottage (Grade II listed).

- 6.33 Appendix B also references these heritage assets together with an assessment of the likely impact as follows:

*Cleavewaters, Fox Hill there would be a fundamental impact not only on views from the building and associated farmstead but on the context and manner in which the farmhouse and farmstead are appreciated by those travelling along the road which runs between the farmstead and the site. **NPPF: LSH, MID***

*Olde Cottage, there would be some potential impact on views from the Cottage and its garden setting. The belt of woodland between the asset and the site is relatively narrow and development on the site is likely to be visible, particularly in winter. There would also be an impact on the setting in which the Cottage is appreciated by those approaching along the access drive from Ditchling Road. **NPPF: LSH, MID***

- 6.34 The impact on heritage assets and character of the area has been assessed in an appeal decision on the site (APP/D3830/W/17/3187318) issued in January 2019 following an application for up to 37 dwellings on the site (DM/16/3998).

15 The combination of the buffer and local topography would mean that any development would be clearly visible on the approach down Lunce's Hill and perceived as a separate and distinct residential development. I am not persuaded that it would be seen within the context of an urban fringe setting as the appellant suggests. On the contrary it would be a harmful encroachment into the countryside and the rural character of the approach into the settlement would be irrevocably changed and harmed through the loss of this open land.

16 Overall, the proposal would result in an unacceptable suburbanisation of the appeal site that would fundamentally change the character and appearance of the rural setting of the settlement. The effects would also be exacerbated somewhat by the loss of part of the existing mature hedgerow for the access. Proposed mitigation, in the form of additional landscaping would restrict the visibility of the proposal from a number of viewpoints. However, it would take a substantial amount of time to mature and be dependent on a number of factors to be successful. Moreover, I am not persuaded that it would fully mitigate the visual impacts.

17 For these reasons, the proposal would not be a suitable site for housing in terms of location and would cause significant harm to the character and appearance of the area. It would therefore conflict with Policy C1 of the LP and Policies E5 and E9 of the HHNP. In addition to the requirements set out above, these policies also require new development to be permitted where it would protect, reinforce and not unduly erode the landscape character of the area. There would also be some conflict with Policies DP10 and DP24 which, seek to protect the countryside in recognition of its intrinsic character and beauty and promote well located and designed development.

6.35 Overall it is not considered that the site represents a logical, justified or deliverable site and should not be considered for allocation within the Sites DPD.

SA 22 Land north of Burleigh Lane, Crawley Down

6.36 No comments.

SA 23 Land at Hanlye Lane to the east of Ardingly Road, Cuckfield

6.37 The site is within close proximity to the High Weald AONB. Previous comments made in relation to the requirements of the NPPF in relation to AONB for other allocations apply equally to this site.

SA 24 Land to the north of Shepherds Walk, Hassocks

6.38 The access for this site is through an adjacent parcel of land which has a ransom strip over this land. The deliverability of this site is therefore in doubt unless a right of access can be confirmed by the site owners.

SA 25 Land west of Selsfield Road, Ardingly

6.39 This site is located within the AONB and comments made in this regard to other proposed allocations apply to this site. The SA references this impact as follows:

There is a 'Very Negative' impact against objective (9) due to its location within the High Weald AONB, however the AONB unit have concluded that there is Moderate Impact as opposed to High Impact

6.40 The conclusions of the AONB unit have not been provided as part of the evidence base and requires further scrutiny in order to assess the impact of development of this site in this regard.

SA 26 Land south of Hammerwood Road, Ashurst Wood

6.41 The site is within the AONB and it is considered it is inappropriate to allocate this site for development without thorough appraisal of reasonable alternatives as previously set out.

SA 27 Land at St. Martin Close, Handcross

6.42 No comments.

SA28 Land South of The Old Police House, Birchgrove Road, Horsted Keynes

6.43 No comments.

SA 29 Land south of St. Stephens Church, Hamsland, Horsted Keynes

6.44 The site is within the AONB and it is considered it is inappropriate to allocate this site for development without thorough appraisal of reasonable alternatives as previously set out.

SA 30 Land to the north Lydon, Reeds Lane, Sayers Common

- 6.45 The sustainability of this site has been considered in the SA which sets out that the site is more than 20 minutes away from services such as GP and the School. It is therefore not considered that the development of this site would be justified in sustainability terms.
- 6.46 The site is located within the Brick Clay (Weald) Mineral Safeguarding Area. No further evidence has been provided which demonstrates that the site is required for further mineral extraction.

SA 31 Land to the rear Firlands, Church Road, Scaynes Hill

- 6.47 The site is located within the Building Stone (Cuckfield) Mineral safeguarding Area. No further evidence has been provided which demonstrates that the site is required for further mineral extraction.

SA 32 Withypitts Farm, Selsfield Road, Turners Hill

- 6.48 The site is within the AONB and it is considered it is inappropriate to allocate this site for development without thorough appraisal of reasonable alternatives as previously set out.
- 6.49 The site is located within the Brick Clay (Weald) Mineral Safeguarding Area. No further evidence has been provided which demonstrates that the site is required for further mineral extraction.

SA 33 Ansty Cross Garage, Cuckfield Road, Ansty


- 6.50 This site is not considered to be a sustainable location. A total of four separate sites were considered within Ansty with this being the only one accepted. The only difference between this and the other sites was that this scored slightly higher in the SA due to it being PDL. Whilst this is correct it is not considered that the PDL nature of this site makes it appropriate for allocation within the Sites DPD.

7. Conclusions

- 7.1 Overall, the principle of extending the Built Up Area Boundary to the south of Crawley Down Road to include the site within the control of Vanderbilt Homes is logical and supported.
- 7.2 The site has been identified within the SHELAA as being Suitable, Available and Achievable. However, given that the site is adjoined on one side by an allocated site and on another side by a site with the benefit of planning permission, it is considered that it would be entirely appropriate for the site to be allocated for development.
- 7.3 Detailed consideration of the sites identified for allocation within the SADPD show that there are some significant technical constraints and policy issues with many of the sites. These are matters which have been previously raised as part of regulation 18 representations and the council has done nothing to address these matters.
- 7.4 The analysis of the proposed allocations demonstrates there are some significant failings in the deliverability of the sites which requires reconsideration of the appropriateness of these allocations and selection of alternative sites.
- 7.5 The selection of sites with significant heritage constraints and also location within the AONB is not considered to be a sound approach. The assessment of reasonable alternatives is significantly lacking and requires further retesting which would logically include this site. As a result, it is not considered that the SADPD is positively prepared or justified and therefore fails the test as set out in the NPPF as a result.
- 7.6 It is clear that the adoption of the SADPD is of significance importance to Mid Sussex in demonstrating a robust and deliverable five year housing land supply. It is therefore suggested that consideration is given to the allocation of the site as set out within these representations which can deliver much needed housing in the early part of the plan period.

8. Appendix 1 – SHELAA Extract – February 2020

Stage 1 Site Pro-Forma – All Sites

SHELAA Ref	676	Parish	East Grinstead
Site Location	Land south of 61 Crawley Down Road, Felbridge		
			
Site uses	Dwellings		
Gross Site Area (ha)	1.6		
Potential Yield	6		
Site History	Planning Application - Refused		
Absolute Constraint	Flood Zone 2 or 3	✓	
	Site of Special Scientific Interest	✗	
Other Constraints	Ancient Woodland	✓	
	Area of Outstanding Natural Beauty	✗	
	Local Nature Reserve	✗	
	Conservation Area	Development would not have a negative impact on Conservation area and/or Area of Townscape Character	
	Scheduled Monument	✗	
	Listed Buildings	Development will not affect listed building/s	
	Access	Safe access to site already exists	
Suitable	Relatively unconstrained - assessed as Suitable at Stage 1, progress to Stage 2 assessment		
Availability	Recent relevant planning history shows the site is considered available		
Achievability	There is a reasonable prospect that site could be developed within the Plan period		
Timescale	Medium-Long Term		

2092

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA20

ID:	2092
Response Ref:	Reg19/2092/3
Respondent:	Mr T Burden
Organisation:	Turley
On Behalf Of:	Rainier Developments Copthorne
Category:	Promoter
Appear at Examination?	✓

28 September 2020

Delivered by email - LDFconsultation@midsussex.gov.uk

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

Ref: RAIS3004

Dear Sir/Madam

MID SUSSEX DISTRICT COUNCIL – SITE ALLOCATIONS DPD REGULATION 19 SUBMISSION DRAFT CONSULTATION

We write in respect of the current Site Allocations DPD ('SADPD') consultation on behalf of our client, Rainier Developments (Cophthorne) Ltd.

Our clients have recently submitted a full planning application for the residential redevelopment (Use Class C2) of the Land south of Chapel Lane, Cophthorne Common (reference DM/20/3081). At the time of writing, the application is currently pending determination by the Council.

The proposals seek to provide a 64 bed care facility, including access, 34 car parking spaces, open space and landscaping. The development will consist of four semi-independent groupings of 16 beds, spread across two separate buildings. Each grouping will have its own lounge, dining area, nursing station and other ancillary facilities. It will provide secure gardens and landscaped grounds.

OVERVIEW

The adopted Mid Sussex District Plan (March 2018) (the 'MSDP') sets out a strategy for meeting the housing and employment needs for the district for the period to 2031 and committed the Council to preparing a Site Allocations DPD in order to find sufficient housing and employment sites to meet the remaining need. It is noted that the Submission Draft SADPD recommends the allocation of:

- 22 housing sites
- 7 employment sites
- Science and Technology Park

It also includes 5 strategic policies required to deliver sustainable development.

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

[REDACTED] turley.co.uk

It is however noted that with the exception of an unidentified component part of the proposed allocation “SA 20 - Land south and west of Imberhorne Upper School, Imberhorne Lane, East Grinstead”, the Council is not proposing to allocate any further sites for older persons’ accommodation (within use class C2).

As such, our client is concerned that the Submission Draft SADPD does not allocate sufficient and specific sites to meet the identified need for older person’s accommodation in the District. Further, and of fundamental importance, there has been no specific work undertaken by the Council to ascertain whether there is a requirement to allocate such sites, despite a clear requirement in MSDP Policy DP30 to do so. The reliance on the out dated HEDNA Addendum 2016 is not appropriate.

As we set out in detail below, this approach is flawed and unsound, in the context of national planning; in terms of the requirements set out in the adopted District Local Plan; and as clearly exemplified through the recently allowed at appeal at “*Site of the former Hazeldens Nursery, London Road, Albourne, West Sussex BN6 9BL*” (Appeal Ref: APP/D3830/W/19/3241644).

Indeed, during that appeal, the Council agreed that there was an unmet need for older persons’ accommodation within the District, yet this draft SA DPD does nothing to address the issue.

The draft SADPD consequently fails to meet the tests of soundness, as identified in paragraph 35 of the revised National Planning Policy Framework (‘the NPPF 2019’). We request that the Council identify more sites for allocation to meet the identified need, and particularly their site at Land south of Chapel Lane, Copthorne Common, which the recent planning application submission demonstrates is available, delivery and viable.

Conformity with the National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG)

The revised National Planning Policy Framework (‘the NPPF 2019’) was published in February 2019. It sets out the Government’s economic, environmental and social planning policies for England and requires the planning system to “*play an active role in guiding development towards sustainable solutions*” (paragraph 9). The NPPF 2019 covers a range of land issues including housing, transport, infrastructure, sustainable communities, climate change and the natural and historic environments.

Paragraph 59 sets out the Government’s objective of “*significantly boosting the supply of housing*”, whilst identifying that “*a sufficient amount and variety of land can come forward where it is needed... and that land with permission is developed without unnecessary delay*”.

In line with paragraph 61, the NPPF 2019 seeks the delivery of a wide choice of high quality homes, increased opportunities home ownership and sustainable, inclusive and mixed communities. In achieving appropriate densities, Paragraph 122 asks that policies and decisions should support development that makes efficient use of land, taking into account:

(a) “the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;

(b) local market conditions and viability;

(c) the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;

(d) the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and

(e) the importance of securing well-designed, attractive and healthy places”.

The Planning Practice Guidance (PPG) is a web-based resource which brings together planning guidance on various topics into one place. It was launched in March 2014 and coincided with the cancelling of the majority of Government Circulars which had previously given guidance on many aspects of planning.

The PPG sets out how a number of the Government's planning policies in the NPPF are expected to be applied and forms an additional material consideration in the assessment of the proposed development which should be afforded significant weight due to the identified and demonstrable need to provide for the needs of older people in general, but particularly given the level of need identified (and which is currently unaddressed) within the District.

Conformity with the Mid Sussex District Plan 2014 – 2031 (adopted March 2018)

As a 'daughter document' to the Mid Sussex District Plan 2014 – 2031 (adopted March 2018) (the 'MSDP'), it is necessary for the Council to produce a plan that is in general conformity with that earlier document and the policies contained there within.

Policy DP4 (Housing) is a strategic policy and provides a housing requirement (2014 – 2031), including requiring preparation of a Site Allocation DPD (SADPD) in 2020; or rely on Neighbourhood Plans to ensure sufficient sites are allocated to meet its minimum housing requirement (Policy DP4 confirms a shortfall of some 2,439 dwellings at that time).

It is however noteworthy that paragraph 2.9 of the plan confirms the challenges faced by the District. This includes an ageing population with the number of people aged over 65 likely to increase by 3.1% from 18.1% to 21.2% by 2021. Further, it is expected that the proportion of the population aged over 85 will increase by 0.5%.

Of particular relevance is Policy DP30 (Housing Mix) of the MSDP which sets out to “*meet the current and future needs of different groups in the community including older people...*” but goes on to state that:

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

The supporting text to Policy DP30 (housing mix) advises that “*the Council supports the provision of flexible general market housing and specialist accommodation or care appropriate for older persons through both public and private sector provision*”.

It then notes that “*specialist accommodation and care homes falling within Use Class C2 form a very specific part of the housing needs market. Supported accommodation such as this, falls within the definition of social infrastructure which also includes community facilities and local services including buildings.*”

The Inspector's Report¹ into the MSDP clearly noted at paragraph 39 that "*MM20 also allows for the allocation of specialist accommodation and care homes falling within Use Class C2 through a future site allocations document.*"

Despite a clear requirement and expectation from the Inspector with in the MSDP that there would be further assessment of the future needs for older persons' accommodation in the subsequent SADPD, it is concerning to note that the draft SADPD is not supported by any evidence regarding the need for older persons' accommodation. Indeed, no specific sites for older person's accommodation are allocated in the adopted MSDP, presumably as the Council do not consider that there was an identified need, and a single mixed use allocation including an unknown quantum of C2 accommodation is proposed in the draft SADPD.

As we highlight below, a recent Section 78 appeal has highlighted the scale of such need in the District, has recognised that that need is not currently being met, and consequently that it will continue not be met through the approach advocated within the policies in the draft SA DPD.

Identified need for older persons' accommodation

The Council has previously stated that there is existing provision for any unmet C2 need through the allocation of 'general housing' sites, and that older persons' accommodation could be built there. We do not consider that that is correct or supported by any substantive evidence, and indeed does not reflect the very specific requirements of operators, which is different mainstream housebuilders. It is as a result of this stance that we assume no further sites have been identified in the draft SADPD.

This matter has been robustly considered in a recently allowed Section 78 Appeal lodged by RV Developments Ltd & Notcutts Ltd at "*Site of the former Hazeldens Nursery, London Road, Albourne, West Sussex BN6 9BL*" (Appeal Ref: APP/D3830/W/19/3241644) (included at **Appendix 1**).

Towards the end of the inquiry an "*Agreed Statement on Mid Sussex Extra Care Housing Supply*" was submitted to the Inspector (dated 30th July 2020). A copy of this document is reproduced at **Appendix 2**. This appears to present an agreed position between the Council and the Appellant on supply, but with differing positions on overall need and therefore shortfall of supply against need.

In the Council's scenario (Tables 1 and 3) there is an agreed shortfall of at least **251** C2 bed spaces in 2020, and **269** bed spaces in 2030. The Appellants evidence stated a shortfall **552** C2 bed spaces in 2020 and **665** bed spaces in 2030.

It is apparent that in either scenario there is a significant unmet need in C2 units at both 2020 and 2030. The draft SADPD therefore does not appear to reflect the position the Council stated / agreed at the recent inquiry. There are a number of parts of that appeal decision that are pertinent to this draft SA DPD, but we draw attention to the following paragraphs in particular.

In the absence of any alternative documentation within the evidence base, it appears that the Council is reliant on the previous HEDNA and its addendum. The Inspector made very clear observations on the appropriateness of those documents:

"86. The assessment in the HEDNA Addendum relies on population data that is now out-of-date. Its conclusions on elderly care needs justify reconsideration using the 2016-based population data. The only such assessment has been provided by the Appellants and, on the basis

¹ <https://www.midsussex.gov.uk/media/2216/mid-sussex-lp-report-mar-2018.pdf>

of a provision rate of 2.5%, this indicates a demand for extra care units of 386 in 2020. On the basis of a 4.5% provision rate the equivalent figure is 694 units."

Following a robust analysis, the Inspector considered that there was an identified unmet need for older persons' accommodation:

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

This conclusion is absolute and compelling. It is apparent that even with the Council's proposed single draft allocation (of unquantified scale and type) and with the recent appeal scheme being delivered, the unmet need for older persons' accommodation remains significant.

Within **Appendix 3** to this submissions, and in the absence of any documentation contained within the Council's evidence base supporting the draft SADPD, we set out our assessment of the need for older persons' accommodation in the District and summarise the planning requirement for the Council to meet its needs in full.

In summary, the approach taken within the draft SA DPD fails to meet the need for older person's accommodation in the District, and therefore the SA DPD cannot be considered to be sound, because in our assessment:

- **There is a pressing requirement to meet the diverse range of housing needs generated by a rapidly growing older population in England, who are generally living longer but spending more years in poor health.** The Government requires such needs to be assessed and reflected through planning policies, and confirms that local authorities must take 'a positive approach' when assessing applications that propose to address an identified need for specialist older persons' housing²;
- **The elderly population of Mid Sussex aged 65 and over is projected to increase by almost half over the current plan period to 2031**, with particularly strong growth amongst the oldest cohorts (75+) which exceeds that anticipated regionally or nationally. The Council's evidence base has attributed this growth both to people living longer and the continued attraction of retirees, particularly from London and its surrounding area;
- **The Council's evidence base applies national benchmarks to estimate the demand for specialist housing that could be generated by older residents**, which is compared to current supply and reveals – in broad terms – an existing shortfall that will increase by 2031 without further provision. Resolving this shortfall would require an average of 160 bedspaces in specialist accommodation each year;
- **Its breakdown by type of provision confirms a need for residential care homes but implies that there is an "oversupply" of nursing care homes both now and in the future, though such a**

² PPG Reference ID 63-016-20190626

simplistic interpretation belies its inherent uncertainties and limitations. It is ultimately based on national benchmarks of demand, which appear to understate the rate at which Mid Sussex residents currently require nursing care. Such national benchmarks have some merit but should not be viewed as definitive. An alternative approach introduced in this report, which assumes that a growing older population continues to occupy such accommodation at the existing rate proven in Mid Sussex, more than doubles the Council’s estimate of need, and would require the development of at least one new care home each year;

- **The demographic profile in the locality of the application site indicates that there is a local need for specialist older persons’ accommodation, to meet the needs of a sizeable and growing cohort of the population.** The population of adjacent wards is skewed towards older age groups which have rapidly grown in recent years, to a greater extent than seen in Mid Sussex, the wider region or nationally. The older population in the locality is now of a scale that could generate demand for around 330 units of specialist accommodation, including 131 bedspaces in care homes, albeit this should be viewed as a conservative estimation as it is based on national toolkits that appear to underestimate the rate of demand in Mid Sussex. This prospective demand could more than double in the coming years as residents age; and
- **The provision of specialist accommodation could potentially enable a process of downsizing by older households currently occupying larger family housing, in turn freeing up larger stock to meet the needs of other groups in the local housing market.** The majority of older residents in the locality currently occupy larger housing, despite evidence that some of those under-occupying homes have health or mobility issues. In contrast, there are 78 households in the locality where the head of the household is under 65 with fewer bedrooms than required, including 48 families. Enabling the downsizing of some older households could therefore more effectively meet their needs, while allowing younger households living in overcrowded circumstances to occupy larger housing that more closely aligns with their own requirements.

