

**MID SUSSEX LOCAL PLAN 2014-2031**  
**SITE ALLOCATIONS DEVELOPMENT PLAN DOCUMENT**  
**EXAMINATION**  
**INSPECTOR'S MATTERS, ISSUES AND QUESTIONS (MIQS)**

**HEARING STATEMENT FOR MATTER 1.1**

**PREPARED ON BEHALF OF BURGESS HILL TOWN COUNCIL  
AND SOFLAG (SOUTH OF FOLDERS LANE ACTION GROUP)**

**MATTER 1 - LEGAL REQUIREMENTS, SCOPE OF THE LOCAL PLAN AND DUTY TO COOPERATE**

**1.1 Legal Requirements:**

- (i) *Does the Site Allocations Development Plan Document (which I will refer to as the Plan from now on) meet all its legal requirements (e.g. in relation to the Local Development Scheme; Statement of Community Involvement; and the Town and Country Planning (Local Planning) (England) Regulations 201 (as amended (2)? Are there any other legal compliance issues?*
- (ii) *Has the Council followed due process in its preparation of the Plan, including the process of site selection and public involvement?*

- 1. We strongly contend that due process has not been followed in the preparation of the DPD, and would particularly wish to highlight the inadequacies of and inequities within the Site Selection process. This sub-standard methodology and poor reasoning in assessing Sites has led to an unfair and unsound selection of Sites for proposed residential allocation, and therefore renders the DPD 'unsound'.**

### Inadequate Site Selection Criteria

2. The scope and range of the Site Selection Criteria utilised throughout the formulation of the Draft Local Plan (and as set out within the pro-forma seen within the Site Selection Paper 3, Appendix B, Update, Dated September 2020) are inadequate and sub-standard, and lack reference to critical assessment criteria, including:
  - An assessment as to whether each Site has synergy / compliance with the overarching spatial strategy within District Plan;
  - Any consideration / assessment of the Policy requirements of the Adopted District Plan and how they relate to the proposed residential development of each Site;
  - Any consideration / reference to Neighbourhood Plans and the compliance (or otherwise) of Sites being considered against made Neighbourhood Plan requirements.
3. In considering each of the above points, it is clear that the Site Selection criteria include 17 no. factors, against which each Site is assessed. The 'Part 1 Criteria' relate to 'Planning Constraints', and include:
  - AONB
  - Flood Risk
  - Ancient Woodland
  - SSSI/SNCI/LNR
  - Listed Buildings
  - Conservation Areas
  - Archaeology
  - Landscape
  - Trees / TPOs
4. Fundamentally however, these factors fail to address the overarching Spatial Strategy established through the District Plan, and with which any further Site Allocations within the DPD must adhere. In this respect, Policy DP6 (Settlement Hierarchy) of the District Plan identifies the various tiers of settlement within the District, and sets out the housing requirement for each settlement within the hierarchy.

In respect of Burgess Hill for example, it is made clear that the Strategic Allocations made through the District Plan adequately meet the housing needs of this town, with no further land required at this location for future allocation through the DPD.

5. Whilst it is recognised that the figures provided within Policy DP6 are minimum and do not therefore prevent the future allocation of further land within the DPD, we do consider that the residual housing requirements for each settlement, as set out within the Table on Page 37 of the Adopted District Plan, should have formed one of the Site Selection Criteria, when assessing the various site options being considered for allocation through the DPD process.
6. The lack of any consideration of the overarching spatial strategy and distribution of development has led to a sub-standard assessment of potential site options within the Site Selection process. We strongly suggest that this has resulted in the favouring of Sites which create a fundamental conflict with the spatial strategy of the Adopted District Plan, and a distribution of development which does not accord with the primary sustainability objectives of the District Plan.
7. Moreover, and moving on the second bullet point above, the 'Planning Constraints' identified within the Site Selection Criteria are also considered limited in their range and scope, with critical matters having been missed from the assessment process. For example, the District Plan makes clear through Policy DP13 (Preventing Coalescence) that:

