



The countryside charity
Sussex

PUBLIC EXAMINATION OF MID SUSSEX DISTRICT COUNCIL'S DRAFT SITES ALLOCATION DPD

SUBMISSION BY CPRE SUSSEX AS TO THE SOUNDNESS OF DRAFT POLICY SAGen.

- 1 In this submission CPRE Sussex makes the case that, in order for the SADPD to be sound, its site allocation considerations need to reflect the conclusion of the District Plan Inspector that *“there is no evidence that meeting the District’s housing requirement will necessitate major development in the AONB”*. This can be achieved by amendment to either draft policy SAGen in order to make the SADPD sound.
- 2 Our suggested modification to SAGen would involve adding *“should be small scale and”* between *“Development in the High Weald AONB or within its setting”* and *“will need to conserve and enhance”* in the first line of the second bullet in the Landscape Considerations section of SAGen.
- 3 Without an amendment of this kind the SADPD will not be justified or consistent with national policy on AONB conservation from large scale development. The amendment would inform decisions in relation to allocations under this SADPD and any future allocations under the DP that the Council may consider.
- 4 A number of Category 3, 4 and 5 settlements are wholly or partly within the High Weald AONB¹ or just outside its boundary where development could affect the AONB’s setting.
- 5 Proposed development (residential or commercial) within, or affecting the setting of the High Weald, is subject to statutory, NPPF and District Plan DP16 constraints, all of which exist to ensure that the designated purpose of the High Weald is achieved to conserve and enhance the AONB’s unique landscape and natural beauty. NPPF para 172 specifically states that, for this reason, AONBs enjoy *“the highest state of protection”* from development, and that *“the scale and extent of development within these designated areas should be limited”* (our emphasis).
- 6 The current District Plan’s Inspector, Mr Jonathan Bore, in considering the compatibility of the Plan’s spatial distribution of housing requirement (DP4) and settlement hierarchy (DP6) with DP16 (High Weald AONB), approved the Plan with no specific spatial distribution at individual settlement level. He concluded that the Plan’s housing target could and should be met without large scale or major development within or affecting the High Weald AONB other than the Pease Pottage allocation at DP10.
- 7 In his final report to the Council (Doc DPD8) , dated 12th March 2018, the Inspector wrote ...

¹ Category 3: Ardingly, Balcombe, Handcross, Horsted Keynes, Pease Pottage, Sharpthorne, Turners Hill and West Hoathly. Category 4: Staplefield and Slaugham.

“ 32 There was a significant risk that unbalanced growth could take place in inappropriate locations or that growth in sustainable locations would be suppressed”

“49. ...Mid Sussex District is endowed with sites and areas of natural and historic interest; it has part of the South Downs National Park, the High Weald Area of Outstanding Natural Beauty (AONB) and various heritage designations. Moreover, many of the undesignated rural areas of the District are attractive countryside. Together, these assets are a central part of the character of the District.”

“50. However, it is possible to meet housing need without causing undue harm to these valued landscapes and without compromising the District’s character.”

“53. Further allocations are likely to be needed in the future Site Allocations DPD to meet the housing requirement. There are locations within the District of lesser landscape value, in relatively sustainable locations near to settlements and close to main transport routes. Some settlements lie within the AONB and may be appropriate for modest housing schemes, but there is no evidence that meeting the housing requirement will necessitate major development in the AONB other than that already permitted by the Council at Pease Pottage, or that it would harm the National Park.”

8. It is therefore clear from the Inspector’s report that he had evaluated the deliverability of the District Plan’s total housing target of 16,390 dwellings and concluded that it could be achieved without further large-scale development within the High Weald AONB, and that the AONB should be protected on account of its very special landscape character. It is not justifiable, in soundness terms, for this draft DPD, or any future allocations, to ignore or override that important conclusion as to how the priority dichotomy between housing delivery and AONB conservation is to be achieved. The purpose of our proposed amendment is to reflect Mr Bore’s conclusion that settlements within the AONB are only suitable for *“modest housing schemes”* within the Plan’s spatial distribution strategy on account of their location and (normally) unsustainability on transport grounds.
9. In response to Inspector’s initial questions (at para 4.3) MSDC accepts that the twelve category 3 settlements will not deliver the level of new development envisaged in DP4 because 8 of them are located within the High Weald. MSDC say that *“The shortfall at this category has been met by the more sustainable settlements in the hierarchy in accordance with the methodology”*.
10. The amendment to SAGen that we seek is fully compatible with, and complementary to, District Plan policy DP6 (settlement hierarchy) and policy DP16 dealing with the conservation and enhancement of the High Weald AONB. Together they would reflect the importance attached by Parliament, through the AONB designation process in Part IV of the Countryside & Rights of Way Act 2000 and NPPF para 172 to the importance of giving the highest status of protection to the High Weald’s landscape conservation in the national public interest whilst delivering the required development within the District.
11. The conservation and enhancement of the High Weald AONB matters not only for its unique landscapes and natural beauty that underlie its statutory designation, but also for a variety of other important environmental, social and economic benefits of great value. The recent Glover