Our assessment confirms that the older population of the locality has recently grown at a faster rate than seen in Mid Sussex, the wider South East and nationally, with the population remaining skewed towards older age groups as of 2018. Enabling the downsizing of some older households could therefore more effectively meet their needs, while allowing overcrowded households to occupy larger housing that more closely aligns with their own requirements.

The Council’s generalised claim that there is no need for care homes is considered to be unsubstantiated, and it should – based on the recent conclusions of an Inspector – take a more positive approach to meeting the needs of a growing elderly population. This would reflect the stated position agreed recently at inquiry.

SA 20 - Land south and west of Imberhorne Upper School, Imberhorne Lane, East Grinstead

The Council is proposing a single allocation for C2 use as part of the site at Land south and west of Imberhorne Upper School, Imberhorne Lane, East Grinstead. This allocation comprises provision for 550 residential dwellings and includes an unstated “component” of C2 Use. There appears to be no evidence to substantiate that a single allocation, of unknown quantum, will be sufficient to meet the entire needs for older person’s accommodation of the District for the remainder of the Plan period.

As drafted, the policy is unclear and the form and delivery of the “*Provision of a (C2) Care Community for older people*” is without sufficient detail. The project website³ suggests the provision of a “2.5 ha

³³ <https://www.landwestofimberhornelane.co.uk/>

Care Village, providing housing for older people", but it is unclear what needs would be met and whether it actually would fall within the Use Class C2 designation.

Proposed allocation of Omission site

Our clients have recently submitted a full planning application for the residential redevelopment (Use Class C2) of the Land south of Chapel Lane, Copthorne Common (reference DM/20/3081). We have not enclosed the full suite of application documentation but refer the Council to the application submission.

We would also repeat the conclusions made in the assessment in the 2018 SHELAA (site reference 269) which stated that there were no known constraints, the site is suitable, available and that there *'there is a reasonable prospect that site could be developed within the Plan period Timescale Medium-Long Term'*.

Based on the above consideration, our clients' proposed development of a 64 bed care home on land South of Chapel Lane, Crawley Down will contribute towards meeting a specific need that has been evidenced nationally, across Mid Sussex and in the vicinity of the application site. Such schemes provide a suitable response to a continued growth in the older population and can deliver positive outcomes for residents and the wider housing market.

Crawley Down is identified as a Category 2 Settlement, which comprises *"larger villages acting as Local Service Centre providing key services in the rural area of Mid Sussex. These settlements serve the wider hinterland and benefit from a good range of services and facilities, including employment opportunities and access to public transport."*

Given the immediate requirement to meet immediate needs, our client's site should be released for development as an allocation within the SA DPD process. We would welcome the opportunity to speak to the Council regarding the allocation of this site, and would refer the policy team to the full suite of planning application documentation.

SUMMARY

The Local Plan is also unable, and failing, to provide for the levels of housing and care accommodation required to meet the needs of older people. The emerging Site Allocations DPD will also not do so.

The submissions above demonstrate that the draft SADPD does not meet the tests of soundness identified at paragraph 35 of the NPPF (2019):

- **Positively prepared** – the SADPD cannot be regarded as being positively prepared as it fails to meet the identified areas objectively assessed needs for older person' accommodation;
- **Justified** – the SADPD does not include an appropriate strategy, taking into account the reasonable alternatives, to meet the needs for older person' accommodation. There is no evidence to support the Council's approach, and as identified in the Albourne appeal, the previous HEDNA and its Addendum is Out of Date;
- **Effective** – the Plan is not effective. As a daughter document to the MSDP, Policy DP30 (Housing Mix) is relevant. It required that *"if a shortfall is identified in the supply of specialist accommodation and care homes falling within Use Class C2 to meet demand in the District, the*

Council will consider allocating sites for such use through a Site Allocations Document, produced by the District Council.” As we have highlighted, a significant identified shortfall does exist, and it is apparent that the single, unclear allocation, will not meet those identified needs in full.

- **Consistent with national policy** – the SADPD does not accord with the policies in the Framework as it fails to meet in full the needs of the District.

For the reasons identified above, the draft SADPD is unsound. To remedy these concerns, the Council must allocate specific sites to meet the identified need for older persons’ accommodation. The recent appeal decision at Albourne provides clarification on this matter.

Our clients’ site is available and deliverable, as confirmed by the 2018 SHELAA (site reference 269), and can therefore meet in part those needs.

We would welcome

Yours sincerely

Tim Burden
Director

tim.burden@turley.co.uk



Appeal Decision

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

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

by Christina Downes BSc DipTP MRTPI

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

Decision date: 11 September 2020

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

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

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

DECISION

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

PROCEDURAL MATTERS

2. A costs application was made by RV Developments Ltd and Notcutts Ltd against Mid Sussex District Council. This is the subject of a separate Decision.
3. The application was made in outline form with access as the only matter to be considered at this stage. It was accompanied by a Parameter Plan (drawing no: RETI150215 PP-01 rev G) along with a detailed plan of the access and traffic calming measures proposed along London Road (drawing no: 1701-56 SK08 rev B). Following discussion at the inquiry it was agreed that the Sketch Layout (drawing no: RETI150215 SKL-04 rev J) should also be treated as an application drawing.

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

REASONS

PLANNING POLICY CONTEXT AND THE APPROACH TO DECISION MAKING

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

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

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

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

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

The most important policies for determining this application

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

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

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

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

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

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

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

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

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

Whether the most important policies are out-of-date

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

- DP34 and DP35 are consistent and can be considered up-to-date.
19. The Appellants' complaint regarding policies DP6, DP15, DP25 and DP30 is that they fail to address the way that extra care housing will be provided to meet identified needs as required by the Framework and Planning Practice Guidance.
 20. The assessment of need, including for older person's housing, was undertaken through the Housing and Economic Needs Assessment (HEDNA) and its Addendum and formed part of the evidence base for the MSDP. Whilst this has been strongly criticised by the Appellants on many counts it nevertheless does provide an assessment of the type and tenure of housing needed for older people. Furthermore, it is clear that the Examining Inspector considered the matter of older person's housing. Policy DP30 was found sound, subject to modifications that were subsequently incorporated.
 21. The matter of need is considered in detail later. However, policies DP25 and DP30 flow from the assessment of need in the HEDNA Addendum. Policy DP30 indicates that current and future needs of different community groups, including older people, will be met and that if there is found to be a shortfall in Class C2 housing, allocations through the SA DPD will be considered. There is an allocated site (SA 20) within that draft document for a care community. The Appellants are critical of this for various reasons, but the plan is still at an early stage and these will be considered at the examination in due course.
 22. Policy DP6 supports settlement growth, including to meet identified community needs. Bearing in mind the terms of policy DP25, this could include extra care housing. Policy DP15 addresses housing in the countryside and refers to policy DP6 as a criterion. The Planning Practice Guidance is not prescriptive as to how the housing needs of older people are addressed in planning policies. Overall, the aforementioned policies are, in my opinion, consistent with the guidance and Framework policy, including paragraph 61.
 23. Policy DP12 indicates that the countryside will be protected in recognition of its intrinsic character and beauty. It also refers to various landscape documents and evidence to be used in the assessment of the impact of development proposals. Whilst the wording could be improved, it does not seem to me to imply uncritical protection but rather a more nuanced approach that takes account of the effect on the quality and character of the landscape in question. To my mind this is consistent with the policy in both the 2012 Framework, under which the MSDP was considered, and the current version (2019). In that respect I do not agree with the Inspector in the Bolney appeal that the approach to protection has materially changed between the two documents.
 24. Policy ALC1 seeks to maintain and where possible enhance the quality of the rural and landscape character of the Parish. Overall, its terms seem to me to be similar to policy DP12.
 25. Policy ALH1 generally supports development on land immediately adjoining the built-up boundary, whereas policy DP6 permits such development if it is contiguous with an existing built-up area. Policy ALH1 also has the added requirement that other than a brownfield site the development must be infill and surrounded by existing development. These provisions are more restrictive than policy DP6 in the MSDP, which as the more recent policy in the development plan therefore takes precedence.

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

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

Conclusions

27. Paragraph 11 of the Framework sets out the approach to decision making within the context of the presumption in favour of sustainable development. In this case there are development plan policies relevant to the determination of this application and overall, I conclude that they are not out-of-date. Paragraph 11d)ii) is therefore not engaged.

28. In such circumstances it will be necessary to consider whether the proposal would accord with an up-to-date development plan and whether paragraph 11c) is engaged. This is a matter to which I will return in my final conclusions.

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

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

Effect on the landscape

30. The appeal site is within the Hurstpierpoint Scarp Footslopes Landscape Character Area (the LCA) in the *Mid Sussex Landscape Character Assessment* (2005). Key characteristics include undulating sandstone ridges and clay vales; an agricultural and pastoral rural landscape; a mosaic of small and large fields; woodlands, shaws and hedgerows with woodland trees; expanded ridge line villages; traditional rural buildings and dispersed farmsteads; and a criss-cross of busy roads. In addition, views are dominated by the steep downward scarp of the South Downs.

31. The site boundaries are bordered by boundary tree and hedge lines, but in places these are patchy and their quality is diminished in places by the incursion of non-indigenous conifers. There is a small ridge running east to west across the northern part, which includes the roadways, hardstandings and bungalow along with conifer tree lines and groups. There is a narrow view of the South Downs framed by vegetation. The southern section is on the shallow valley side running down to Cutlers Brook and comprises rough grassland. From here there are open views southwards to the escarpment. Two lines of non-native hybrid black poplars cross the western section, which were grown as shelter belts for the nursery stock.

32. Unlike Albourne and the surrounding countryside, I do not consider that the

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

Visual effects

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

change as the receptor moves through the countryside.

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

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

Effect on the character of the settlement of Albourne

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

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

Effect on agricultural land

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

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

Overall conclusions

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

THE EFFECT OF THE PROPOSAL ON HERITAGE ASSETS

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

The listed buildings

54. There was much discussion at the inquiry about the contribution of the appeal site to the significance of the listed buildings. Elm House, Tipnoaks and Hillbrook House are two-storey stuccoed villas built in the early 19th century. These were modest country houses, which demonstrated their owners' aspirations for elegant country living with their classical, well-proportioned facades and convenient roadside location outside the main village. The immediate setting is provided by the gardens in which they stood but the wider rural environment, including the fields to the front and rear would have contributed to the pastoral context and significance of these houses. It can be seen on the 1874 Ordnance Survey Map that there are 4 subdivisions on the appeal site. This suggests that by this time the land was being used as a market garden or commercial nursery.

55. Mole Manor was of earlier construction and the 1839 Tithe Map shows it standing in an isolated position on the eastern side of London Road. It is a rare example of a modest Sussex cottage with a red brick and clay tile construction and an isolated countryside setting and these factors contributed to its significance. In my opinion its setting was significantly compromised by the building of Elm House and Tipnoaks. These more substantial houses overpower the cottage as they not only join it on either side but also stand well forward of its front elevation.

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

Spurk Barn

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

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

Albourne Conservation Area

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

inconsistent.

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

Overall conclusion

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

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

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

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

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

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

THE BENEFITS OF THE PROPOSAL

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

The need for extra care housing

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

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

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

- date. The current (2020) supply is lower, the need is higher, and the tenure split, based on existing provision and the corrected supply, would therefore be about 60% rent and 40% purchase.
88. In Mid Sussex the evidence indicates that the vast majority of older people are owner occupiers. Many of these people will be able to continue to live in their own homes through old age with the necessary adaptations and care support. However, not all homes are suitable. In such cases a homeowner may be attracted to an extra care facility where they can continue to own their own home and maintain a degree of independence whilst enjoying support and care within a secure environment. Within Mid Sussex such choice is largely unavailable.
89. The Appellants have used a tenure split of 33% rent and 67% purchase in their modelling. Whilst this is recognised as favouring an owner-occupied solution it nonetheless reflects the local housing market in Mid Sussex. Furthermore, it aligns with national policy insofar as it redresses the balance towards greater flexibility and choice in how older people are able to live. It is to be noted that the SHOP@ toolkit itself recognises that the percentage of leasehold tenures will increase in the future and that areas of affluence will see a higher percentage increase by 2035. In such areas, which includes Mid Sussex, it suggests a tenure split more redolent of the Appellants' modelling.
90. The Council argued that the tenure split is of less importance than the headline figure. However, the evidence indicates that the extra care properties for rent in this District are managed by Housing Associations and therefore an existing homeowner would be unlikely to qualify for occupation. It also appears that the pipeline supply of extra care housing is all social rented tenure. It is therefore reasonable to assume that maintaining a tenure split that favours rental units would be unlikely to allow realistic alternative options to the majority of older people who are currently homeowners. In the circumstances and based on the specific evidence I have been given, I consider that the Appellants' assessment of demand in terms of tenure is more credible and thus to be preferred.
91. The existing supply, taking account of the aforementioned demolitions, is 142 extra care units. If need is defined as the difference between supply and demand, then even on the Council's favoured provision rate it currently stands at 244 extra care units. The information indicates that there are planning permissions for some 132 additional extra care units in the pipeline, including 60 on the Burgess Hill strategic site. Whilst there is no national policy imperative to maintain a 5 year supply of older person's housing as is the case with housing generally, this nonetheless signals a significant residual unmet need regardless of tenure. On the basis of the Appellants' higher provision rate it would be even greater at 552 units. Either way it would rely on the permitted units being built expeditiously. Using the tenure split favouring leasehold provision, the Council's assessment would be of a current need for 163 leasehold units whilst the Appellants' assessment would be for 368 leasehold units. The evidence indicates none in the pipeline supply.
92. Whilst there is no requirement in national policy or guidance to specifically allocate sites for specialist housing for older people, the *Planning Practice Guidance* does indicate that this may be appropriate where there is an unmet need. The response in Mid Sussex is to apply a flexible approach through policy

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

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

Freeing up family sized homes

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

On site facilities for use by the public

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

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

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

Highway safety and traffic calming

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

Economic and social benefits

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

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

OTHER MATTERS

Ashdown Forest

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

Ecology

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

Local healthcare services

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

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

Residential amenity

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

Other appeal decisions

111. My attention was drawn to a number of appeal decisions, including some relating to other Retirement Villages' developments. A number were cited in relation to the Use Class matter, which is no longer an issue in this appeal. Most concerned other local authority areas and turned on their own evidence.

112. The appeals relating to Bolney were the subject of a recent decision in Mid Sussex District. One appeal was for a care home and the other for a care home and 40 age-restricted dwellings. The latter were classed as a C3 use. The conclusions of my colleague on need seem to relate to the care home (Class C2) element of the scheme rather than the extra care dwellings. In any event, I do not know what evidence was presented in respect of that scheme or whether tenure was a particular issue. I have commented on my colleague's conclusion on accessibility above. Overall, I do not consider that this decision is of particular assistance or relevance to the present appeal.

PLANNING OBLIGATIONS

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

The S106 Agreement

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

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

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

The UU

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

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

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

PLANNING CONDITIONS

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

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

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

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

PLANNING BALANCE AND OVERALL CONCLUSIONS

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

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

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

Christina Downes

INSPECTOR

ANNEX A: APPEARANCES

FOR THE APPELLANTS:

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

*Participated in the Planning Obligations session

FOR THE LOCAL PLANNING AUTHORITY:

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

FOR THE RULE 6 PARTY:

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

INTERESTED PERSON:

Mr P Holding

Local resident of Church Lane, Albourne

ANNEX B: DOCUMENTS AND PLANS

DOCUMENTS

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

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

PLANS

- A Application plans
- B Sketch Layout Plan

ANNEX C: SCHEDULE OF PLANNING CONDITIONS

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

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

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

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

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

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

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

End of conditions 1-25.

	Year	Units	
A.	2014	210	[CD 7.03, page 2, Current Needs table]
	of which:	154 for affordable / social rent 56 leasehold	
B.	2020	142	[NA Report (appended to his Proof), page 80 and 83]
	of which:	86 for affordable / social rent 56 leasehold	
	<i>Difference:</i>	68	
	<i>of which:</i>	68 for affordable / social rent 0 leasehold	
	<i>Reconciliation:</i>	22 affordable / social rent units lost with closure (and subsequent demolition) of Dart Court, RH19 3HE (Clarion Housing). 21 affordable / social rent units lost with closure (and subsequent demolition) of Packer Close, RH19 3EE (Clarion Housing). 25 affordable / social rent units following confirmation (in May 2015) that Peabody's Prescott House, RH15 8HB, provided 25 units and not the 50 previously notified. 68	
C.	Pipeline supply:	132	as detailed in NA Report (appended to his Proof), page 72, footnote 56
	of which:	132 for affordable / social rent 0 leasehold	(60 at Burgess Hill, 48 at East Grinstead, 24 at Horted Keynes)
D.	Current (2020) supply plus pipeline supply (B + C):	274	
	of which:	218 for affordable / social rent 56 leasehold	

Impact of the agreed supply statement on the respective (1. Council and 2. Apellant) Extra Care Need Assessments in 2020 and 2030¹

1. SHOP @ [CD7.03] Estimated Future Need (page 3), supply adjusted ²			
	Year	Need	Shortfall (need less B. 2020 supply)
	2020	393	251
	<i>of which,</i>	<i>287 for rent</i>	<i>201 for rent</i>
	<i>and</i>	<i>106 leasehold</i>	<i>50 leasehold</i>
	2030	543	269
	<i>of which,</i>	<i>396 for rent</i>	<i>178 for rent</i>
	<i>and</i>	<i>146 leasehold</i>	<i>90 leasehold</i>

3. SHOP @ [CD7.03] Estimated Future Need (page 3), supply adjusted, tenure adjusted ⁴			
	Year	Need	Shortfall (need less B. 2020 supply)
	2020	393	251
	<i>of which,</i>	<i>131 for rent</i>	<i>45 for rent</i>
	<i>and</i>	<i>262 leasehold</i>	<i>206 leasehold</i>
	2030	543	269
	<i>of which,</i>	<i>181 for rent</i>	<i>-37 for rent</i>
	<i>and</i>	<i>362 leasehold</i>	<i>306 leasehold</i>

2. Nigel Appleton Assessment [NA Report, page 71, Table 17 and page 72, Table 18] ³			
	Year	Need	Shortfall (need less B. 2020 supply)
	2020	694	552
	<i>of which,</i>	<i>231 for rent</i>	<i>145 for rent</i>
	<i>and</i>	<i>463 leasehold</i>	<i>407 leasehold</i>
	2030	939	665
	<i>of which,</i>	<i>313 for rent</i>	<i>95 for rent</i>
	<i>and</i>	<i>626 leasehold</i>	<i>570 leasehold</i>

¹ The respective assessments use different start and end dates, however assessment for 2020 and 2030 are common to both and have been used to provide a fair comparison.