*"The individual towns and villages in the District each have their own unique characteristics. It is important that their separate identity is maintained. When travelling between settlements people should have a sense that they have left one before arriving at the next. Provided it is not in conflict with Policy DP12: Protection and Enhancement of the Countryside, development will be permitted if it does not result in the coalescence of settlements which harms the separate identity and amenity of settlements, and would not have an unacceptably urbanising effect on the area between settlements."*

8. Whilst it is recognised that this is a Development Control policy within the District Plan, we consider that the requirement to prevent coalescence between settlements must be a fundamental consideration in the selection of further land for proposed residential allocation within the DPD. The lack of consideration of the potential for coalescence within the Site Selection Criteria is significant and again highlights the sub-standard methodology utilised for assessing potential Sites.
9. Similarly, and in considering the third bullet point above, the Site Selection process makes no reference to the content of Made Neighbourhood Plans. Despite the District Plan clearly stating that “there will be no necessity for the current generation of Neighbourhood Plans to increase their housing numbers” (Paragraph 3.32) and specifically, that “the District Council’s preference is that the location and nature of additional development is identified through Neighbourhood Plans” (Paragraph 3.21), the Site Selection process has no regard to the provisions of made Neighbourhood Plans and therefore is entirely at odds with the Council’s stated desire to give power and responsibility to local communities. The lack of any assessment of how a proposed Site complies with the provisions of a made Neighbourhood Plan therefore fails to consider a key part of the Development Plan and again, fails to provide a robust methodology for the assessment of possible sites for allocation within the DPD.
10. In this respect, it is clear that the Made Burgess Hill Neighbourhood Plan establishes (at Paragraph 2.19) that:

*“Taking into account existing commitments (1639 units), proposed sites emerging through Neighbourhood Plan policies (indicative 240 units) and the strategic development proposed in the emerging Mid Sussex District Plan (3500 units), a total of approximately 5379 units will be built within the town over the plan period. The objectively assessed housing needs of Burgess Hill (2378 units) will therefore be met and the Neighbourhood Plan does not formally allocate additional housing sites.”*

11. Paragraph 3.24 of the District Plan goes on to confirm that:

*“The identification in the District Plan of where new homes will be delivered (and the subsequent detailed allocations and policies in Neighbourhood Plans) is essential to demonstrate delivery of the new homes that Mid Sussex requires for its communities to become more sustainable and meet their needs. This will then protect the District from other development proposals outside of the areas identified in the District Plan and Neighbourhood Plans; ensure the Plan has local community support; and that the overall aims of the District Plan are not undermined.”*

12. Whilst it is recognised that the DPD is able to supersede policies within Neighbourhood Plans, this must be fully justified and rationalised, particularly where such Neighbourhood Plans are up-to-date and recently ‘Made’. In this case, no such assessment or justification within the Housing Site Selection Pro Forma (nor with the Sustainability Appraisal) (see Matter 2, 2.2 for further detail in respect of the SA) has been carried out by the Council.

13. We contend therefore, that the Site Selection Pro Forma and subsequent assessment process is critically flawed, with key matters failing to be considered. Compliance (or lack of compliance) with the overarching strategy of the District Plan, or with the content of Made Neighbourhood Plans should, we contend, weigh heavily in the assessment of possible residential sites for allocation in the DPD and their absence from this assessment process results in inadequate and poor quality conclusions being reached. Furthermore, the omission of other key factors from the Site Selection Pro Forma, such as ‘Prevention of Coalescence’ provides further evidence of a sub-standard methodology, again, producing conclusions and outcomes which are far from robust.

#### Inequitable and unsound assessment process

14. Notwithstanding the concerns identified above in respect of the range of criteria utilised for Site Selection, we also highlight significant and fundamental concerns relating to the application of the Site Selection criteria to each possible Site. When applying the 17 chosen criteria to each of the Sites put forward for consideration, there appears to be an inconsistency in approach and poor reasoning for the conclusions reached.

15. Firstly, we would highlight the lack of any detailed justification for the weighting attributed to each of the criteria used for assessment. Site Selection Paper 3: Housing Sites indicates at Paragraph 3.4.7:

*“All sites in a given settlement were ranked in relation to each other on the basis of their overall performance against the 17 site selection criteria. A degree of professional judgement was required as the criteria were not assumed to be of equal weight, meaning the overall performance was therefore not simply a tally of how many score very positively, positively, negatively, or very negatively.”*

16. No detail is given as to how this ‘professional judgement’ was applied, or how this influenced the ultimate decisions in respect of which Sites were discounted, and which were taken forward for further consideration.