review on the safeguarding of England's AONBs and national parks² highlights that they also play an especially important part in public health and wellbeing, biodiversity, and climate change management terms. The vibrancy of the town and village communities and businesses within the High Weald depends on the conservation and enhancement of its landscapes that attract people to the area.

12. NPPF para 172's insistence that any development within an AONB must be compatible with its essential conservation and enhancement purposes, must be limited in scale and extent, and that major development there must normally be refused, is intended to give effect to that; so development plans and planning applications have to be consistent with para 172.
13. The importance of protecting the High Weald from inappropriate development is highlighted by evidence which shows that, along with the Cotswolds, it is the most development-pressured AONB in England. Since the introduction of the NPPF in 2012, 15% of all new development allowed in all of England's 34 AONBs occurs in the High Weald and 77% of that has been permitted on greenfield sites within the High Weald. On sites for 10+ homes permission has been granted since 2012 for 3,935 new residential dwellings as at August 2020.³
14. In Mid Sussex alone (only 11% of the AONB area) permission has been granted under MSDC's 2014 -2031 District Plan for the building of 1,535 new residential dwellings within the High Weald since 2015.⁴
15. So, in the bigger picture MSDC's assertion that the 188 dwellings proposed for allocation within the Sites Allocation DPD "*represents only 1.1% of the housing 16,874 plan period supply set out in policy SA10*"⁵, and that it is consistent with NPPF para 172, is highly misleading. On the contrary, the conservation purposes for which the High Weald AONB was so designated is already being seriously eroded by this unparalleled level of development pressure. It is incompatible with the statutory duty imposed by the CROW Act s.85 on local planning authorities to give effect to the Act's policy purposes.
16. Compatibility with para NPPF 172 and the conclusions of the District Plan Inspector referred to above necessitates a clear spatial strategy policy that expressly recognises that new development within Mid Sussex's portion of the High Weald should be sustainably located in the context of its statutory protective designation, and hence small scale. Whilst there is a demonstrable need for small-scale affordable and social housing within the High Weald AONB to support and invigorate local communities and businesses, a prudent, effective spatial strategy requires directing large housing developments of mainly market housing away from the High Weald to alternative sustainable locations. The DP Inspector's above quoted passages demonstrate that

² See <https://www.gov.uk/government/publications/designated-landscapes-national-parks-and-aonbs-2018-review>.

³ Sources: Beauty Betrayed (2017) and Beauty Still Betrayed (April 2021): Independent reviews of housing in England's AONBs 2012-2020 jointly by the National Association of AONBs and CPRE. <https://www.cpre.org.uk/?s=Beauty+Betrayed>. The 3,935 figure understates reality, probably significantly, because of the absence of data on the number of homes permitted on small sites (<9).

⁴ Figures supplied by MSDC to CPRESx covering period April 2015 to September 2020, but including proposed AONB allocations under this SADPD.

⁵ MSDC response to Inspector's initial questions at para 2.1.

he has satisfied himself that such alternative locational options exist. There is therefore no justification for MSDC to seek to deliver its desired District-wide over-supply of housing via any large-scale development within the High Weald AONB (such as is proposed in draft policy SA25) - for which there is no need within the settlement itself.

17. For these reasons, CPRE Sussex considers that without the additional few words we propose be added to SAGen⁶ that policy is not demonstrably justified or compliant with national planning policy leading to the demonstrable risk of inappropriate allocations and permissions.

Note: Some of our comments here regarding the development pressures on the High Weald AONB may have a bearing on the "AONB" topic as part of matter 5 listed in the timetable for hearing on 15th June, depending on what issues the Inspector proposes to raise under that heading. To the extent relevant, please accept this submission as also made in respect of that topic.

12th May 2021

⁶ We have offered the phrase "small scale" development rather than "non-major" development as offering greater flexibility for the Council to consider the appropriateness or otherwise of development/allocation proposals that fail to meet the NPPF footnote 55 test of major development.