² The need figures are as presented in the SHOP@ report. The shortfall for 2020 is calculated by subtracting supply in 2020 (B.). Shortfall in 2030 is calculated by subtracting supply in 2020 plus pipeline supply (C.).

³ Note that Mr Appleton's assessment, as presented at Table 17 and 18 of his report, is based on the current and pipeline supply identified at B. and C. above.

⁴ To illustrate the effect of the tenure split advocated by Mr Appleton (and referenced on page 7 of CD7.03) this assessment assumes one third for rent and two thirds leasehold extra care provision.

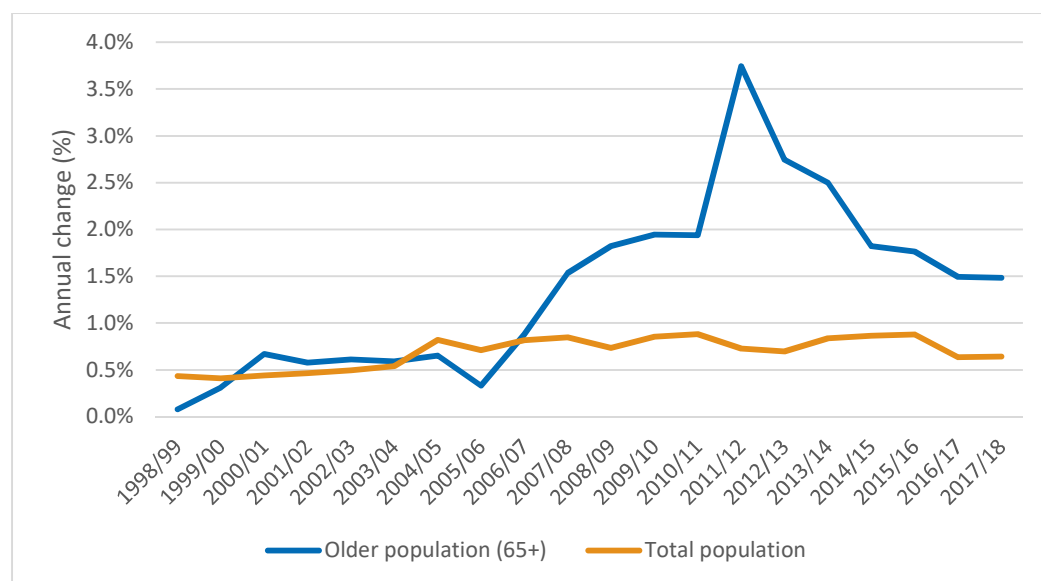
APPENDIX 3 - Need for specialist older persons' accommodation across England and Mid Sussex

National context

This section provides an overview of the wider demographic trends generating a need for specialist older persons' accommodation across England. It subsequently outlines how national planning policy and guidance requires these needs to be addressed.

The population of older people in England is rapidly growing. Over the past twenty years for which data is currently available (1998 – 2018), official population estimates¹ indicate that the number of residents aged 65 and over in England has increased by some 31%, more than double the rate of growth in the total population over the same period (15%). This growth has continued over recent years, with a 9% growth in the older population of England over the last five years (2013 – 2018) alone, this far exceeding the 4% growth recorded in the total population over the same period. This 'important demographic transition' is being largely driven by the ageing of the sizeable baby boomer generation, who are beginning to reach retirement².

Annual Proportionate Change in Total and Older (65+) Population of England, 1998 – 2018



Source: ONS via Nomis

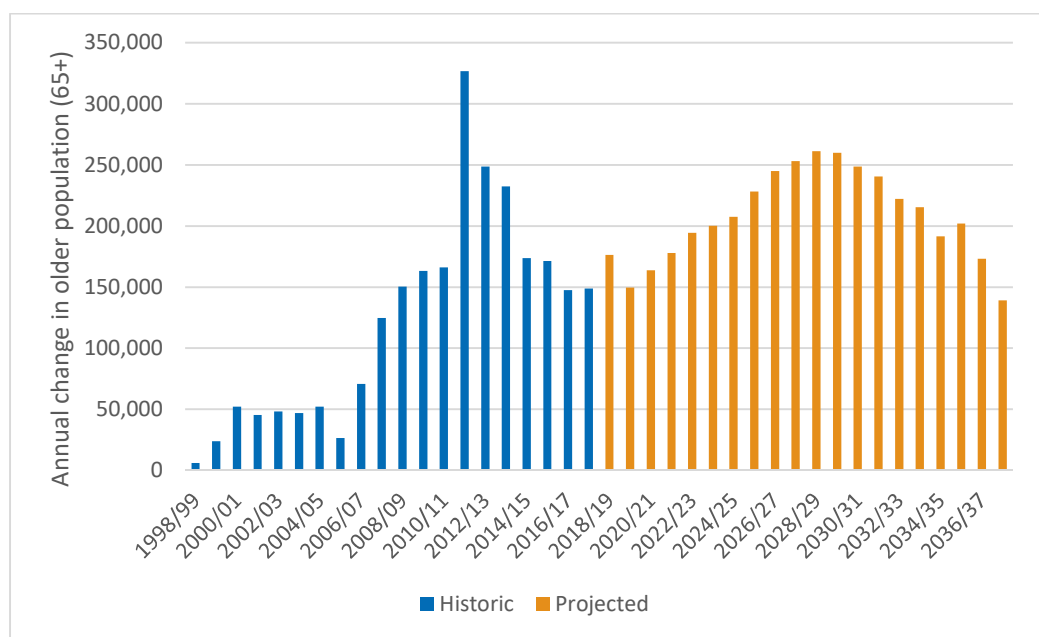
This ageing trend is expected to accelerate, with official projections produced by the Office for National Statistics³ (ONS) indicating that the older population of England could increase by some 41% over the next twenty years (2018 – 2038). By 2038, almost one in four (24%) of the population in England are expected to be aged 65 or over, increasing from 18% in 2018 and 16% in 1997.

¹ ONS (2019) Mid-year population estimates

² Resolution Foundation (2017) Live Long and Prosper? Demographic trends and their implications for living standards

³ ONS (2019) National Population Projections: 2018-based

Historic and Projected Annual Change in Older Population (65+) of England



Source: ONS via Nomis

This has implications for the profile of households in England, as recognised within official household projections. The latest 2016-based household projections⁴ were released by the ONS in September 2018, and suggest that the number of older households⁵ in England will increase by over 3 million during the next twenty years (2018 – 2038). Such households are projected to account for 37% of all households in England by 2038, increasing from 26% in 2001.

In the context of the Government’s concerns around the reliability of the latest household projections for the purposes of assessing housing needs⁶, it is notable that the earlier 2014-based household projections⁷ similarly suggested a growth of over 3 million older households, which were again expected to account for 37% of all households in England by 2038.

This has clear implications for the type of housing required to meet the needs of such older households over future years. The Government Office for Science and Foresight has recognised that meeting this changing demand could involve *‘providing suitable new homes, ensuring that the existing housing stock is appropriate and adaptable, and helping people to move to a home that is appropriate for their needs’*⁸.

While the ageing population can therefore be expected to *‘change demand for housing’*⁹, their diversity as a group creates challenges in planning to meet housing needs. Although many will lead independent and active lives, others are amongst the most vulnerable and isolated in society¹⁰.

⁴ ONS (2018) Household projections in England: 2016-based

⁵ Household reference person aged 65 or above

⁶ Ministry of Housing, Communities and Local Government (2018) Technical consultation on updates to national planning policy and guidance; Planning Practice Guidance Reference ID 2a-015-20190220

⁷ Department for Communities and Local Government (2016) 2014-based household projections

⁸ Government Office for Science and Foresight (2016) Future of an Ageing Population, p52

⁹ *Ibid*, p52

¹⁰ Shelter (2007) Older People and Housing factsheet

People are living longer, but the years gained are generally being spent in poor health because 'healthy life expectancy' has not risen at the same rate¹¹.

Numerous studies have identified the benefits of extra care and retirement housing as part of any mix of specialist housing delivered, given the health and adult care savings resulting from a reduced risk of falls, residential care costs and potential to improve wellbeing¹². More broadly, it has been recognised that:

*"Providing the right kinds of accommodation for older people, in the right places, would lead to positive well-being and health outcomes for them, and would help to create movement in the housing market by freeing up family-sized homes for those who are stuck in unsuitable or overcrowded accommodation"*¹³

This notes the wider market benefits associated with the provision of specialist accommodation for older people in response to needs and demand. In many areas, available evidence indicates that 'housing designed for families is being occupied by older people'¹⁴ living in smaller households, implying higher levels of under-occupation. While the issue of downsizing is complex, there is 'consensus...that there is not enough choice of appropriate housing available either in the specialist housing sector or in the private sector'¹⁵.

Indeed, the 'chronic undersupply of appropriate housing for older people' has been elsewhere described more explicitly as 'the next housing crisis', because those at the top of the property ladder are 'often trapped in homes that are too big and unmanageable'¹⁶. There is evidence that 'a lack of choice of suitable homes to downsize into is having a negative effect not just on older people's health and wellbeing, but on the rest of the housing chain, as 85 per cent of larger family homes owned by older people only become available when someone dies'¹⁷. National polling has suggested that some 58% of those over 60 would be interested in moving, of which over half (57%) want to downsize by at least one bedroom. It suggests that one in every four people aged over 60 would be interested in buying a retirement property, at retirement villages, sheltered housing developments or extra care schemes for example¹⁸.

With the supply of new housing at a national level consistently failing to keep pace with growth in the population¹⁹, the ageing population and lack of an appropriate supply response will only exacerbate any existing shortage in overall housing supply. This matters because:

"...housing in England is a scarce resource and some families have to overcrowd or live in highly unsuitable accommodation...In the absence of greater housing supply for everyone, policy makers will need to consider how effectively existing housing stock is used...The scale of the housing crisis is such that a sensible discussion on the merits of downsizing is required.

¹¹ ONS (2018) Health state life expectancies, UK: 2015 to 2017

¹² Housing LIN (2017) Older People's Housing – we need a solution

¹³ Shelter (2012) A Better Fit? Creating housing choices for an ageing population, p8 – 9

¹⁴ Government Office for Science and Foresight (2016) Future of an Ageing Population, p51

¹⁵ Government Office for Science and Foresight (2014) What developments in the built environment will support the adaptation and 'future proofing' of homes and local neighbourhoods so that people can age well in place over the life course, stay safe and maintain independent lives?

¹⁶ Demos (2013) The Top of the Ladder, p9

¹⁷ *Ibid*, p9

¹⁸ *Ibid*, p10

¹⁹ DCLG (2017) Fixing our Broken Housing Market

*Better options for older households could deliver a range of benefits and these should be discussed openly without attaching value judgements or blame to different generations*²⁰

On this basis, the supply of housing in England must adapt to reflect the needs of the growing older population, providing a diverse range of housing types in the right locations to meet this growing need and assist in delivering positive health outcomes. Meeting this need through suitable new accommodation will also make an important contribution in addressing the wider housing crisis, by assisting in freeing up under-occupied housing nationally.

National policy and guidance

The Government revised its National Planning Policy Framework (NPPF) in July 2018, and made further minor changes in February 2019²¹. This followed the publication of a Housing White Paper in February 2017, which aimed to fix *'our broken housing market'* by boosting housing supply and creating *'a more efficient housing market whose outcomes more closely match the needs and aspirations of all households'*²².

The Housing White Paper specifically recognised the importance of *'offering older people a better choice of accommodation'*²³. It highlighted that:

*"Helping older people to move at the right time and in the right way could also help their quality of life at the same time as freeing up more homes for other buyers"*²⁴

While the Housing White Paper recognised the *'barriers to people moving out of family homes that they may have lived in for decades'* and the *'emotional attachment...which means that where they are moving to needs to be very attractive to them and suitable for their needs over a twenty to thirty year period'*, it clearly expresses the Government's commitment to *'exploring these issues further and finding sustainable solutions to any problems that come to light'*²⁵.

A week before the publication of the Housing White Paper, a Select Committee inquiry into the issue of housing for older people was launched by the Government, in response to the *'ageing population with resultant health and care needs and a general shortage of homes'*²⁶. The inquiry report, published in February 2018, aimed to reflect the diversity of older people in terms of their ages, individual circumstances, choices and preferences. It concluded *inter alia* that:

- A national strategy on housing provision for older people is needed, and should be introduced in consultation with older people and those who provide for them;
- Independent research should be commissioned on the wider housing market impact of older people moving to a smaller home that better suits their needs, to further explore frequent claims that this could be part of the solution to tackling the housing shortage;
- National planning policy should give greater encouragement to the development of housing for older people, ensuring that sites are available for a wider range of developers;

²⁰ Shelter (2012) A Better Fit? Creating housing choices for an ageing population, p13

²¹ MHCLG (2019) National Planning Policy Framework

²² DCLG (2017) Fixing our Broken Housing Market, p16

²³ *Ibid*, paragraph 4.42

²⁴ *Ibid*, paragraph 4.43

²⁵ *Ibid*, paragraph 4.44

²⁶ House of Commons Communities and Local Government Committee (2018) Housing for older people, second report of session 2017-19, paragraph 2

- The new standard approach to assessing housing need should explicitly address the complex and differing housing needs of older people;
- Older people should be able to choose from a wide choice of housing which can accommodate their needs and preferences, including smaller general needs housing, accessible housing, retirement homes, extra care housing and cohousing;
- Local authorities should produce strategies explaining how they intend to meet the housing needs of older people, with Local Plans identifying a target proportion of new housing to be developed for older people as well as suitable well-connected sites close to local communities; and
- Local authorities should be more receptive to private developers who wish to build housing for older people in their area, and appreciate the potential health and wellbeing benefits leading to reduced need for health and social care services.

The inquiry reported only a month before the launch of consultation on draft revisions to the NPPF, which were formally implemented in July 2018 and subject to only minor changes in February 2019. The revised NPPF continues to identify older people as a specific group whose housing needs should be assessed and reflected in planning policies²⁷. It recognises the breadth of housing which may be required to meet the diverse needs of older people, in defining this group as:

“People over or approaching retirement age, including the active, newly-retired through to the very frail elderly; and whose housing needs can encompass accessible, adaptable general needs housing through to the full range of retirement and specialised housing for those with support or care needs”²⁸

Following the publication of the revised NPPF, the Government formally responded to the Select Committee inquiry into housing for older people. It highlighted the Government’s ‘endeavour...to ensure that our planning and housing policies positively reflect the requirements of older people’²⁹. The response details a range of measures that are being implemented to address the recommendations, including its ‘strengthened’ NPPF and new method for assessing housing need which is ‘based on data which provides an indication of the future age structure’. The response expresses agreement that ‘further research into the impact of older people moving home on the housing market could contribute to a stronger evidence base to inform policy making’, provided that its scope and remit was tailored to add value to currently available information.

The Government’s response also referenced its ongoing preparation of new guidance on housing for older people, which was eventually published to form part of the Government’s Planning Practice Guidance (PPG) in June 2019. The updated PPG describes ‘the need to provide housing for older people’ as ‘critical’, and recognises that:

“Offering older people a better choice of accommodation to suit their changing needs can help them live independently for longer, feel more connected to their communities and help reduce costs to the social care and health systems. Therefore, an understanding of how the ageing population affects housing needs is something to be considered from the early stages of plan-making through to decision-taking”³⁰

²⁷ MHCLG (2019) National Planning Policy Framework, paragraph 61

²⁸ *Ibid*, glossary

²⁹ Government response to the Second Report of Session 2017-19 of the Housing, Communities and Local Government Select Committee inquiry into Housing for Older People, September 2018

³⁰ PPG Reference ID 63-001-20190626

There is further acknowledgement that:

“The health and lifestyles of older people will differ greatly, as will their housing needs, which can range from accessible and adaptable general needs housing to specialist housing with high levels of care and support. For plan-making purposes, strategic policy-making authorities will need to determine the needs of people who will be approaching or reaching retirement over the plan period, as well as the existing population of older people”³¹

This section of the PPG also covers housing for disabled people, and notes that *‘an ageing population will see the numbers of disabled people continuing to increase and it is important we plan early to meet their needs throughout their lifetime’³²*.

The PPG confirms that information on the existing age profile and projections of population and households by age group can be used to identify the housing needs of older people, while Census data can be used to understand the prevalence of long-term limiting illnesses³³. It accepts that *‘there is a significant amount of variability in the types of specialist housing for older people’*, and intentionally provides an incomplete list of the types of products available which include age-restricted general market housing, retirement living or sheltered housing, extra care housing or housing-with-care and residential care or nursing homes³⁴. It confirms that *‘innovative and diverse housing models will need to be considered where appropriate’³⁵*.

The PPG accepts that the Government’s standard method for assessing local housing needs cannot be broken down to assess the housing needs of individual groups, and notes that any such needs *‘may well exceed, or be proportionally high in relation to’* the overall housing need figure calculated using the method. It is recognised that this is because *‘the needs of particular groups will often be calculated having consideration to the whole population of an area as a baseline as opposed to the projected new households which form the baseline for the standard method’³⁶*.

The PPG states that the future need for specialist older persons’ accommodation can be assessed through reference to *‘online tool kits provided by the sector’*, and specifically references the Strategic Housing for Older People Analysis (SHOP@) toolkit produced by Housing LIN which is described as *‘a tool for forecasting the housing and care needs of older people’³⁷*.

The PPG continues to require plan-makers to:

“...consider the size, location and quality of dwellings needed in the future for older people in order to allow them to live independently and safely in their own home for as long as possible, or to move to more suitable accommodation if they so wish”³⁸

It confirms that *‘it is up to the plan-making body to decide whether to allocate sites for specialist housing for older people’*, but notes that:

³¹ PPG Reference ID 63-003-20190626

³² PPG Reference ID 63-002-20190626

³³ PPG Reference ID 63-004-20190626 and 63-005-20190626

³⁴ PPG Reference ID 63-010-20190626

³⁵ PPG Reference ID 63-012-20190626

³⁶ PPG Reference ID 67-001-20190722

³⁷ PPG Reference ID 63-004-20190626

³⁸ PPG Reference ID 63-012-20190626

“Allocating sites can provide greater certainty for developers and encourage the provision of sites in suitable locations. This may be appropriate where there is an identified unmet need for specialist housing. The location of housing is a key consideration for older people who may be considering whether to move (including moving to more suitable forms of accommodation). Factors to consider include the proximity of sites to good public transport, local amenities, health services and town centres”³⁹

When assessing planning applications for specialist housing for older people, the PPG makes clear that ‘*local authorities should take a positive approach*’ to schemes that propose to address ‘*an identified unmet need for specialist housing*’⁴⁰.

