

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

**HEARING STATEMENT FOR MATTER 1.2**

**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**

1.2 *Scope of this part of the Local Plan*

*Summary of the scope of the Plan: The main aims on page 4, paragraphs (i) to (iv), make clear reference to the Spatial Strategy in the adopted District Plan, which provide for the delivery of around 543 jobs per annum from several sources, including a new science and technology park and several smaller employment allocations. The Plan also provides for a minimum requirement of 16,390 homes between 2014 and 2031 (equating to 876 dwellings per annum (dpa) until 2023/24, increasing to 1,090 dpa from 2011-2029). The Spatial Strategy distributes new development based on a sustainable hierarchy of settlement types, with the employment and housing over the plan period focused on the largest settlement, Burgess Hill, and to a lesser extent in the other towns, Haywards Heath and East Grinstead, and smaller amounts in the villages. The Spatial Strategy makes additional strategic allocations at Hassocks in the south of the District, close to Brighton and at Pease Pottage, in the north of the District, close to Crawley, having regard to the housing needs of these two urban areas.*

*The District Plan also aims to conserve and enhance the environment, including in the High Weald Area of Outstanding Natural Beauty (AONB), the Ashdown Forest 7km Zone of Influence and the setting of the South Downs National Park (SDNP), bearing in mind that the National Park is a separate local planning authority.*

- (i) *Is the scope of the Plan in line with the main aims and strategy of the District Plan as set out above, including as set out in the Executive Summary and in particular in relation to its four main aims which are set out on page 4 of the submitted Plan?*

1. The Executive Summary to the submitted DPD states:

“The District Plan, adopted in March 2018, sets out a commitment for the Council to prepare a Sites DPD, which 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.”

2. It is our belief that the main aims identified above are too limited and narrow in their scope, and fail to reflect the wider requirements of the District Plan, particularly with regard to the need to protect important landscape settings and environmental assets. Indeed, the ‘Strategic Objectives’ of the District Plan are identified within Chapter 2 of that document, with the first Priority Theme being – ‘Protecting and Enhancing the Environment’.

3. Under this broad heading, a number of Strategic Objectives are identified, including:
    - To promote well located and designed development that reflects the District's distinctive towns and villages, retains their separate identity and character and prevents coalescence
    - To protect valued landscapes for their visual, historical and biodiversity qualities.
  4. These Strategic Aims are translated into Strategic Policies within the District Plan, which serve to protect landscapes and environmental assets of high, national importance, including the High Weald Area of Outstanding Natural Beauty (AONB) (through Policy DP16) and the South Downs National Park (SDNP) (through Policy DP18).
  5. Given that the need to protect and enhance the environment is identified within the District Plan as a Strategic Objective, which is enshrined within the Overall Strategy and specific Strategic Policies of the District Plan (as identified above), it seems imperative that this is included as a 'Main Aim' of the DPD.
  6. Currently, the main aims identified within the Executive Summary of the DPD focus solely on the delivery of development (whether residential, employment or the Science and Technology Park); however, the critical balance of protecting environmental and natural assets of high importance is entirely ignored through these aims; we stress therefore that these aims must be broadened, to reflect the strategic aims of the District Plan, specifically in respect of protecting the setting of the SDNP and AONB.
- (ii) *Does the scope of the Plan accord with the Court of Appeal (COA) Judgment of Oxted Residential Ltd v Tandridge District Council (EWCA Civ 414; 29 April 2016)? This COA Judgment is in the Examination Library, and the paragraphs that I would particularly like to draw attention to are: 28, 31, 32 and 38. The third sentence of paragraph 38 states: An Inspector conducting an examination must establish the true scope of the development plan document he is dealing with, and what it is setting out to do. Only then will he be able to properly judge "whether or not, within the scope and within what it has set out to do", it is "sound" (Section 20(5)(b) [of the 2004 Act]).*