17. Perhaps of even greater concern to my clients, is the inequitable and inconsistent application of the assessment criteria to the Sites being considered. Indeed, there are numerous examples of these inconsistencies, with three such examples identified in detail below.

- Example 1: Site ID 676 – Land south of 61 Crawley Down Road, Felbridge, East Grinstead (30 units, 1 ha)

This Site lies immediately adjacent to Site ID 196, which forms the subject of a proposed allocation SA19. The Application of the 17 Site Selection Criteria does not result in any ‘red’ assessments, and the ‘yellow’ assessments appear to raise uncertainties which could be addressed, rather than any fundamental impediments to development.

Notwithstanding this initial assessment, the Council concludes: "Assessment indicates site is not a reasonable alternative and is therefore not tested through the SA". The Site is not proposed for allocation.

- Example 2: Site ID 961 – 1-5 Queens Walk and 22-26 London Road, East Grinstead (100 units, 0.35 ha)

This Site lies in a highly sustainable location within the town centre. The Application of the 17 Site Selection Criteria produces all 'green' assessments, with many positives identified for the re-development of this Site, and no negative elements or constraints to development identified. Notwithstanding this initial assessment, the Council concludes: "Assessment indicates site is not a reasonable alternative and is therefore not tested through the SA". The Site is not proposed for allocation.

- Example 3: Site ID 327 – Car Parks at Hazelgrove Road, Haywards Road and to the rear of The Orchards, Hayward Heath (56 units, 1 ha)

This Site lies in a highly sustainable location within the town centre. The Application of the 17 Site Selection Criteria produces all 'green' assessments, with many positives identified for the re-development of this Site, and no negative elements or constraints to development identified. Notwithstanding this initial assessment, the Council concludes: "Assessment indicates site is not a reasonable alternative and is therefore not tested through the SA". The Site is not proposed for allocation.

18. Despite these highly positive assessments, there is no justification or rationale for why they have not been taken forward for more detailed assessment through the SA or through the later stages of site consideration.

19. Whilst we are not attempting to make any assessment here of the omission sites highlighted above, we do wish to stress the lack of transparency or clarity in respect of the Council methodology in site selection. The examples given herein provide a strong demonstration of the Council's poor reasoning, lack of consistency in approach and lack of transparency in determining which sites should advance to the next stage of scrutiny in the site selection process. As such, it is wholly unclear why certain sites, such as those highlighted herein, have been discounted for further assessment, whilst others (which appear to have scored more weakly against the 17 criteria) have been taken forward for consideration through the SA and are now being proposed for allocation.
20. Furthermore, and in addition to the examples given above, we would highlight further cases, where clear inadequacies or inequalities in the assessments have again led to less than robust conclusions. For example, when comparing the Pro Forma assessments for Site ID 573 (Land at Batchelors Farm, Burgess Hill) with Site ID 577 (now identified as proposed allocation SA13), it is clear that, despite their almost identical distances from key facilities and services, these two Sites have been assessed differently, as follows:

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

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



21. These apparent differences in walking distances to key facilities and services, leads to the conclusion that the Site south of Folders Lane is more favourably located, with superior access to education and other services when compared with the Site at Batchelors Farm. In actuality however, given the incredibly close proximity of the two Sites to each other, and to the facilities and services of Burgess Hill, there is absolutely no difference in walking times and therefore the conclusions reached (as identified above) are entirely misleading and inaccurate and furthermore, contribute to poor and unsound decision making on which Sites should be put forward for allocation.
22. We contend therefore, that a more consistent and robust approach to site selection may well have lead the Council to an alternative range of Sites for consideration, which would offer a more sustainable and well distributed pattern of development for the District.
23. This demonstrable lack of a robust, consistent or transparent methodology for Site Selection renders the DPD unsound, and we would urge the Inspector to agree with us on this Matter.

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