Summary

At a national level, the rapid growth in the older population is expected to accelerate over future years, with well documented implications for the type of housing needed to meet this changing demand.

Older persons’ housing needs and aspirations are diverse, with the necessary level and type of care varying. Although many will lead independent and active lives, others are amongst the most vulnerable and isolated in society, with numerous studies having identified the health and wellbeing benefits that can be generated through the provision of care. Provision of specialist accommodation can also trigger benefits in the wider housing market by releasing much-needed family housing, which is frequently under-occupied.

In support of its commitment to addressing the wider housing crisis, the Government aims to ensure that older people are offered a range of suitable housing options. Revised national planning policy requires the diverse needs of older people to be assessed and reflected through planning policies, and refreshed guidance provides further clarity on the approach that should be followed when assessing and planning for such needs. It confirms that local authorities must take a positive approach when assessing planning applications that propose to meet an identified unmet need for specialist older persons’ housing.

³⁹ PPG Reference ID 63-013-20190626

⁴⁰ PPG Reference ID 63-016-20190626

EVIDENCED NEED IN MID SUSSEX

Through its pre-application responses, the Council has asserted that it considers there to be no identified need for a care home in Mid Sussex. However, this position is not considered to be supported by its own evidence, which, as this report identifies, appears likely to understate the scale of need for specialist older persons' housing and care homes specifically.

The Council's position is understood to originate from its Housing and Economic Development Needs Assessment (HEDNA), and specifically the addendum report⁴¹ produced in August 2016. This appears to remain the latest published evidence on housing needs. The addendum was produced to both explore the impact of 2014-based population and household projections – which continue to be endorsed by the Government for the purposes of determining the minimum need for housing⁴² – and consider the specific housing needs of older people, including the provision of specialist accommodation or care.

The addendum acknowledges that *'an ageing population is a national issue which poses a significant housing challenge and will influence future housing needs and requirements in Mid Sussex'*⁴³. It recognises that the PPG requires assessment of the specific needs of older people, albeit the guidance itself has since changed as noted in the previous section of this report.

It provides *'background'* on the potential growth of the elderly population of Mid Sussex through reference to an earlier iteration of the HEDNA, produced in February 2015. The figures cited are therefore inconsistent with the subsequently published 2014-based projections, which form the basis for the overall housing need to be met through the District Plan⁴⁴.

As shown in the following table, the District Plan implicitly seeks to accommodate the housing needs of an elderly population (65+) that is projected to increase by some 46% by 2031, outpacing the growth anticipated by the same official projection at regional and national level. This is particularly driven by strong growth in the oldest cohorts aged over 75, as the number of residents aged 65 to 74 is actually projected to grow at a slightly slower rate than anticipated in the South East or England.

Projected Growth in Elderly Population of Mid Sussex (2014-based; 2014-31)

	2014	2031	Change	% change	South East (%)	England (%)
65 to 74	15,086	18,958	3,872	26%	30%	28%
75 to 84	9,039	14,368	5,329	59%	54%	49%
85+	4,374	8,155	3,781	86%	81%	76%
Total 65+	28,499	41,482	12,983	46%	45%	41%
Total 75+	13,413	22,523	9,110	68%	62%	57%

Source: MHCLG, 2016

⁴¹ Mid Sussex District Council (August 2016) Housing and Economic Development Needs Assessment Addendum

⁴² PPG Reference ID 2a-005-20190220

⁴³ Mid Sussex District Council (August 2016) Housing and Economic Development Needs Assessment Addendum, paragraph 2.3

⁴⁴ Mid Sussex District Council (March 2018) Mid Sussex District Plan 2014-2031, paragraphs 3.11-3.12

The addendum notes, again with reference to an earlier iteration of the HEDNA, that such growth in the older population reflects both a national trend of people living longer and an established local trend that sees Mid Sussex attract retirees, particularly from London and its surrounds⁴⁵.

The addendum proceeds to broadly observe that *'the vast majority of older people wish and choose to remain living in the homes which they have lived in for many years'*, but does concede that the needs of elderly residents are diverse and often *'specialised'*⁴⁶. It estimates the demand for such specialist accommodation through reference to analysis conducted by West Sussex County Council Public Health Research Unit, which drew upon the Strategic Housing for Older People Analysis (SHOP@) tool produced by Housing LIN. This toolkit is specifically referenced in the PPG, as noted in section 2 of this report⁴⁷. The SHOP@ toolkit provides national benchmarks on the rate at which those aged 75 and over could require the following forms of specialist housing provision, suggesting that there could be demand for:

- **125 sheltered housing units** per 1,000 residents aged 75+;
- **20 enhanced sheltered housing units** per 1,000 residents aged 75+;
- **25 extra care units with 24/7 support** per 1,000 residents aged 75+;
- **65 bedspaces in residential care homes** per 1,000 residents aged 75+; and
- **45 bedspaces in nursing care homes** per 1,000 residents aged 75+.

Collectively, these rates assume that 28% of residents aged over 75 require specialist accommodation, with private housing still assumed to play a major role in meeting the needs of most older people (72%).

The Council's addendum report appears to apply these national rates to the older population implied in Mid Sussex by the 2014-based projections to estimate the scale of demand for these types of specialist accommodation, in 2014 and 2031. It compares demand against recorded supply as of 2014 with a view to determining the existence of a shortfall, either currently or in 2031. This is summarised in condensed format below.

Need for Sheltered, Extra Care and Registered Care (2014-31)

	2014			2031	
	Demand	Supply	Shortfall	Demand	Projected shortfall
Sheltered housing	1,650	1,499	151	2,775	1,276
Enhanced sheltered	264	104	160	444	340
Extra care	330	210	120	555	345
Registered care	1,452	1,680	-228	2,442	762
Residential care	858	471	387	1,443	972
Nursing care	594	1,209	-615	999	-210

⁴⁵ Mid Sussex District Council (August 2016) Housing and Economic Development Needs Assessment Addendum, paragraph 2.11; Mid Sussex District Council (February 2015) Housing and Economic Development Needs Assessment, paragraph 2.21

⁴⁶ Mid Sussex District Council (August 2016) Housing and Economic Development Needs Assessment Addendum, paragraph 2.12

⁴⁷ PPG Reference ID 63-004-20190626

Total	3,696	3,493	203	6,216	2,723
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Source: Mid Sussex District Council, 2016

This indicates that there will be a growing demand for all forms of specialist housing, with a projected shortfall of some 2,723 bedspaces by 2031. Resolving this shortfall would require an average of 160 bedspaces each year.

Specifically, the addendum identifies an *existing* shortage of sheltered and enhanced sheltered housing, as well as extra care provision. There is also an implied shortage of residential care units, albeit this is offset by the claimed “overprovision” of bedspaces in nursing care homes such that there is seen to be no “current” shortfall of registered care homes. Growth in the older population is nonetheless assumed to increase the demand for such accommodation by 2031, creating an overall shortfall of circa 762 bedspaces relative to supply in 2014 (across residential and nursing care) but continuing to imply a level of excess capacity in nursing care alone. It is assumed that this has directly influenced the Council’s perception that no further care homes are needed, within its pre-application response.

In interpreting the analysis replicated in Table 3.2, however, it is considered that caution must be exercised. The addendum report necessarily draws upon national benchmarks on the demand for different forms of accommodation, which, although useful for estimating the potential scale of demand, at the strategic level, have inherent limitations and will not always reflect local characteristics. Housing LIN itself advises that ‘*national averages can only provide a benchmark for prioritisation rather than accurate future numbers*’⁴⁸.

Within this context, it is notable from Table 3.2 that substantially more Mid Sussex residents (1,209) were living in nursing care homes in 2014 than would have been anticipated based on national demand benchmarks (594). The addendum report implies that this signals an excess of supply over demand, but in practice it is considered more likely to reflect the proportionately higher need and demand for such accommodation in this location relative to the national average. This would be consistent with the findings of the 2011 Census, which – as summarised below – showed that older people in Mid Sussex were considerably more likely to be living in residential institutions than the national or indeed regional average.

Residence of Older People Aged 65+ (2011)

	Residents aged 65+	Older residents living in communal establishments	%
Mid Sussex	25,307	1,185	4.7%
South East	1,482,020	59,451	4.0%
England	8,660,529	317,521	3.7%

Source: Census 2011

Within this context, it is considered that national benchmarks should be applied with caution in Mid Sussex and should not be treated as definitive. Alternative approaches can and should be tested, for

⁴⁸ <https://www.housinglin.org.uk/Topics/browse/HousingExtraCare/ExtraCareStrategy/SHOP/SHOPAT/Consultancy/>

example by assuming that the rate at which older residents actually occupied nursing care homes in 2014 is sustained. The supply of 1,209 bedspaces would therefore need to increase in proportion to the growth of the older population. With Table 3.1 indicating that the number of residents aged over 75 could grow by 68% by 2031, the supply of this type of accommodation could conceivably need to increase by over two thirds to exceed 2,000 bedspaces; more than double the demand for 999 bedspaces assumed in the addendum report, based on its application of national benchmarks.

Through this approach, the supply of nursing care accommodation would need to increase by an average of circa 50 bedspaces per annum. Such a level of additional need would exceed the size of the average care home in Mid Sussex⁴⁹, thereby suggesting that at least one such development is required as a minimum each year to ensure future needs are met.

The addendum report does appear to concede that there are alternative approaches to estimating future need, citing analysis on the broader 'care market' developed by West Sussex County Council which:

*"...estimates that at present, provision of bed stock is operating at 95-100% of capacity. The market in the north of West Sussex faces particular pressure which has been exacerbated by scheme closures. To meet existing and future demand projections, the County Council estimates that a further 60-100 bed spaces are needed to support WSCC funded residents, while the total market needs to increase by **170-280 beds per year**"⁵⁰ (emphasis added)*

This clearly reaffirms the principle that growth in the care market is needed in Mid Sussex beyond the current stock of supply, and challenges a position whereby current provision is viewed as sufficient to meet needs.

In that context, the Council's generalised claim that there is no need for care homes is considered to be unsubstantiated, and based on a simplistic interpretation of singular analysis that has inherent uncertainties and limitations. It is ultimately predicated upon an assumption that residents of Mid Sussex will be less likely to require such accommodation than is currently the case, and that current supply will satisfy additional demand. Such a claim, based on the formulaic application of national benchmarks, sits at odds with strong projected growth in the local elderly population who are most likely to require such accommodation. A failure to recognise this limitation of the calculation creates a fundamental and unnecessary risk that the district will be unable to meet the needs of its growing elderly population, contrary to the requirements of national policy.

Summary

The Council has claimed that there is no identified need for a care home in Mid Sussex. Such a position conflicts with evidence that the elderly population of Mid Sussex will increase by almost half over the plan period, with particularly strong growth amongst the oldest cohorts (75+) which exceeds that anticipated regionally or nationally. The Council's evidence base has attributed this growth both to people living longer and the continued attraction of retirees, particularly from London and its surrounding area.

⁴⁹ The 2011 Census recorded 665 people living in 23 care homes with nursing, equating to circa 29 residents per care home on average

⁵⁰ Mid Sussex District Council (August 2016) Housing and Economic Development Needs Assessment Addendum, paragraph 2.19

The Council's evidence base recognises that the needs of elderly people are diverse and often specialised, and cannot always be met within private homes. It applies national benchmarks to estimate the demand for specialist housing that could be generated by older residents, which is compared to current supply and reveals – in broad terms – an existing shortfall that will increase by 2031 without further provision. Resolving this shortfall would require an average of 160 bedspaces per year.

This is broken down by type of provision, implying a specific shortfall of sheltered, enhanced sheltered and extra care housing. There is also an apparent shortage of residential care units which is set to grow over the plan period, but this is offset by a perceived "overprovision" of bedspaces in nursing care homes both now and in the future.

While this is likely to have informed the Council's position regarding the need for the proposed development, a more cautious and considered interpretation of the analysis is required in the context of local trends and the changing age profile noted above.

The outcome of the calculation is based on national benchmarks of demand, which appear to understate the rate at which Mid Sussex residents currently require nursing care and thus create a perception of current and future "oversupply" that is without robust foundation. The application of these national benchmarks is considered appropriate in principle to present a broad understanding of need but importantly they should not be viewed as definitive. It is proven in this section that demand for nursing care could conceivably be more than double the estimate made by the Council, if an alternative approach is taken which assumes that a growing older population continues to occupy such accommodation at the existing rate proven in Mid Sussex. This would require the development of at least one new care home each year, based on their average size in the district.

The Council's generalised claim that there is no need for care homes is therefore considered to be unsubstantiated, and based on a simplistic interpretation of analysis that has inherent uncertainties and limitations. With a growing population of older residents that already show a tendency to occupy care homes, there is considered to be no reasonable basis from which to claim that existing supply will entirely satisfy this specialist need and would not benefit from the additional capacity brought by the proposed development.

2140

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA20

ID:	2140
Response Ref:	Reg19/2140/5
Respondent:	Mr C Hough
Organisation:	Sigma Planning Services
On Behalf Of:	Rydon Homes Ltd
Category:	Promoter
Appear at Examination?	✓



MID SUSSEX DISTRICT COUNCIL
SITE ALLOCATIONS DEVELOPMENT PLAN DOCUMENT

REGULATION 19
SUBMISSION DRAFT
SEPTEMBER 2020

REPRESENTATIONS
ON BEHALF OF
RYDON HOMES LTD

September 2020



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I.0 Housing Numbers and Distribution

1.1 The Plan states that the remaining residual requirement from 2019 is 1280 units following updated completions, commitments and windfall figures. However, the total allocations in the plan amount to 1764 dwellings – an additional 484 units. This confirms that the Plan is positively prepared and compliant with the Framework because :-

- the remaining residual requirement will include some housing that is already delivered.
- the District Plan housing target is a minimum figure and Government policy seeks to boost rather than cap housing provision.
- the allocation need to compensate for slow delivery from strategic allocations which may be delayed towards the latter end of the plan period to 2031, or even beyond
- the windfall figure has been increased but there is no compelling evidence that the level will continue to prevail. Also the increased figure is simply a statistical adjustment to include sites of 1-9 units rather than 1-5 units.
- adjoining local authorities at Brighton, Crawley and Tandridge are under-delivering on their housing requirements and will increasingly need assistance in meeting their housing requirements. Mid-Sussex is comparatively less constrained and should be anticipating being able to assist in addressing unmet need from adjoining authorities.

1.2 The overall supply from Table 2.3 is 16,874 which aims to exceed the District Housing requirement by 484 dwellings by the end of the plan period, but there is bound to be slippage and the flexibility of a 2.7% over-provision is supported in principle. However, the figures are not precise and it is considered that this is still a fragile margin to compensate for non-delivery – particularly in the strategic housing allocations. The margin should be greater and a 10% non-delivery margin is standard practice. An over provision of 1639 dwellings is therefore justified and can be achieved by further allocations of sites that do not raise serious adverse impacts and are able to be confidently expected to deliver housing in the plan period to compensate for non-delivery elsewhere.

1.3 The identification of further allocations to increase the Plan's robustness and flexibility would still be within reasonable parameters of consistency with the District Plan housing targets, which were in any event not fully meeting objectively assessed needs, particularly for affordable housing.

1.4 In terms of distribution the substantial majority of new housing is focussed on the three main towns of Burgess Hill, East Grinstead and Haywards Heath (80% of the minimum District Plan requirement) with the 2nd tier settlements of Copthorne, Crawley Down, Cuckfield, Hassocks and Keymer, Hurstpierpoint and Lindfield contributing a further 18%). This emphasis should be maintained in order to conform with the District Plan and deliver new housing in the most sustainable locations. The

proposed DPD allocations however only propose 6% of the housing is directed to 2nd tier settlements and 13.5% is directed to 3rd tier settlements, many of which are located in the AONB where great weight should be given to conserving landscape and scenic beauty. There are a number of 2nd tier settlements, including Cuckfield and Hurstpierpoint where there are “limited” or no DPD allocations. Such settlements do have the capacity to deliver more housing in the current Local Plan and would be suitable candidates to accommodate any additional provision or provide sites to compensate for less suitable and more constrained sites that are currently proposed allocations but should be deleted from the Plan.

- 1.5 The SADPD allocates a total of 238 new dwellings to Category 3 villages, 183 of these are in the AONB which should be afforded the highest level of protection. Sites should only be released in the AONB in settlements that have a residual requirement to meet, i.e. Horsted Keynes, to recognise the need to sustain and maintain the vitality of these settlements and meet the demand and need for housing, especially affordable housing in these locations. However, in villages that have already met their target, the Council should not be releasing further AONB sites before exhausting non AONB sites, even if it is ‘passed up’ to Cat 2 settlements (Para. 2.4.5 Site selection paper) such as Hurstpierpoint.

2.0 Proposed Allocations that are supported

2.1 Policy SA24 Land north of Shepherds Walk, Hassocks (support with conditions)

This proposed housing allocation is supported. It enjoys outline planning permission for 130 dwellings and it has been demonstrated that the criteria set out in the policy can be fully met.

However, the following comments are made concerning the criteria set out in the Policy:-

1. The wording of the criteria in relation to Biodiversity and Green Infrastructure requires clarification/amendment. It is not clear what is meant by the term “net gain” to biodiversity and it is not possible to avoid any loss of biodiversity. The following alternative wording is therefore proposed.

“ Ensure that there is an overall gain to biodiversity and that any loss is mitigated or, as a last resort, compensated”.

A separate SPD is necessary to format and identify any bio-metric approach to the calculation of net gains to biodiversity.

The criteria in this policy go beyond what is required of Strategic Sites allocated in the District Plan and such an inconsistency is not justified.

The proposed development will be delivered within the five year period to 2025/2026. Rydon would welcome the opportunity of meeting with Officers to discuss how the criteria might be improved.

2. The Brick Clay Resource Mineral Safeguarding Area covers a very extensive area from Petersfield in the west to Burgess Hill in the east and includes most of the northern part of the County of West Sussex. Policy M9 of the West Sussex Joint Minerals Local Plan (2018) seeks to prevent non-mineral development throughout the whole of this very wide area unless minerals are extracted pre-development or there is an overriding need for the development that outweighs the safeguarding of the mineral. Compliance with Policy M9 is a common requirement for most, if not all, housing allocations in the SADPD. It must be assumed that the allocation of a site for housing in the Plan demonstrates an overriding need that achieves compliance with the Policy. It should not be left to be considered as a criteria post-allocation. There is no special suitability for mineral extraction demonstrated by the land north of Shepherds Walk. Therefore the Minerals Criterion should be omitted from Policy SA24, and all other allocations covered by the widespread generic safeguarding area, unless there is a local/known special requirement for safeguarding.