7. In the context of Paragraphs 1-6 above, we would stress that the aims and scope of the DPD should be broadened to include a consideration of its impacts upon identified landscape and environmental assets and designations. If the need to protect and enhance the natural environment is included as a main aim, then it is clear that the DPD fails to adequately respond to this key objective, most particularly, through the proposed allocation of Sites which wholly conflict with the Strategic Policy objective of preserving the setting of the SDNP.
8. If the main aims of the DPD are to include a requirement to protect important landscape settings and environmental / natural assets of identified importance, then it follows that an assessment must be made in respect of the whether the content of the DPD is successful in addressing this aim (balanced against other objectives), and therefore, whether the DPD is 'sound'.
9. As will be detailed further within our Hearing Statement in respect of Matter 3, we strongly contend that the proposed allocation of Site References SA12 and SA13 at Burgess Hill present a serious conflict with the objective of preserving the setting of the SDNP. In a broader sense however, we would stress that, in order for the DPD to be found sound, it must demonstrably meet its aims and objectives, which, we contend, must include a need to ensure the long-term protection of valued landscapes and protected / designated environments, including the SDNP and AONB.

*(iii) Does policy SA GEN adequately set out the general principles for the Site Allocations that are made in this Plan?*

10. Paragraph 2.1 of the DPD states that Policy SA GEN (General Development Principles for Site Allocations) provides an overview of the District Plan requirements that are relevant for all the sites that may relate to the development of a site and which should be addressed in detail at the planning application stage.
11. Whilst the majority of the Development Principles detailed are considered to represent the usual considerations applied at Planning Application stage, we are concerned that there are a number of matters which must be addressed through the Site Selection and Allocation process, in order to ensure that the allocations made within the DPD are sound.

12. Of primary concern is the requirement (under the heading 'Landscape Considerations') for "Development within the setting of the South Downs National Park will need to be consistent with National Park purposes and special qualities, as set out in the South Downs Local Plan and South Downs Partnership Management Plan and with District Plan Policy DP 18: Setting of the South Downs National Park."

13. It is our strong contention however, that this matter is fundamental in the Site Selection process, and should therefore be assessed during the consideration of sites proposed for allocation through the preparation of the DPD, rather than during the course of a Planning Application. Indeed, if a Site is allocated for residential development within the DPD which, through its location, landscape sensitivity and relationship to the National Park, is harmful to the setting of the SDNP, then this 'in principle' objection cannot be addressed at a later date through a Planning Application. As such, it is critical that Sites are properly assessed through the selection process, to ensure that in cases where a Site's proximity to and relationship with the sensitive landscape setting of the SDNP will lead to unacceptable harm, then such Sites are removed from further consideration as potential land allocations within the DPD.

*(iv) Does the Plan keep within its remit in relation the 'made' and emerging Neighbourhood Plans within the Plan Area?*

14. As stated previously within Paragraphs 9-13 of our Hearing Statement relating to Matter 1.1, it is clear that the submitted DPD does not accord with the provisions of the Made Burgess Hill Neighbourhood Plan, and, (contrary to the NP), seeks to allocate additional land at this town, over and above any residual residential requirement, despite the specific content of the Neighbourhood Plan (and District Plan), which indicates that there is no need to identify further land for residential development.

15. Again, whilst it is recognised that the policies of the DPD can supersede the content of the Made Neighbourhood Plan, this must be fully justified and rationalised. No such justification has been put forward by the Council. Instead, it is currently proposed that a significant quantum of additional land is allocated at Burgess Hill, which is neither necessary nor robustly justified, thus leading to an inequitable and harmful pattern of development, as will be further detailed within the Hearing Statement relating to Matter 3.

## **CONCLUSIONS ON MATTER 1**

16. The Site Allocations Development Plan Document fails to meet its legal requirements, particularly owing to the fact that the Council has failed to follow due process in the preparation of the Plan. The content of this Statement has demonstrated that the Council has not utilised a robust methodology in its Site Selection process, which has led to an unfair and unsound selection of Sites for proposed residential allocation, and therefore renders the DPD 'unsound'.
  
17. In addition, the scope of the DPD is also inadequate, and fails to reflect the strategic objective of the District Plan to protect and enhance the environment, with a particular focus upon protecting designated areas including the setting of the South Downs National Park. In order for the DPD to be found 'sound', it must reflect the strategic aims of the District Plan, and must perform properly to deliver these objectives.
  
18. The DPD as currently drafted, fails to reflect the content of the Made Burgess Hill Neighbourhood Plan and no robust justification or rationale has been provided by the Council to defend or substantiate this position.

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