

Matters 1 & 2: Hearing Statement

Mid Sussex Site Allocations DPD Examination in Public

On behalf of Welbeck Strategic Land (II) LLP

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on behalf of

Welbeck Strategic Land II LLP

May 2021

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1. Introduction

- 1.1 DMH Stallard LLP act on behalf of Welbeck Strategic Land (II) LLP (“Welbeck”) in relation to the Mid Sussex Site Allocations DPD (“SA DPD”) and the Examination in Public (“EiP”).
- 1.2 Welbeck have a Promotion Agreement with the landowner of Imberhorne Farm, Imberhorne Lane, East Grinstead, part of which is allocated at Policy SA20 of the SA DPD and is known as *Land West and South of Imberhorne Upper School, East Grinstead* (the “Site”).
- 1.3 Policy SA20 of the SA DPD allocates the Site for:
- 550 dwellings, including 30% affordable housing
 - C4 hectares (net) playing fields for Imberhorne Secondary School
 - Land for a 2FE Primary School (with Early Years provision)
 - A mixed use ‘hub’, to include potential for a GP surgery
 - A Care Village
 - C40 hectares of Strategic SANG
- 1.4 This Hearing Statement refers to Matters 1 and 2, as set out in the Inspector’s Matters, Issues and Questions (“MIQs”) – Document ID-02. This supplements the submissions made during the Regulation 19 consultation (Doc ID SA20.10).

2. Matter 1: Legal Requirements, Scope of the Local Plan and duty to Co-operate

2.1 Welbeck intend to rely on previous evidence in regard to Matter 1.

3. Sustainability Appraisal (SA) and Habitats Regulation Assessment (HRA)

Is the Plan supported by the SA and HRA?

- 3.1 It is considered that the SA and the HRA both support and justify the SA DPD. The Council have published an SA at each stage of the consultation process clearly demonstrating how the development of the plan has considered sustainable development.
- 3.2 The SA clearly sets out the sustainability objectives and indicators. It then considers the requirement, site selection and options including reasonable alternatives. The housing requirement is largely defined by the District Plan, acknowledging commitments (planning permissions and new made Neighbourhood Plans), resulting in a residual housing requirement of 1,280 dwellings.
- 3.3 Equally, the strategy for distribution of housing is set out at policies DP4 and DP6 of the District Plan which sets out the settlement hierarchy, which defines East Grinstead as a Category 1 Settlement. The District Plan through these policies, also sets out a broad distribution for the allocation of residual housing. Through the SA, this has been adjusted to 706 dwellings to account for commitments since 2017 (Table 12). The SA DPD is the 'daughter document' to the District Plan and should accord with the strategic policies contained within.
- 3.4 The SA reviews those sites which have been considered compliant with the strategic policies of the District Plan, including proximity to sustainable settlements. Following the 'sifting' exercise that took place through the Strategic Housing and Economic Land Availability Assessment (SHELAA), the SA then undertakes a sustainability appraisal of the remaining site options.
- 3.5 The SHELAA sifting process and the SA appraisal identified land at west and south of Imberhorne Upper School (Policy SA20) as a site that performs well. This is set against a residual housing requirement of 706 dwellings and the District Plan spatial strategy which seeks to direct housing towards the most sustainable settlements (East Grinstead being a Category 1 settlement). The allocation of land west and south of Imberhorne Upper School will deliver 550 dwellings against the objectives of the District Plan and the SA DPD, which is supported by the SA evidence, including the residual housing requirement.

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- 3.6 The HRA is necessary to ensure that the SA DPD will not adversely affect the ecological integrity of the Ashdown Forest SAC / SPA which is outside, but on the boundary of the district. The HRA (Doc ID HRA1) acknowledges that any potential harm arising from recreational disturbance to the SPA can be successfully mitigated through the delivery of SANG and SAMM, as agreed with neighbouring authorities and Natural England. It acknowledges the strategic SANG at Ashplats Wood, East Court and the potential for new SANG options.
- 3.7 The land west and south of Imberhorne Upper School (policy SA20) will deliver a further strategic SANG of c40ha, which is secured in policy. This will provide a new SANG option to accommodate the growth provided for in the SA DPD, over and above the need arising from the allocation itself. As such, it can be concluded that the Council's strategy for the delivery of SANGs can successfully mitigate against recreational pressure on the Ashdown Forest SPA.
- 3.8 Furthermore, the SA DPD is supported by the HRA evidence around the nitrogen deposition and air quality arising from an increase in traffic, the HRA concludes that the growth scenarios show that breaches of 1% of the critical loads are so low that they are ruled out as having adverse effects on integrity as a result of the SA DPD and growth from neighbouring authorities, this conclusion is supported by Natural England and is based on specialist technical assessment. It can therefore be relied on and supports the allocation of land within the SA DPD, including land west and south of Imberhorne Upper School.

What evidence is there that the SA has influenced the Plan and/or undertaken a full assessment of realistic alternatives?

- 3.9 No comment.

Do any adverse effects identified in the SA require significant mitigation, and how does the Plan address these issues? Has appropriate account been taken of the recent People Over Wind & Sweetman v. Coillte Teoranta (C-323/17) Judgment in the ECJ (often referred to as the Sweetman 2 Judgment)?

- 3.10 The purpose of the SA is to promote sustainable development by assessing the extent to which the plan, when judged against reasonable alternatives, will help to achieve environmental, economic and social objectives. It is an appraisal of the Plan itself, and as such, takes into account any mitigation necessary to make a policy or proposal satisfactory.

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- 3.11 In relation to Policy SA 20 and land south and west of Imberhorne Upper School, the SA does not identify any residual adverse impacts which would indicate the Site should not be allocated. The SA process takes into account the policy requirements, including mitigation. It is acknowledged that a residual adverse impact remains in relation to the loss of greenfield land, but this is true of most development proposals, noting that only a proportion of housing needs can be met on previously developed land.
- 3.12 The SA rightly acknowledges mitigation in its assessment of site options, and in respect of the land west and south of Imberhorne Upper School, results in neutral or minor adverse impacts, which set against the benefits of the proposal, are significantly outweighed. As such, the SA does not identify any adverse effects which requires further significant mitigation than set out in Policy SA 20.