3. Archaeological evaluation has already been carried out on this site and the criterion for evaluation should be changed to “pre-commencement” to allow for the grant of outline consent subject to conditions without a policy requirement to repeat the exercise with associated wasted costs.
4. The Landscape Considerations criteria are too onerous in requiring that all mature trees, as well as protected trees, shall be retained. The TPOs will protect important trees and the landscaping scheme will reflect Policy DP37 Trees, Woodland and Hedgerows of the adopted District Plan in order to be approved. A further policy provision is therefore superfluous and unnecessary, proscriptive and onerous in requiring the retention of all existing hedgerows and mature trees.
5. The criteria are generally unnecessarily detailed for a policy of the adopted development plan and stifle the scope for high quality design and creativity. The criteria need to be re-visited in order to be less proscriptive in detail and concentrate only on the main, more important, planning considerations. This point includes criteria related to drainage strategy.

2.2 Policy SA29 Land South of St Stephens Church, Hamsland, Horsted Keynes (support with conditions)

- 2.2.1 This proposed housing allocation is supported conditionally. The site could be optimised to provide 30 two storey dwellings, internal open space, playspace, surface water attenuation, ecological considerations together with landscaping to soften the external edge of the built area. The site could sit comfortably into the existing pattern of development and align with adjoining residential curtilages.
- 2.2.2 Subject to appropriate conditions, the landscape impact from the development of this site would be low, as recognised by the High Weald AONB Unit in their October 2018 report which assessed the landscape impact from thirteen respective SHEELA sites considered by Mid Sussex District Council. The High Weald AONB Unit concludes that this Site is one of only two sites (out of the thirteen considered) that has the potential to be developed with only low impact on the AONB (as opposed to moderate or high impact).
- 2.2.3 West Sussex Highways Authority have confirmed at the pre application scoping stage, that the site can achieve a safe and suitable means of access for all modes of transport and the development would not materially impact on the operation of the local highway network. Support is also given to the proposed allocation requirement for the improving of local traffic conditions by setting back the existing on-street parking spaces in Hamsland Road into the verge, opposite the site.
- 2.2.4 Support is given to the proposed allocation requirement to enhance important landscape features, including the existing mature hedgerows and trees bordering the adjacent fields. The site is deliverable comfortably within a five year period.

However, there are some concerns with regard to the proposed criteria within the policy.

1. The wording of the criteria in relation to Biodiversity and Green Infrastructure requires clarification/amendment. It is not clear what is meant by the term "net gain" to biodiversity and it is not possible to avoid any loss of biodiversity. The following alternative wording is therefore proposed:-

"... ensure that there is an overall gain to biodiversity and that any loss is mitigated or, as a last resort, compensated".

A separate SPD is necessary to format and identify any bio-metric approach to the calculation of net gains to biodiversity.

The criteria in this policy go beyond what is required of Strategic Sites allocated in the District Plan and such an inconsistency is not justified.

This is a small site with less potential for conflict with NPPF but greater potential for viability to be compromised.

2. The requirement under the heading of Flood Risk and Drainage to provide SUDS in the southern part of the site is too prescriptive and unnecessary. It is also an unnecessary duplication of the Biodiversity criteria elsewhere in the draft policy. Flexibility is required to enable a surface water drainage solution to be tailored to site conditions to provide the optimum drainage solution. This is not a development brief and it is too prescriptive at this stage. The detail can be addressed at the application stage.

Rydon would welcome the opportunity of meeting with Officers to discuss how the criteria might be improved.

3.0 Proposed allocations the subject of objection.

3.1 Policy SA15 Land south of Southway, Burgess Hill

This site is allocated as a Local Green Space in the adopted Burgess Hill NP. Para. 101 of the NPPF states that Policies for managing development within a Local Green Space should be consistent with those for Green Belts. SA does not assess the loss of LGS when determining the sustainability of the site.

3.2 Policy SA16 Land at St Wilfred's School

The SA has not assessed the impact of the loss of the school in a town centre location, sustainable location, close proximity, walking distance to catchment area. Policy DP25 of the LP states that "Where proposals involve the loss of a community facility (including those facilities where the loss would reduce the community's ability to meet its day-to-day needs locally) evidence will need to be provided that demonstrates:-

- that the use is no longer viable; or
- that there is an existing duplicate facility in the locality which can accommodate the impact of the loss of the facility; or
- that a replacement facility will be provided in the locality

The delivery of this site is uncertain. The relocation of a number of public and community facilities has not been settled and the number of residential units may have to be adjusted. At best the site is likely to be delayed and potentially may not come forward at all.

3.3 Policy SA18 East Grinstead Police Station

There are deliverability issues, restrictions on title/covenants that could prevent development of this site. There are heritage assets in the vicinity that will be adversely affected and apartments are not in character with the local area. Numbers of dwellings that can be delivered may reduce as a result. No clear timescale for delivery.

3.4 Policy SA20 Land south and west of Imberhorne Upper School

3.4.1 This site has a long history of non-delivery. The West Sussex Structure Plan 2001-2016 (now revoked) allocated a wider area of land to the west and south-west of East Grinstead for circa 2,500 homes.

3.4.2 The South East Plan 2006-2026 (now revoked) noted that land west and south-west of East Grinstead should be brought forward for circa 2,500 homes.

3.4.3 The East Grinstead Strategic Development Area Action Plan 2006 (which would have formed part of the Local Development Framework if it had been adopted – it was later abolished) set out the detail for the allocation of land west and south-west of East Grinstead.

- 3.4.4 East Grinstead has suffered from large volumes of traffic for many years, with persistent calls for a bypass to be provided from as far south as Forest Row all the way to the north and west of the town since 1988. However, these proposals have not come to fruition and the town remains as a significant location along the A22 between the coast and London.
- 3.4.5 Previous traffic study reports have advised that the existing highway network at the junctions of the A22/A264 and the Imberhorne junction is over capacity during the morning and evening peak periods on a typical weekday and that scope for physical improvements at key junctions is constrained.
- 3.4.6 The site is located immediately adjacent to these two junctions and, given its distance from the town centre, it is considered likely that most day to day retail, community, leisure and commuter trip generation (e.g. Doctors, leisure facilities and access to the main line railway station) will involve vehicular trips movements adding increased volumes of traffic into East Grinstead.
- 3.4.7 The Sustainability Appraisal that accompanied the District Plan concluded that “ *there are severe transport constraints within East Grinstead which is likely to limit the amount of strategic development that would be appropriate within the town unless significant mitigation is proposed.*”
- 3.4.8 Any capacity improvements have been exhausted at the two key junctions and further improvements require third party land. The policy is not clear on how the impact on the local highway network will be mitigated and merely states the following :-
- “Provide any necessary capacity and safety improvements to junctions impacted upon by the development in the vicinity of the site after all relevant sustainable travel interventions have been fully explored and their mitigation accounted for.”*
- 3.4.9 At this stage of the process, the deliverability of the sites allocated need to have been fully investigated. The SAD document fails to do this, appendix one refers to Safeguarding of Land for Strategic Highway Improvements, but only includes a picture of the junctions with a red box but no clear strategy for improvements.
- 3.4.10 Mid-Sussex has updated its Transport Study to test the impact of proposed development on the strategic and local transport network and upon significant routes in Ashdown Forest (adjacent to but outside of Mid-Sussex District).

The report concludes the following:-

“Felbridge junctions The A264/A22 junction is not identified as having severe impacts in the Scenarios. However, it should be noted that this junction is flagged as severe in the Reference Case and operates over capacity; the Scenarios generate slightly more traffic passing through the junction, which increases these impacts further, but not enough to result in severe impacts for the Scenarios”.

3.4.11 This suggests that improvements to these junctions will not be required as the impacts from additional traffic will not result in severe impacts but this is a contrived and unreliable conclusion that runs contrary to Paragraph 109 of the NPPF.

3.5 Policy SA21 Land at Rogers Farm, Fox Hill, Haywards Heath

3.5.1 The Policy states that this site is open space. It is a peripheral location with significant landscape and heritage constraints, together with Flood Risk considerations. The site should only be allocated if the constraints have been fully investigated and can be appropriately mitigated.

3.6 Policy SA25 land West of Selsfield Road, Ardingly

3.6.1 Ardingly is environmentally constrained due to its location wholly within the AONB. The remaining residual requirement for the settlement is 22 dwellings. In reaching the overall requirement in the Local Plan DPD the Council, in its Sustainability Appraisal that accompanied the DPD, has had regard to the advice in the NPPF. The Council has examined the evidence to identify the point at which the adverse impacts would significantly and demonstrably outweigh the benefits, particularly when considering numbers to settlements constrained due to the AONB which indicated that development in these locations should be restricted. In the accompanying Settlement Sustainability Review May 2015 the Council concluded that future development in Ardingly should therefore be primarily to meet local needs. However, the SADPD proposes a site for 70 units, which is a major allocation in the AONB. A balance needs to be struck to ensure the positive benefits (social/economic) of allocating a major site within the AONB are not markedly outweighed by the negative impacts (particularly environmental), great weight should be afforded to protect the AONB and the scale and extent of development within these designated areas should be limited, Para. 172 NPPF).

3.6.2 Furthermore the site forms part of the South of England Show Ground and offers cultural and recreational facilities, the loss of which has not been assessed in the SA. This allocation should be fully assessed against the District Plan Policy.

3.6.3 Policy DP24 which refers to proposals that involve the loss of cultural facilities, open space, sports and recreational buildings and land, including playing fields, will not be supported unless :-

- an assessment has been undertaken which has clearly shown the cultural facility, open space, sports land or recreational building to be surplus to requirements; or
- the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss

3.7 Policy SA26 Land South of Hammerwood Road, Ashurst Wood.

- 3.7.1 The settlement of Ashurst Wood is environmentally constrained due to the settlement being washed over with the AONB. There is no remaining residual requirement from the District Plan for additional dwellings for the settlement. In reaching the overall requirement in the Local Plan DPD the Council (in its Sustainability Appraisal that accompanied the DPD), has had regard to the advice in the NPPF. The Council has examined the evidence to identify the point at which the adverse impacts would significantly and demonstrably outweigh the benefits, particularly when considering dwelling numbers to settlements constrained due to the AONB, which indicates that development in these locations should be restricted. In the accompanying Settlement Sustainability Review (May 2015), the Council concluded that future development in Ashurst Wood should be primarily to meet local needs. However, the SADPD proposes a site for 12 units. A balance needs to be struck to ensure the positive benefits (social/economic) of allocating a site within the AONB is not markedly outweighed by the negative impacts (particularly environmental). Great weight should be afforded to protecting the AONB and the scale and extent of development within these designated areas should be limited. (Para. 172 NPPF).

4.0 Sites omitted from the Draft Plan that justify being allocated for housing.

4.1 Land south of Edinburgh Way, East Grinstead

- 4.1.1 Rydon have an option over the land as identified in Appendix (A). The site SHELAA reference 598 was considered as suitable in the SHELAA stage 1 as suitable for 60 units, in the medium to long term. Following further detailed site assessment, through the Site Selection Paper 3, the site has subsequently been found to be unsuitable for allocation in the SA DPD. The assessment concluded that the site will have high impact on the AONB.
- 4.1.2 This site is located on the south eastern edge of East Grinstead, adjoining existing residential development that was built in the 1970s and 1980s. The site forms a small triangular parcel of open countryside comprising a single horse paddock which is contained by a tall hedgerow, tree and a post and rail/wire fence. The site is approximately 1.8 hectares in total.
- 4.1.3 The site is located to the east of Harwoods Lane which extends alongside the western site boundary and is defined by a hedgerow. The north and western boundary of the site also contains a line of mature trees. Harwoods Lane currently connects the site to residential development to the north. Beyond the boundary to the west and north of the site is residential development on Chesterton Close, Collingwood Close and Edinburgh Drive.
- 4.1.4 The site is located in the AONB, the land slopes generally southwards and the undulating topography together with the existing strong hedgerows, belts of trees and blocks of woodland in the immediate area surrounding the site provides enclosure and containment to views within the landscape.
- 4.1.5 The site has the potential to be delivered as a standalone site, subject to access or as part of the Great Harwoods Farm development that has been promoted by Thakeham Homes during previous District Plan consultations.
- 4.1.6 The Site Selection Paper 3 : Housing Sites October 2019, concludes that the site is not suitable for further consideration due to its location within the AONB. As such the site has not been assessed in the Sustainability Appraisal accompanying the Site Allocation DPD. With regard to the site's AONB location, it should be acknowledged that, as set out in the LUC document entitled " Capacity of Mid Sussex District to accommodate development", Mid Sussex District is heavily constrained by environmental designations such as Area of Outstanding Natural Beauty (AONB) and the South Downs National Park as well as other constraints. As a result, a balance needs to be struck between locating development in the most sustainable locations and those which have the least environmental constraints. Whilst constraints may apply, there is no reason why such constraints could not be overcome and addressed, as they have elsewhere, particularly if there is no other reasonable alternative.
- 4.1.7 Subject to appropriate mitigation, there are no constraints to development at the wider site, including Great Harwoods. The site is well contained within its surroundings and will therefore not result in an adverse landscape impact. The proposal by Thakeham

Homes includes up to circa 300 dwellings and the provision of a significant area of public open space in the form of a SANG therefore respecting the site's location within the AONB. The proposal will therefore result in significant environmental and social benefits without resulting in unacceptable impacts on the wider landscape.

- 4.1.8 East Grinstead is one of the three main towns in Mid Sussex and offers a range of services and facilities and a mainline railway station, all within a reasonable walking distance from the site, approximately 1 kilometre. As such, the development will be less car dependant than that at Imberhorne Lane to reach day today facilities and consequently less likely to impact on the problematic junctions along the A22. The SHELAA assesses the site as relatively unconstrained, development will not have a negative impact on the Conservation Area or Area of Townscape Character and it is not subject to the risk of flooding. It lies in the AONB but impact to the wider landscape can be mitigated. It has been identified as suitable in the SHELAA and therefore the site should be assessed in the SA and considered to be a reasonable alternative to meet housing need in the town.

4.2 Land south of Chalkers Lane, Hurstpierpoint

- 4.2.1 Rydon have an option over the land as identified on the enclosed plan. The site, SHELAA Ref. 575, was identified in the Council's SHELAA stage 1 as suitable for 200 units, in the medium to long term. Following further detailed site assessment through the Site Selection Paper 3, the site has subsequently been found to be unsuitable for allocations in the SA DPD. The assessment concluded that the site is 'large' and the proposals will result in harm to the Listed building of the college and harm to the special character of the Conservation Area.
- 4.2.2. The site has an area of 27 ha (67 acres) but a large proportion of this will be left undeveloped providing the strategic buffer of open land separating the development from Hurstpierpoint College and Hurst Wickham to the east. This land offers the opportunity to extend the area of Country Open Space which formed part of the package accompanying the delivery of the residential development that is now being carried out by Bovis and indeed Rydon's small development to the south. The capacity of the site taking account of these buffer areas would be 220/260 units based on 30/35 dpa. There is the potential for land ownership to be transferred to the Parish Council so that this mitigation will endure in the long term. There is potential to extend the Country Park.
- 4.2.3 The attached plan prepared by Richards Urban Design drawing 1263.02 shows the full extent of the land by red edging. Also attached is an Opportunities and Constraints plan drawing 1263.03 which shows how the above concept could be put into practice. The attached photographs on drawing 1263.01 will give some idea of the physical characteristics of the land concerned.
- 4.2.4 The opportunity to extend the Country Open Space Area needs to be taken into account in relation to this Assessment. The current Assessment of impact upon both Hurstpierpoint College and Hurst Wickham Conservation Area is classified as being less than substantial harm. With mitigation as described above there would be no material impact. The open space will preserve the countryside setting to

Hurstpierpoint College to the east and this is already despoiled by buildings and sports pitches within the grounds. Hurst Wickham Conservation Area is a considerable distance away and there will be no material impact. A High Level Heritage Setting Statement prepared by Orion Heritage Ltd is attached which assesses the impacts and confirms that they would be nugatory.

- 4.2.5. There are no landscape quality designations on the site or in the immediate vicinity. The National Park boundary lies some 3km away to the south and distant views towards the site encompass the whole of the existing settlement of Hurstpierpoint, with which this development would appear in context. There is also potential for provision of strategic landscape buffers to the east and south of the site as part of the sensitive design of the Country Park and this will provide mitigation. Whilst the countryside is not unattractive, it is certainly not special and the site is relatively flat, featureless and not prominent in the wider landscape.
- 4.2.6. Trees/TPOs – the existing trees are located within boundary hedgerows and will be retained and enhanced. A suitable buffer to small areas of adjoining ancient woodland will be incorporated within any layout. There will be extensive new tree planting as part of the strategic landscaping proposals described above. This is a positive scenario for trees and the assessment should reflect that.
- 4.2.7 This is a sustainable, deliverable and developable development opportunity which should be included as a site allocation to meet strategic housing needs across the District. The original SHELAA assessment was not fair or accurate in a number of ways. The latest, February 2020, Assessment which is included in the Site Selection paper 3: Housing Sites Update does not take account of the representations made by Rydon at the Regulation 18 Consultation stage. The representations explained how the Country Park could be extended to the east to protect the wider gap between Hurstpierpoint and Hurst Wickham and the setting of the Hurst Wickham Conservation Area and that land at the northern end of the site could be left open to protect the setting of Hurstpierpoint College. The land is believed to be Grade 3b and therefore is not best and most versatile. The SHELAA correctly concludes that the site accords with the overall development strategy but the Detailed Site Assessment has not fully taken into account the evidence base, which shows how matters of separation of settlements and setting of heritage assets can be suitably addressed whilst still providing a net developable area to provide up to 200 sustainably located dwellings in accordance with the development strategy. The site assessed is for 540 dwellings and this does not take account of the Rydon masterplan which shows a smaller net developable area (around 200 dwellings) together with extensive open space areas to ensure the separation of settlements and protect the setting of heritage assets. This site should be considered in the SA in this context and would prove to be a suitable candidate as one of the additional allocations required to be provided in the Plan.

**REGULATION 19 SUBMISSION DRAFT
SEPTEMBER 2020**

**LIST OF APPENDICES ACCOMPANYING REPRESENTATIONS
OF BEHALF OF RYDON HOMES LTD**

- APPENDIX A** - Land under control of Rydon Homes Ltd
South of Edinburgh Way, East Grinstead
- APPENDIX B** - Little Park Farm, Hurstpierpoint
1263.01 - Site photos
1263.02 - Site Location and land under control of
Rydon Homes Ltd
1263.03 - Opportunities and Constraints Plan
High Level Heritage Setting Statement - Orion

APPENDIX A

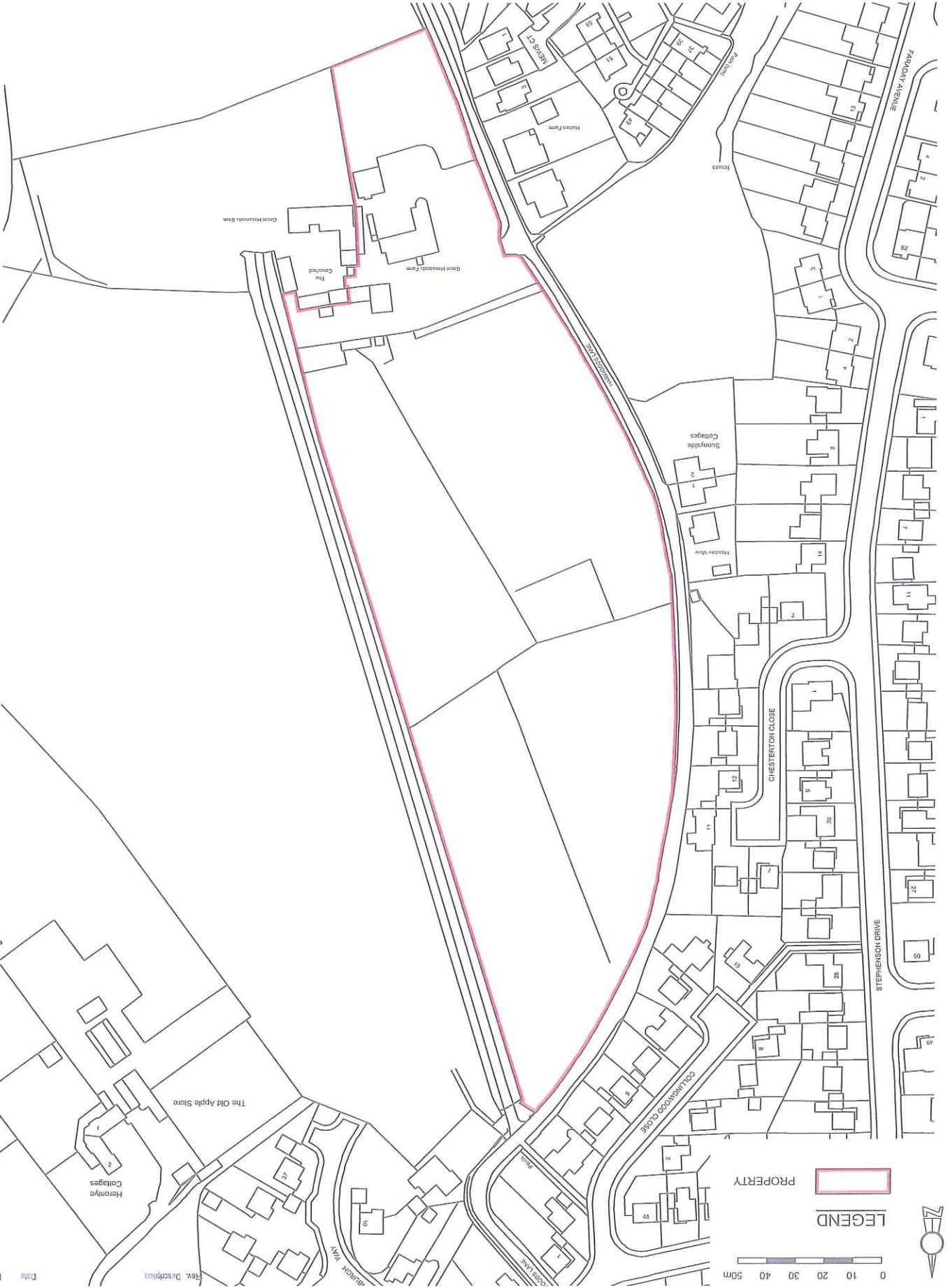


Rydon Homes Ltd
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Drawing No: 10597-L-01

Date: October 2018
 Drawn by: MMH
 Scale: 1:1250 @ A3
 Rev:

Option Plan
 East Grinstead
 Great Harwoods



Date: 18/10/18

Rev. Description

APPENDIX B

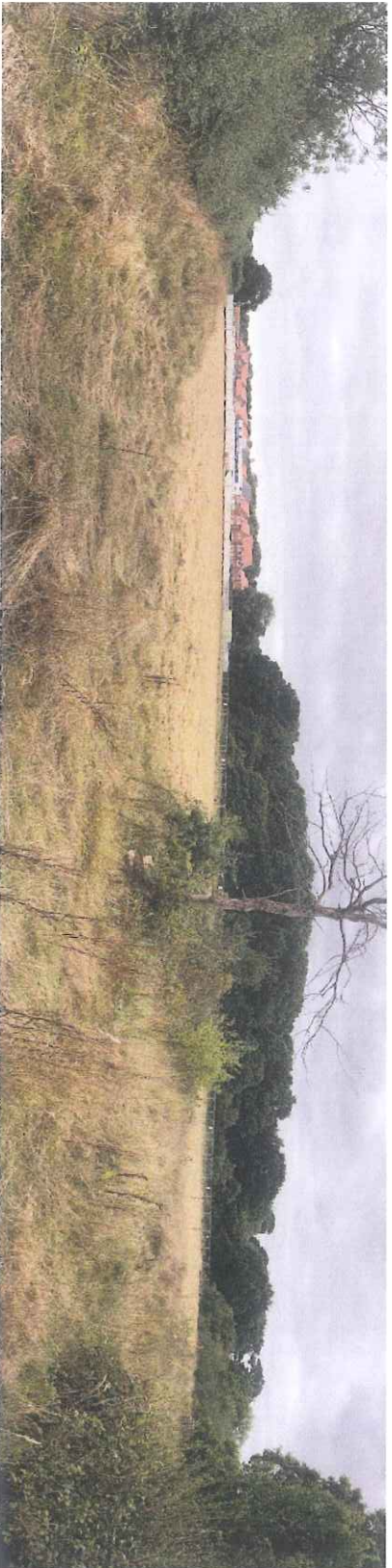
THE
LITTLE PARK FARM,
HURSTPIERPPOINT

Existing
Site Photographs

Date: NTS
Shot: 03.05.19
Drawing no: 1263_01



1. View looking north from the centre of the site with new housing south of Chalkers Lane on the left and Hurstpierpoint College on the right



2. View looking south east from the centre of the site with the new housing development at Bramble Park (left) and Tilley's Copse (right) in the background



3. View looking south with Bramble Park in the distance on the right.

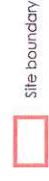
**LITTLE PARK FARM,
HURSTPIERPOINT**

Drawing
Site location and context

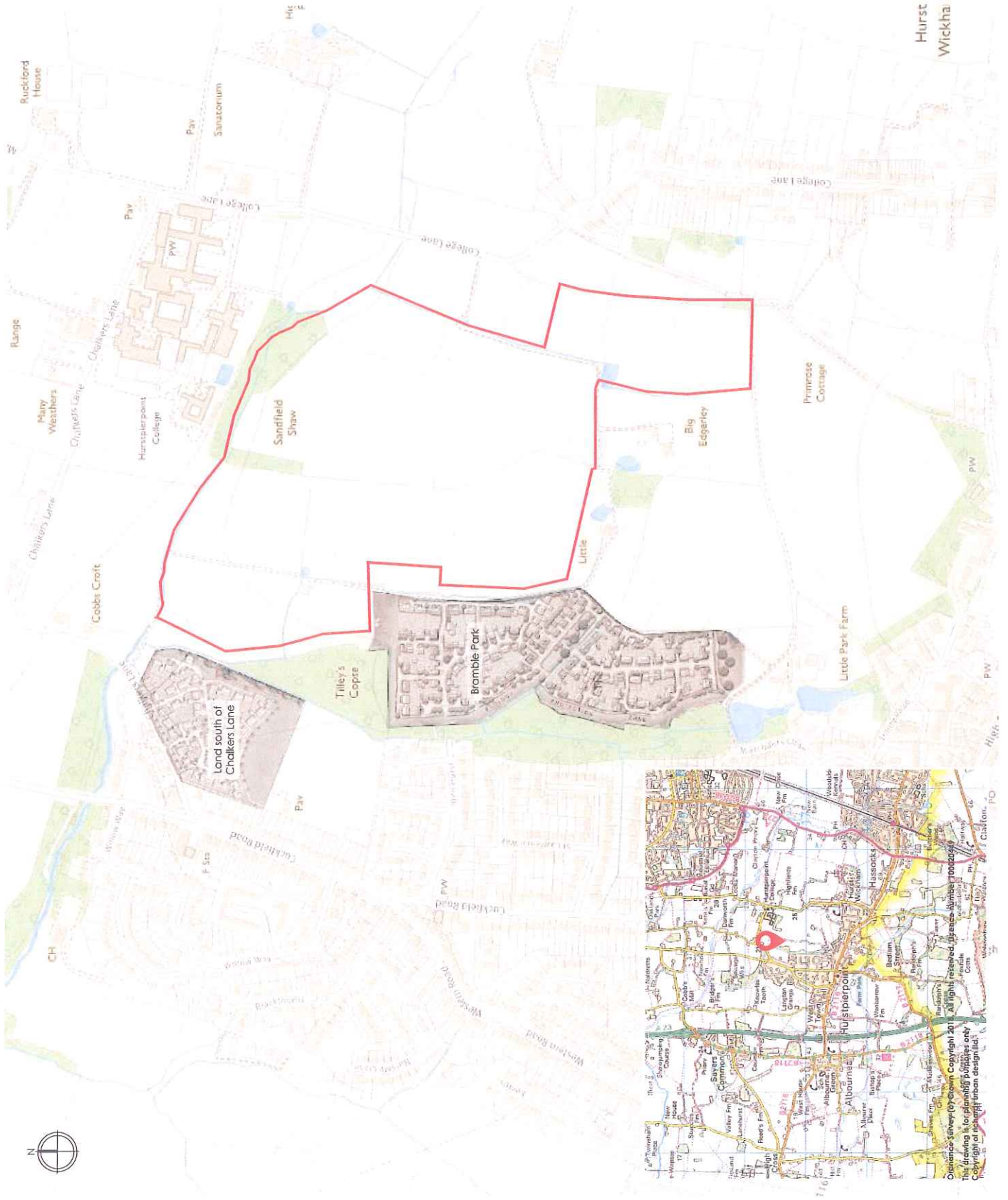
Scale:
NTS

Date:
03.05.19

Drawing No:
1263.02



Site boundary

















Hurst
Wickha

THE LITTLE PARK FARM, HURSTPIERPPOINT

Drawn Opportunities and constraints plan

Scale: NTS
Date: 03.05.19
Drawing no: 1263.03

KEY

-  Site boundary
-  Hurst Country Open Space
-  Existing Public Right of Way
-  Potential access to site
-  Contour
-  Existing mature tree/hedge boundaries enclosing land parcels to be retained, reinforced where appropriate & periodically traditionally laid.
-  No development zone associated with Tiley's Copse to protect Ancient Woodland
-  Listed Building
-  Hurst Wickham Conservation Area
-  Potential extension to Hurst Country Space
-  Potential area for residential development
-  Potential new public open space / play area
-  Potential new looppath routes
-  Potential link to college
-  Potential childrens play area
-  Low density landscaped edge
-  Potential location for SUDS drainage feature



Little Park Farm, Hurstpierpoint
High Level Heritage Setting Statement
May 2019

Little Park Farm, Hurstpierpoint
High Level Heritage Setting Statement
May 2019

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Report

Little Park Farm, Hurstpierpoint

Site

High Level Heritage Setting Statement

Client

Rydon Homes

Date

May 2019

Planning Authority

Mid-Sussex District Council

Prepared By

Rob Bourn BA MA MCIfA

Approved By

Dr Rob Smith MCIfA

Report Status

Final

Orion Ref

PN2213/1

1.0 Introduction

- 1.1** The purpose of this report is to present a high level assessment of the potential effect on the setting and significance designated heritage assets of residential development on land to the south west/south of Hurstpierpoint College. This is to support the promotion of residential housing in the western area of study site. It is not a full statement of significance report or a heritage statement.
- 1.2** The site is located to the south east of Chalkers Lane, to the east/north east of Bramble Park housing scheme that is currently under construction and to the south west/south of Hurstpierpoint College at grid ref at grid reference TQ 28529 17530 (Fig. 1).
- 1.3** The development of the study site has the potential to affect the settings and significance of two grade II listed buildings (Hurstpierpoint College and Star House at Hurstpierpoint College) and to the north west of the Hurst Wickham part of Hurstpierpoint Conservation Area (Fig. 2).

2.0 Planning Policy Framework

- 2.1** The Mid Sussex District Plan 2014 – 2031 contains two relevant policies relating to listed buildings and Conservation Areas.

DP34: Listed Buildings and Other Heritage Assets

Listed Buildings Development will be required to protect listed buildings and their settings. This will be achieved by ensuring that:

- *A thorough understanding of the significance of the listed building and its setting has been demonstrated. This will be proportionate to the importance of the building and potential impact of the proposal;*
- *Alterations or extensions to a listed building respect its historic form, scale, setting, significance and fabric. Proposals for the conversion or change of use of a listed building retain its significance and character whilst ensuring that the building remains in a viable use;*
- *Traditional building materials and construction techniques are normally used. The installation of uPVC windows and doors will not be acceptable;*
- *Satellite antennae, solar panels or other renewable energy installations are not sited in a prominent location, and where possible within the curtilage rather than on the building itself;*
- *Special regard is given to protecting the setting of a listed building;*
- *Where the historic fabric of a building may be affected by alterations or other proposals, the applicant is expected to fund the recording or exploratory opening up of historic fabric.*

Other Heritage Assets

Development that retains buildings which are not listed but are of architectural or historic merit, or which make a significant and positive contribution to the street scene will be permitted in preference to their demolition and redevelopment.

The Council will seek to conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the character and quality of life of the District. Significance can be defined as the special interest of a heritage asset, which may be archaeological, architectural, artistic or historic.

Proposals affecting such heritage assets will be considered in accordance with the policies in the National Planning Policy Framework (NPPF) and current Government guidance.

DP35: Conservation Areas

Development in a conservation area will be required to conserve or enhance its special character, appearance and the range of activities which contribute to it. This will be achieved by ensuring that:

- New buildings and extensions are sensitively designed to reflect the special characteristics of the area in terms of their scale, density, design and through the use of complementary materials;
- Open spaces, gardens, landscaping and boundary features that contribute to the special character of the area are protected. Any new landscaping or boundary features are designed to reflect that character;
- Traditional shop fronts that are a key feature of the conservation area are protected. Any alterations to shopfronts in a conservation area will only be permitted where they do not result in the loss of a traditional shopfront and the new design is sympathetic to the character of the existing building and street scene in which it is located;
- Existing buildings that contribute to the character of the conservation area are protected. Where demolition is permitted, the replacement buildings are of a design that reflects the special characteristics of the area;
- Activities such as markets, crafts or other activities which contribute to the special character and appearance of the conservation area are supported;
- New pavements, roads and other surfaces reflect the materials and scale of the existing streets and surfaces in the conservation area.

Development will also protect the setting of the conservation area and in particular views into and out of the area.

New buildings of outstanding or innovative design may be acceptable in conservation areas provided that their impact would not cause material harm to the area.

3.0 Designated Heritage Assets

Hurstpierpoint College (grade II List number 1194726)

- 3.1 The Hurstpierpoint College complex is located immediately to the north east of the study site (Fig. 2). The main college building is grade II listed. The listing describes it as follows:

St John's College, Hurstpierpoint, was the second school established by Nathaniel Woodard, founded in 1849. In 1850 it was established in The Mansion House Hurstpierpoint and in 1853 moved into its permanent buildings. These were designed by R.C. Carpenter but largely built after his death by his partner, William Slater, and his son, R.H. Carpenter. They are in Gothic style and built of flints with tiled roofs. They form 2 quadrangles, the southern one open on the south side, with narrow pointer or trefoil-headed ws. The chapel and Hall form the north side of the north quadrangle. The Chapel at the east end has 7 bays, 4 of them projecting beyond the east side of the quadrangle. Pointed w. of Decorated type flanked by buttresses. At the west end of the Chapel are short transepts which form an ante-chapel, lit by a larger similar w. and above a tower added in 1929. The interior has very beautiful intern stalls. To the west again is a small covered passage, also added in 1929 to join the Chapel to the Ball. the latter is on the first floor with the dining room beneath it. These have 5 bays flanked by buttresses. The ws. on the first floor have flatter pointed heads, those on the ground floor consist of pairs of trefoil-headed lancets.

- 3.2 The significance of the college resides in its architectural, historical and artistic (i.e. aesthetic) interest. It forms the both the main building and core of the college complex and has group value with the immediately adjacent Star House. The setting of

the listed college building will be considered in brief below along with Star House as they form part of the setting of each other and share the same setting.

Star House (grade II List Number 1025664)

- 3.3 Star House is located on the east side of the main college building fronting College Lane. The listing describes the building as follows:

Built in 1873 in matching style to the College and probably designed by R.H. Carpenter. Three storeys. Three windows. Faced with flints with stone dressings and quoins. Tiled roof. Two gables and gabled dormer between casement windows. Two bays on ground and first floors, each with 5 trefoil-headed lights. Wide porch between with 7 similar lights.

- 3.4 As with the college building, the significance of the house resides in its architectural, historical and artistic (i.e. aesthetic) interest. It has group value with the immediately adjacent listed college building. The setting of the Star House will be considered in brief below along with the main college building as they form part of the setting of each other and share the same setting.

Setting of Hurstpierpoint College & Star House

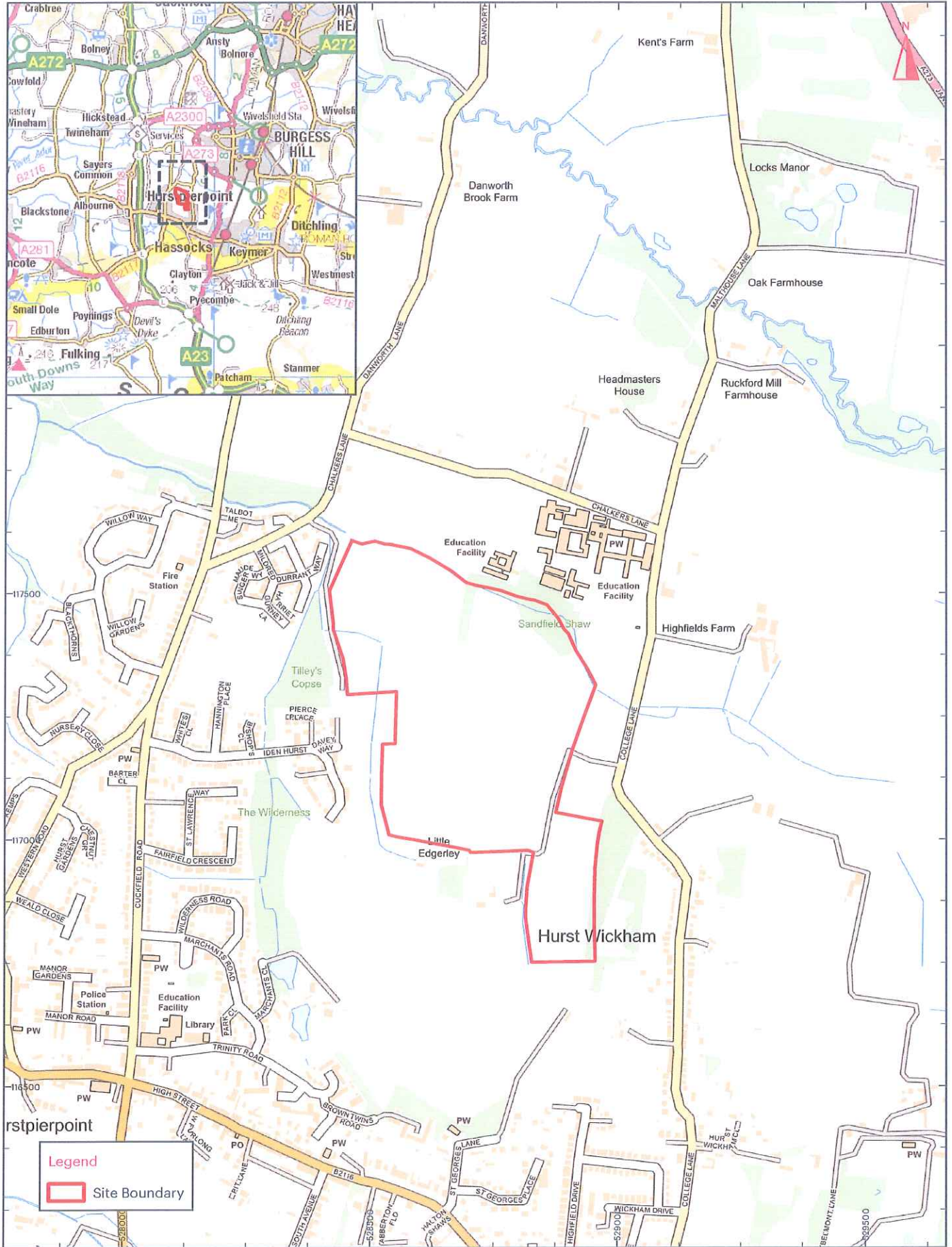
- 3.5 The two listed buildings occupy the main central and eastern area of the college complex. They dominate the grass sports pitches and facilities immediately to the north the buildings and the artificial grass sports pitches immediately to the south of the buildings. There are a series of pre-WWII, 1970s and later school buildings immediately to the west and south west of the main listed college building, with car parking and further artificial surface sports facilities to the west of the school buildings. It is within this area that the setting has a very strong positive contribution to the significance of the two listed buildings in functional, visual and historic terms. The later buildings, while not of the same architectural quality as the listed buildings, are sympathetic and subservient to the main building and the mix of style and date adds a very perceivable time depth to the experience of the school setting. The car parks and artificial sports pitches on the western side of the school complex contain a number of visually prominent lighting stands and fencing with a line of overhead electricity cables and wooden pylons cutting north south immediately to the west of the school grounds. The car parks, lighting stands, fencing and electricity cables detract from the experience of the listed buildings and have a slight negative contribution to their significance.
- 3.6 The College and Star House also have a wider landscape setting beyond the college complex. It is located on a relatively high spot on the landscape and so can be seen from and has at least partial views out over the lower land to the east and the south/south east. This aspect has a mildly positive contribution to the significance of the college as it places it within its wider rural context and enables it to be appreciated in various glimpsed and full views from within the wider area.
- 3.7 The setting to the west/south west of the school is more limited in extent and in its contribution to the significance of the main listed college building. The later school buildings block clear views in to and out from the listed buildings. The tower on the chapel can still be seen in many views due to its height but the main body of the listed buildings cannot be experienced, even at close quarters to the school boundaries, from the west and south west. Consequently, the land to the west/south west does not contribute visually to the significance of the college buildings. The land has historically been fields and so it does have a slight positive contribution to the historic interest significance of the listed buildings. The two new and under construction housing schemes (Land South of Chalkers Lane & Bramble Park) are recent visible changes within this aspect of the setting on the west side of the college which have introduced modern residential form.

Impact Assessment

- 3.8** The study site is being promoted for up to c. 260 residential units located in western and south western area of the site and a substantial area of open space. The layout on the constraints and opportunities plan (Fig. 3). The development parameters have been designed to preserve and enhance the setting of the college to the south west and west of the listed buildings. The layout has been designed to respond to the setting of the college and its contribution to the significance of the listed buildings. The main bulk of the proposed housing area will be screened from view from the college behind existing mature tall hedges and trees and so will have no effect on the setting college as they will not be experienced from college and vice versa.
- 3.1** The north western field of the study site is currently a field which forms a small part of the wider rural context within which the college is experienced. This field is currently an arable field split into two by a north-south orientated footpath. The eastern 2/3 of the field will be retained as public open space with high quality housing in the area of the field to the west of the footpath. By bringing the edge of the built form c. 140m closer to the college complex than it currently is, there will be a slight visual change within this part of the setting. The recently constructed Chalkers Lane residential scheme has already introduced modern houses into this aspect of the setting. Consequently, the proposed high quality housing within this area of the study site will not change the character of the setting. The eastern half of the north western field of the site will be retained as public open space. This will ensure that the views of the tower of the college chapel that are currently possible from the site will be retained. There are no views of the site currently from the listed buildings anyway, as described above. Consequently, views from the listed buildings will be unaffected. The later school buildings to the west of the listed college buildings block all views of the site from within the core of the setting of the college. Therefore, the experience of the listed buildings as they are now, will be unaffected.
- 3.2** The area of the site to the south of college will be retained as an extension to the Hurst Country Space. This will ensure that the setting to the south of the college will be protected and conserved.
- 3.3** In conclusion, the development of the site as proposed in the illustrative concept masterplan, will result in the loss and about 1/3 of a field that has a slight contribution to the significance of the listed college buildings. This will primarily be a slight visual change. The college will still be separated from the edge of the built area of Hurstpierpoint by open space. The aspects of the setting of the college that have a clear and strong positive contribution to significance of the listed buildings will be unaffected. Consequently, the development of the study along the parameters as outlined in the constraints and opportunities plan (Fig. 3) will not result in harm to the significance of Hurstpierpoint College or Star House.

Hurst Wickham Conservation Area

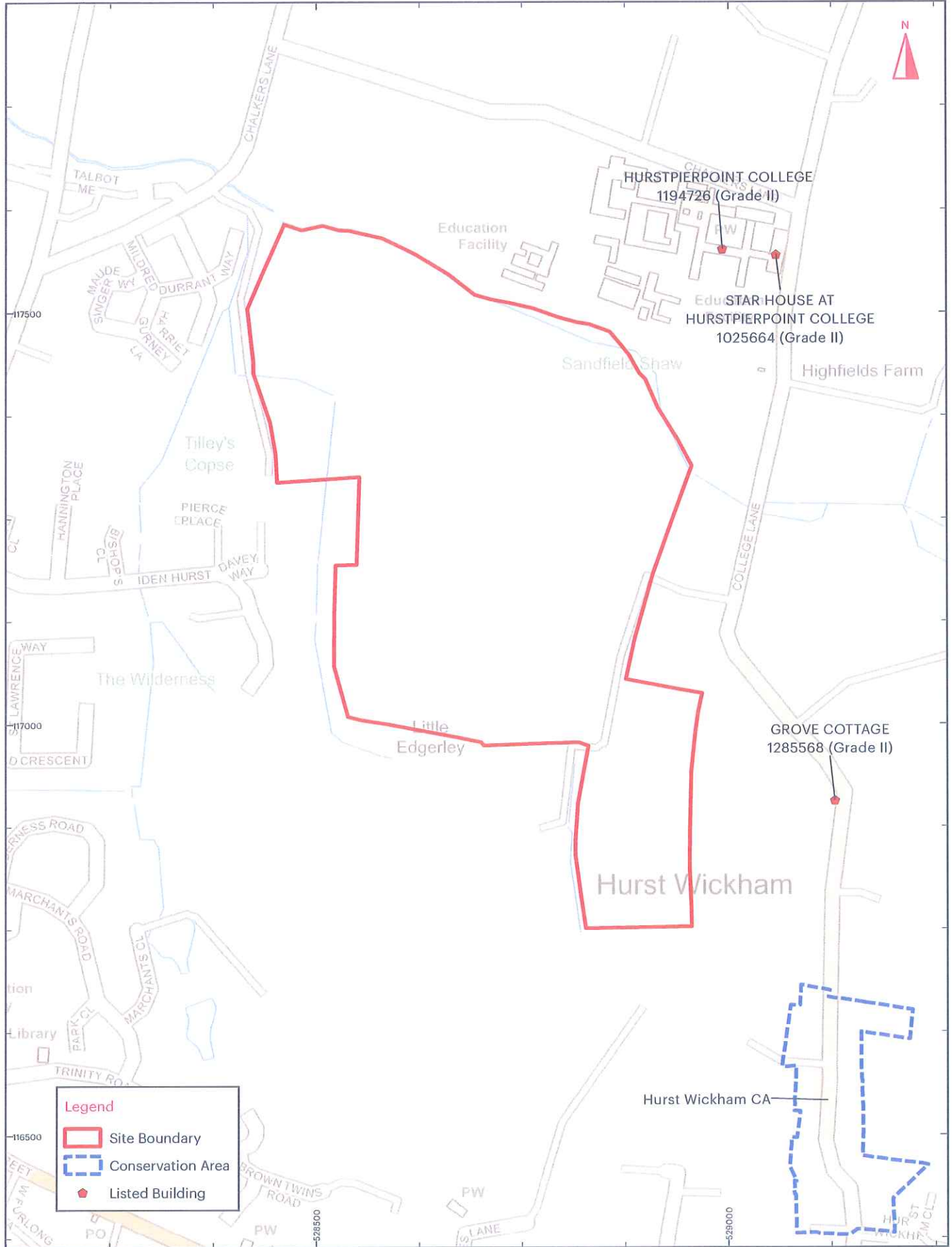
- 3.4** The area of the proposed housing is considered to lie beyond the setting of all three blocks of the Hurstpierpoint Conservation Area. There is one vista point identified on the significant views map of the Hurstpierpoint Conservation Area from just north of St Georges Lane that is toward the study site. However, the proposed developable area of the site is 0.5km to the north and is screened from the view by intervening hedges, trees and other vegetation. Consequently, there will be no effects on this view. The southern part of the proposed potential extension Country Space would be within this view but there will be no effect on this view. Consequently, the development of the study along the parameters as outlined in the illustrative masterplan will not result in harm to the significance of any of the three blocks of Hurstpierpoint Conservation Area.



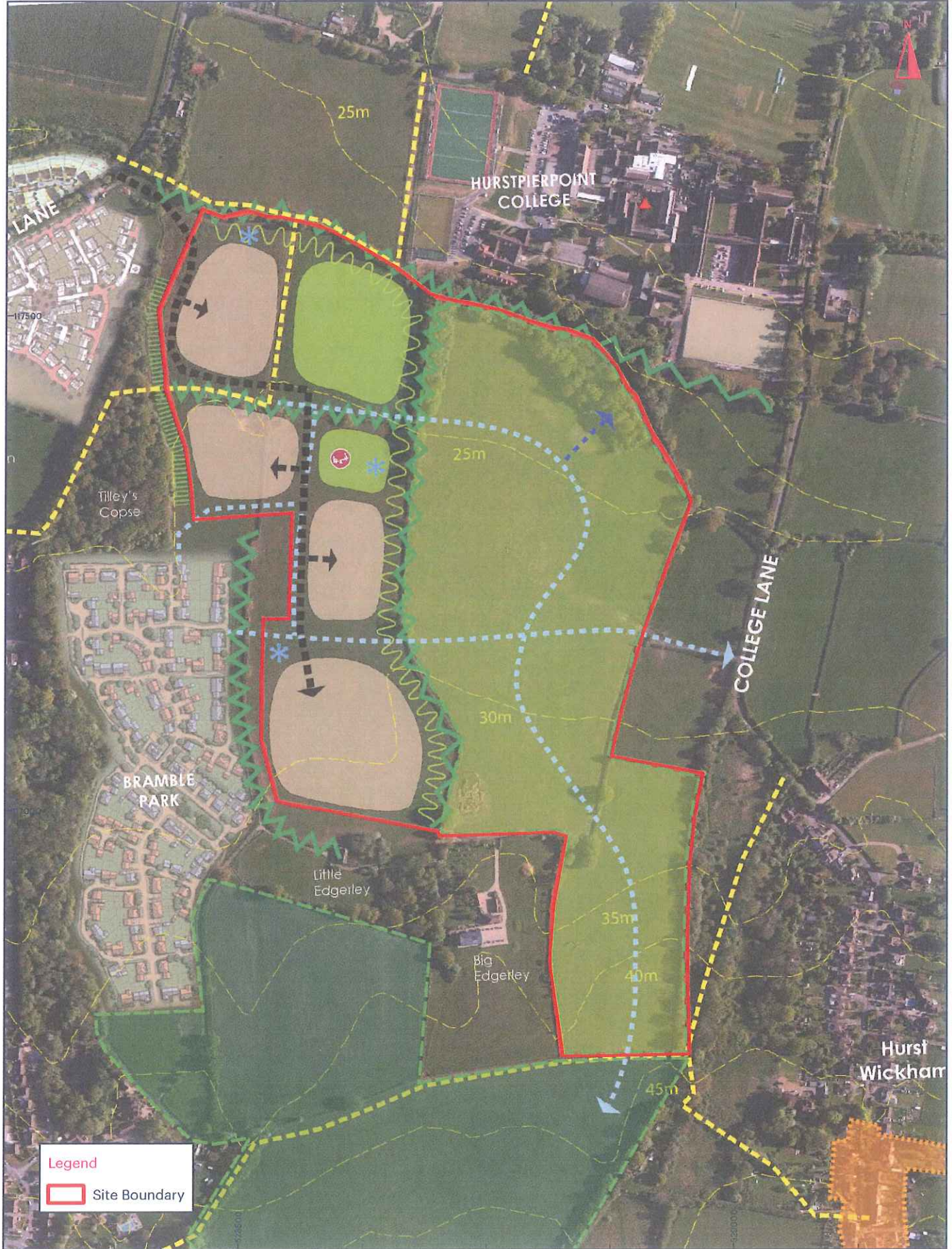
Title:
Figure 1: Site Location
Address:
Little Park Farm, Hurstpierpoint

Scale at A4: 1:10,000

0 300m



<p>Title: Figure 2: Location of Designated Assets</p> <p>Address: Little Park Farm, Hurstpierpoint</p>	<p>Scale at A4: 1:6,000</p> 	
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Title:
Figure 3: Opportunities and constraints plan
Address:
Little Park Farm, Hurstpierpoint

Scale at A4: 1:5,000
0 150m



2165

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA20

ID: 2165

Response Ref: Reg19/2165/3

Respondent: Mrs & Mr J & J Hayler

Organisation:

On Behalf Of:

Category: Resident

Appear at Examination? x

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
28th September 2020

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

Re: Consultations on Proposals SA20, SA19, SA18 & SA22 – East Grinstead, Felbridge and Crawley Down

Dear Sirs

We wish to register our objection to the above proposals - for the building of 500 houses on Imberhorne Farm, 200 houses in Felbridge, development of housing at East Court at the former East Grinstead police station and 50 houses on farmland on the southern edge of Crawley Down - for the following reasons:

There has been a failure to consult the local community. Most local residents have only been made aware of this consultation following local posters attached to trees adjacent to the areas concerned, on the local footpaths and bridleways.

Development of housing of this magnitude within the locality to East Grinstead will have a major impact on the local infrastructure, roads, schools and health provision. It is already challenging to get registered with a GP in East Grinstead as their list are regularly closed due to capacity. The A22 and A264 are roads with major congestion due to the amount of local and through traffic. We believe this proposal is contrary to the neighbourhood plan.

As a frequent user of the Worth Way and connecting bridleways and footpaths between East Grinstead, Felbridge and Crawley Down, we know these areas well. These proposals will have an unacceptable impact on the area. Since the lockdown in March the usage of these areas by local walkers, runners, cyclists and horse riders has increased substantially. We need areas of open land between East Grinstead and the nearby villages more than there is a demand for housing. The area has diverse flora and fauna which will be directly impacted and this area is very close to the 7km zone of influence of Ashdown Forest.

Please consider this letter as an objection to this consultation and we call on the council to reject the proposals.

Yours sincerely

Judy F Hayler

John D Hayler

2171

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA20

ID: 2171
Response Ref: Reg19/2171/1
Respondent: Mr S Tremmel
Organisation:
On Behalf Of:
Category: Resident
Appear at Examination? x

[REDACTED]

From: stephen tremmel [REDACTED]
Sent: 27 September 2020 20:29
To: ldfconsultation
Subject: Proposed 550 houses at Imberhorne Farm:

Dear Sir/Madam,

I am writing to you to object on the 550 houses proposed at Imberhorn farm.

I feel very strongly that this vast development will have significantly harmful impact to an area that is recognised as an important site for birds such as the Skylark which inhabits this particular area for its unique biodiversity. The requirements for this particular species have also been pointed out by the Developers on ecological survey.

In paragraph 175 of the National Planning Policy Framework (NPPF) 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."

to not comply with this legislative argument alone absolutely goes against the NPPF least of all the principle and morality argument. Further to this, there is a very large and vastly important ancient woodland adjacent to the site. We have lost a huge percentage of ancient woodlands due to development; we simply cannot afford to lose anymore through inappropriate development.

Please understand the importance of my argument and the wider negative ramifications this would have if you allow this development to go ahead

Yours sincerely

S Tremmel

2231

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA20

ID: 2231

Response Ref: Reg19/2231/1

Respondent: Mrs R Smith

Organisation:

On Behalf Of:

Category: Resident

Appear at Examination? x

[REDACTED]

From: R [REDACTED]
Sent: 28 September 2020 14:28
To: ldfconsultation
Subject: SA20 East Grinstead - Proposed Imberhorne Development

Categories: Alice

Dear Sir/Madam,

I wish to lodge my objection to the proposed Imberhorne development in East Grinstead (the land South and West of Imberhorne Upper School).

Mrs Roz Smith

[REDACTED]

2253

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA20

ID: 2253

Response Ref: Reg19/2253/1

Respondent: Ms C Bryant

Organisation:

On Behalf Of:

Category: Resident

Appear at Examination? x

From: Claire Bryant [REDACTED]
Sent: 28 September 2020 13:58
To: ldfconsultation
Subject: Fwd: SA20

Categories: [REDACTED]

Sent from my iPad

Begin forwarded message:

From: Claire Bryant [REDACTED]
Date: 28 September 2020 at 13:36:25 BST
To: LDFconsultation@midsussex.org.uk
Subject: SA20

I am writing to state my objection to the proposed housing development on this land.

1. I believe that there are more practical and suitable sites that should have been considered.
2. East Grinstead is already suffering from poor traffic management and this development will only add to the problem and there does not appear to be a plan for resolving either the original problem or The proposed increase in traffic.
3. Whilst we are living in difficult times we also appear to be living with decisions bring made without the proper public consultation...several things are slipping under the radar whilst public attention is being held elsewhere. .
4. I also have to question why so many houses, is this a sustainable solution to the housing problem.... is there a housing problem that requires the building of vast amounts of tiny houses not fit for purpose. The usual build them because they fit rather than for future homes for generations to come.
5. There are other smaller potential sites that could have offer a more sensible and sustainable solution whilst offer smaller communities and transport disturbances. Also this would offer better chances of local employment and schooling.
6. I believe a better attempt should have been made by the council for a public consultation. We did have a brief respite from lockdown
7. One of my major objections is that yet again...plans to rip and destroy natural areas, devastating flora and fauna because you can. No amount of natural tree lines, park spaces and playgrounds can replace ancient farm land and trees. Yet again in the name of development , but in reality greed , you are planning to ignore nature and concrete a purpose built complex onto the earth.
8. Yes we need homes, yes we need community but one size fits all is not the solution. Small infills offer individuality, they offer work for the many and not just the big boy builders throwing up properties that need repairing before people even move in,

Please, please go back to basics, build homes by all means but not estates. Please take this site off the table because if it goes through there will be no moral standards to stop the flood that's waiting behind it.

Claire Bryant
[REDACTED]

2287

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA20

ID: 2287
Response Ref: Reg19/2287/1
Respondent: A Casey
Organisation:
On Behalf Of:
Category: Resident
Appear at Examination? x

[REDACTED]

From: Alix Casey [REDACTED]
Sent: 28 September 2020 18:52
To: ldfconsultation
Subject: SA20 Sites DPD

Categories: [REDACTED]

Dear Sirs

I have been carefully looking at your proposed site allocations plan for land south and west of Imberhorne Upper School and as a resident on [REDACTED] am extremely concerned with the proposed development because of the impact it will have on traffic, both on Imberhorne Lane and Heathcote Drive. For some years now, the traffic on Heathcote Drive and Imberhorne Lane has been steadily increasing as drivers seek to avoid the A22 build-up of traffic to and from East Grinstead. The two roads are also busy with traffic taking children to and from the school with parents avoiding the A22 approach and this will increase with the possible move of Imberhorne Lower School to the same site. At busy times we have vehicles at a standstill, exhausts polluting the air and also exiting and entering our properties becomes extremely difficult, especially for those of us who are elderly.

I am, therefore, urgently asking you to reconsider this proposed development and the impact it will have on the area.

2323

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA20

ID: 2323

Response Ref: Reg19/2323/1

Respondent: Mr M Casey

Organisation:

On Behalf Of:

Category: Resident

Appear at Examination? x

[REDACTED]

From: Michael Casey [REDACTED]
Sent: 28 September 2020 19:32
To: ldfconsultation
Subject: Proposed development SA20

Categories: SiteDPD, [REDACTED]

I'm Michael Casey of [REDACTED]

The proposed SA20 development raises a number of serious issues and should be reconsidered

The first issue is the loss of productive farmland. The area designated for housing will take out of agricultural production one field that is used for sheep pastureland and a further three fields that have had crops this year (one of which has already been ploughed for the next crop). The area designated as SANG will take out of production two further fields that have carried crops this year.

The second issue is the loss of recreational space to the local and wider communities. The surrounds of two of the fields proposed for housing are permissive walks, these will be lost to the local community. A number of those walking these routes approach from Imberhorne Lane. The proposed SANG area will be another 1km (0.6 miles) from Imberhorne lane which means an additional two km round trip. For elderly walkers this may well mean a full loss of this exercise facility.

It does seem that the proposed location of this proposed SANG area is such that it is as far away from the people that might use it as it is possible to be.

Related to this, I consider that it is unlikely that a private developer will provide the required quality and degree of access through the proposed housing to Gullege and then on to the Worth Way despite there being a PROW.

The third issue is the inevitable impact on traffic. Imberhorne Lane is already busy during the morning and evening peak times. It carries traffic to/from the south, which is joined by traffic flowing on Heathcote Drive and then joins the A22 and then feeds into the A22/A264 junction at Felbridge which is already at saturation at a number of times during weekdays and weekends. An additional 550 dwellings with the proposed social and educational infrastructure will bring additional traffic and create traffic management issues.

Speaking from personal experience and concern, the fourth issue is one of health. As well as the congestion and traffic management issues arising from additional housing, where I live there is an air quality issue. Particularly during the morning peak, the traffic coming westward along Heathcote Drive to its junction with Imberhorne Lane is frequently stalled. The queue can be 100 to 150 metres in length. If traffic coming northwards along Imberhorne Lane increases, the queuing time on Heathcote Drive will increase with a resultant increase in air pollution.

It is correct that traffic lights are planned for this junction? As the current queues not long enough?

Has any thought be given to who lives near this junction? Is it known that the householders on this stretch of Heathcote Drive are mainly pensioners and senior pensioners at that?

2360

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA20

ID: 2360

Response Ref: Reg19/2360/2

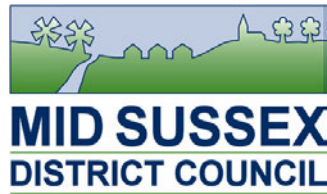
Respondent: Ms B Fox

Organisation: The Woodland Trust

On Behalf Of: The Woodland Trust

Category: Organisation

Appear at Examination? x



Site Allocations Development Plan Document Regulation 19 Submission Draft Consultation Form

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

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

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

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

The Site Allocations DPD is available to view at:

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

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

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

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

How can I respond to this consultation?

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

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

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

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

E-mail: LDFconsultation@midsussex.gov.uk


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

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

1. Personal Details

Title	<input type="text" value="Ms"/>
First Name	<input type="text" value="Bridget"/>
Last Name	<input type="text" value="Fox"/>
Job Title (where relevant)	<input type="text" value="Regional External Affairs Officer"/>
Organisation (where relevant)	<input type="text" value="Woodland Trust"/>
Respondent Ref. No. (if known)	<input type="text"/>
On behalf of (where relevant)	<input type="text"/>
Address Line 1	<input type="text" value="██████████"/>
Line 2	<input type="text" value="██████████"/>
Line 3	<input type="text" value="███"/>
Line 4	<input type="text"/>
Post Code	<input type="text" value="██████"/>
Telephone Number	<input type="text" value="██████████"/>
E-mail Address	<input type="text"/>

.....

 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:

Woodland Trust

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

8

Draft Policies Map

4. Do you consider the Site Allocations DPD is:

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

Yes

No

4b. Sound

Yes

No

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

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

The Woodland Trust is concerned about the justification for the allocation of site SA8 given its proximity to ancient semi-natural woodland at Bensonshill Wood (grid reference: TQ26233233).

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.

Areas of natural woodland, in particular ancient woodland, are vulnerable to pollution, encroachment from development, and habitat fragmentation. It is important that any development is located and designed to avoid damaging ancient woodland, providing buffers for designated sites and protecting connectivity between wildlife habitats. Further information is available in the Trust's *Planners' Manual for ancient woodland*.

We recognise the intense pressure to identify and bring forward new sites for housing and employment uses. This pressure makes it all the more important that vital protections for ancient woodland and veteran trees are upheld.

The National Planning Policy Framework (NPPF) (paragraph 175c) states: "When determining planning applications, local planning authorities should apply the following principles: c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists".

Direct impacts that would lead to damage or loss of ancient woodland habitat or veteran trees must either be avoided or compensated for if the need is judged to be truly exceptional; there is no appropriate mitigation for the loss of irreplaceable habitats.

Where development sites are adjacent to ancient woodland, we recommend that as a precautionary principle, a minimum 50 metre buffer should be maintained between a development and the ancient woodland, including through the construction phase, unless the applicant can demonstrate very clearly how a smaller buffer would suffice. A larger buffer may be required for particularly significant engineering operations, or for after-uses that generate significant disturbance.

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.

As noted above, the Woodland Trust recommends that as a precautionary principle, a minimum 50 metre buffer should be maintained between a development and the ancient woodland, including through the construction phase, unless the applicant can demonstrate very clearly how a smaller buffer would suffice. A larger buffer may be required for particularly significant engineering operations, or for after-uses that generate significant disturbance. This is recommended to safeguard the ancient woodland in line with the NPPF paragraph 175c.

We therefore recommend rewording SA8 to read that should the site be allocated for development, then • An area of Ancient Woodland is adjacent on the eastern border. Development should be situated outside a minimum 50m buffer zone of ancient woodland.

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

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

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

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

Yes, I wish to participate at the oral examination

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

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

10. Please notify me when:

(i) The Plan has been submitted for Examination

(ii) The publication of the recommendations from the Examination

(iii) The Site Allocations DPD is adopted

Signature:

Bridget Fox

Date:

25 September 2020

Thank you for taking time to respond to this consultation

Part B – Your Comments

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

Name or Organisation:

3a. Does your comment relate to:

Site Allocations DPD	<input 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 Policy SA Draft Policies Map

4. Do you consider the Site Allocations DPD is:

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

4b. Sound Yes No

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

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

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

The Woodland Trust is concerned about the proximity of this site (Land south and west of Imberhorne Upper School) to ancient woodland at Leppards Wood (grid reference: TQ37073895). We do welcome the proposal for a larger than 15 m buffer but are concerned that the policy refers to potential mitigation of habitat loss or compensation for such loss. Ancient woodland is irreplaceable, and there is no appropriate mitigation for the loss of irreplaceable habitats.

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.

Areas of natural woodland, in particular ancient woodland, are vulnerable to pollution, encroachment from development, and habitat fragmentation. It is important that any development is located and designed to avoid damaging ancient woodland, providing buffers for designated sites and protecting connectivity between wildlife habitats. Further information is available in the Trust's *Planners' Manual for ancient woodland*.

We recognise the intense pressure to identify and bring forward new sites for housing and employment uses. This pressure makes it all the more important that vital protections for ancient woodland and veteran trees are upheld.

The National Planning Policy Framework (NPPF) (paragraph 175c) states: "When determining planning applications, local planning authorities should apply the following principles: c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists".

Direct impacts that would lead to damage or loss of ancient woodland habitat or veteran trees must either be avoided or compensated for if the need is judged to be truly exceptional; there is no appropriate mitigation for the loss of irreplaceable habitats. Where it is deemed that there is going to be unavoidable residual damage or loss to ancient woodland, the measures taken to compensate for this must be of a scale and quality commensurate with loss of irreplaceable habitat. Where ancient woodland is to be replaced by new woodland, this should aim to create 30 hectares of new woodland for every hectare lost.

Where development sites are adjacent to ancient woodland, we recommend that as a precautionary principle, a minimum 50 metre buffer should be maintained between a development and the ancient woodland, including through the construction phase, unless the applicant can demonstrate very clearly how a smaller buffer would suffice. A larger buffer may be required for particularly significant engineering operations, or for after-uses that generate significant disturbance.

We have no objection to appropriate well-managed access to ancient woodland as part of a wider woodland management plan.

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.

As noted above, the Woodland Trust recommends that as a precautionary principle, a minimum 50 metre buffer should be maintained between a development and the ancient woodland, including through the construction phase, unless the applicant can demonstrate very clearly how a smaller buffer would suffice. A larger buffer may be required for particularly significant engineering operations, or for after-uses that generate significant disturbance. This is recommended to safeguard the ancient woodland in line with the NPPF paragraph 175c.

We therefore recommend rewording SA20 to read that should the site be allocated for development, then • *Provide necessary protection and mitigation, including measures to protect from inappropriate use of the woodland, provision of a woodland management plan and woodland enhancement package along with a substantial semi-natural buffer of 50m between development and areas of Ancient Woodland.*

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

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

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

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

Yes, I wish to participate at the oral examination

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

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

10. Please notify me when:

- (i) The Plan has been submitted for Examination X
- (ii) The publication of the recommendations from the Examination X
- (iii) The Site Allocations DPD is adopted X

Signature:

Date:

Thank you for taking time to respond to this consultation

2401

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA20

ID: 2401
Response Ref: Reg19/2401/2
Respondent: Mrs G Jordan
Organisation:
On Behalf Of:
Category: Resident
Appear at Examination? ✓

From: eforms
Sent: 28 September 2020 19:50
To: ldfconsultation
Subject: Site Allocations DPD Consultation Response (Ref: DPDCon-1601318831)
Attachments: Site Allocations DPD Consultation Repsonse Form.pdf

Categories: [REDACTED]

Name	Gillian Jordan
Address	[REDACTED]
Phone	[REDACTED]
Email	[REDACTED]
Which document are you commenting on?	Site Allocations DPD
Sites DPD Policy Number (e.g. SA1 - SA38)	SA19
Do you consider the Site Allocations DPD is in accordance with legal and procedural requirements; including the duty to cooperate	No
(1) Positively prepared	Unsound
(2) Justified	Unsound
(3) Effective	Unsound
(4) Consistent with national policy	Unsound
Please outline why you either support or object (on legal or soundness grounds) to the Site Allocations DPD	<p>MSDC has failed to consult fully, widely and publicly with the communities that are directly and indirectly affected by the proposed 200 houses south of Crawley Down Road, Felbridge Surrey and West Sussex. The impacted road, Crawley Down Road has the county boundary running across and down it such that it sits in two counties.</p> <p>Publicity that it had undertaken was inadequate for the following reasons;</p> <p>Limited public communication, some of which involved passive optional third party methods, the onward communication of which was not assured or monitored.</p> <p>No direct personal communications to impacted residents, lack of insertion into rthe Council's own relevant newsletter 'MidSussex Matters' and misleading information regarding dates of plans (i.e.2021).</p> <p>No local explanatory exhibition in an easy to access public space like the village</p>

primary school or village hall.

Allocation of site SA19 would be contrary to the NPPF and the Local Development Plan

Unsound because ...

- ↳ Sites SA19 is in conflict with Neighbourhood and District Plan policies
- ↳ Proposed site allocations at Felbridge is 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

It also seems that the rationale for the housing development proposal is to meet a shortfall in Crawley housing - it is totally unclear why this village location is allocated for Crawley overspill housing when there are many closer areas to Crawley than one has to East Grinstead.

The plan for SA19 is not legally compliant due to the failure to properly consult, communicate and consider the protected nature of land which is suggested can be used to make safe access and egress. The playing field, bowling green and the strip of land to the northern edge of Crawley Down Road containing the Evelyn Chestnuts, the village green land where Crawley Down Road joins Copthorne Road ('the fork') are all subject to protections which can and should not be overturned - they collectively make Felbridge the village it is. A village which is mostly in Tandridge a Surrey Council district.

The local village school roadside parking and pick up vehicles and traffic along the Crawley Down and Copthorne Road heading into or through the village, already make this area congested with lengthy delays throughout the day - particularly at school times and peak commuter times. Increased traffic, school children, commuter traffic will render this difficult and intolerable for village residents.

The current plan intends to wantonly disrupt a long established bridal path Gullege lane which has and is used frequently by pedestrians, cyclists dogs and horses.

I also refer you to the very well thought out response from Felbridge Parish council - attached to this response - with which I very much agree.

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.

Legal access and egress to Crawley Down Road SA19 consider legal access (not just some desire without properly understanding land ownership/restrictions that are in place in perpetuity). I do not have sufficient knowledge of all the land to know what might be possible - but it is clear that what is planned is not legally possible.

The proposed building in the field to the west of Gullege Lane should be removed from the development plan; it is an established natural meadow (of many years if not hundreds, and is still producing hay today) it suffers significant regular flooding in itself - central parts and towards the Crawley Down Road field side and causes flooding into gardens along its length due to the field elevation being higher than gardens in several places.

The Development plans should be urgently reviewed in the light of the significant impact of COVID-19 upon the operations of one of the largest employers in the Mid Sussex area - Gatwick Airport. Felbridge is inside the 'Gatwick Diamond', many airlines are either not now operational from Gatwick or are on reduced timetables

for the foreseeable future and the airport itself has laid off many workers - it is hard to imagine that there is a growing need when jobs are reducing not expanding and many people will or have become unemployed.

The village has no doctor's surgery, pharmacy, dentist, opticians and only a small convenience store, of which opening hours are subject to change without notice. The plan has failed to address the needs of existing or potential new local people. Without nearby facilities, a culture of increased frequent local trips would further increase traffic, pollution and congestion - any plans should consider the needs of existing and potential populations - of which this plan seeks to increase village residency significantly (over 25% I understand).

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

- a. 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.
- b. The WSP transport report should be published in full and its findings submitted for consultation.
- c. A proper assessment of residents needs and impacts - as stated by residents - not planners who do not live there.

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

If your representation is seeking a change, do you consider it necessary to attend and give evidence at the hearing part of the examination Yes, I wish to participate at the oral examination

If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary My family have long been part of this village, I do not believe that sufficient consideration has been given to understanding what lands are under permanent protection - telling West Sussex and Surrey councils to just sort out the access/egress issues clearly demonstrates that they have not properly understood. They only have to read the Felbridge Parish Council response to the plan to find out.

Please notify me when-The Plan has been submitted for Examination yes

Please notify me when-The publication of the recommendations from the Examination yes

Please notify me when-The Site Allocations DPD is adopted yes

Date 28/09/2020

2438

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA20

ID: 2438

Response Ref: Reg19/2438/1

Respondent: Ms K Nottage

Organisation:

On Behalf Of:

Category: Resident

Appear at Examination? x

Name	Kerry Nottage
Respondent ref. number	SA20
Address	[REDACTED]
Email	[REDACTED]
Which document are you commenting on?	Site Allocations DPD
Sites DPD Policy Number (e.g. SA1 - SA38)	SA20
Do you consider the Site Allocations DPD is in accordance with legal and procedural requirements; including the duty to cooperate	No
(1) Positively prepared	Unsound
(2) Justified	Unsound
(3) Effective	Unsound
(4) Consistent with national policy	Unsound

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

Objection to SA20

We refer to the proposal for 550 dwellings to be built on the farmer's fields (land south and west of Imberhorne Upper School), Imberhorne Lane, East Grinstead.

If this proposed development for 550 houses goes ahead, we do not believe the current infrastructure in this part of East Grinstead is able to support it.

The proposed site has only two access roads to the new development, both exiting on to Imberhorne Lane at either side of the existing Crest Nicholson "Oaks" development. Imberhorne Lane and its junction with London Road are already incredibly busy. The senior school means that traffic during weekdays is already very bad and bottlenecks often occur. Traffic islands have recently been constructed as a calming measure and to protect children crossing the road. Parents are already worried about the safety of their children and the traffic from a further 550 homes that can only exit onto Imberhorne Lane will make the situation far worse and very dangerous.

We have observed "traffic counting" measures along Imberhorne Lane to, presumably, prepare a traffic study for the proposed development. Our recollection is that these studies were conducted at times that do not reflect the true picture of the traffic situation. One was conducted at a weekend and one on a bank holiday. Additionally, the Covid-19 lockdown restrictions that have been in place throughout much of 2020 mean it would be hard to get a clear idea of normal school pickups and commuter journeys as these have been altered with home working and closures of the schools.

Besides the traffic, other essential amenities are under resourced. I cannot find a Dentist who can see me as the surgeries are full. I travel to another county and see a previous dentist from where I used to live. I am registered at a Doctors in East Grinstead but appointment times are long. I have waited over six weeks to see a Doctor many times. Indeed, according to a report by the BBC, Horsham and Mid Sussex is the second worst area in the country for GP access. This is not acceptable. Having additional families in the area needing GP access will not be viable and will stretch the infrastructure well beyond its capacity.

I would urge the Council to rethink this large development. It needs to provide proper infrastructure and amenities for the residents who are already here before adding more.

I wish to be kept fully in the loop of any further developments on this land.

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.

To avoid Imberhorne Lane as an access road and to provide more amenities to the area before considering more housing.

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

If your representation is seeking a change, do you consider it necessary to attend and give evidence at the hearing part of the examination

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

Please notify me when-The Plan has been submitted for Examination

yes

Please notify me when-The publication of the recommendations from the Examination	yes
Please notify me when-The Site Allocations DPD is adopted	yes
Date	28/09/2020