

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

HEARING STATEMENT FOR MATTER 2

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

MATTER 2 – SUSTAINABILITY APPRAISAL (SA) AND HABITATS REGULATION ASSESSMENT (HRA)

- 2.1 *Is the Plan supported by the SA and HRA?*
- 2.2 *What evidence is there that the SA has influenced the Plan and/or undertaken a full assessment of realistic alternatives?*
- 1. We strongly contend that the SA is inadequate in its content, methodology and findings, with a poor quality assessment of realistic alternatives undertaken. As such, the SA fails to provide the proper support to the DPD and fails to provide a robust or transparent assessment of possible housing sites, as detailed further below.**
 2. Section 6 of the SA considers the housing requirement, site selection and preferred options. Here, it is established that the District Plan sets a housing requirement for the plan period of 16,390 no. new dwellings. Since the Plan was adopted, housing completions and commitments have been updated to reflect the current position (as at 1st April 2020), including an up-to-date windfall projection. This resulted in a residual housing requirements of 1,280 no. dwellings (compared with that identified within the District Plan, which indicated a residual housing need of 2,439 no. dwellings.)

3. In order to meet the District Plan requirement in full within the plan period 2014-2031, it is intended that the DPD should at least plan for the 'residual requirement': a minimum of 1,280 dwellings and the SA indicates that this provision should be spatially distributed in accordance with District Plan Policies DP4: Housing and DP6: Settlement Hierarchy.
4. However, Table 12 of the SA again highlights the locations which have not yet provided for their full housing requirement, in accordance with the Settlement Hierarchy. This table is recreated below for ease of reference, and provides a clear demonstration that Burgess Hill has already fully met its housing requirement, whilst another Tier 1 settlement – East Grinstead – has a remaining residual requirement of 706 no. dwellings.

Category	Settlement	Residual Requirement (DP6)	Category Residual Requirement
1 – Town	Burgess Hill	0	706
	East Grinstead	706	
	Haywards Heath	0	
2 – Larger Village	Cuckfield	198	198
	Hassocks	0	
	Hurstpierpoint	0	
	Lindfield	0	
	Copthorne	0	
	Crawley Down	0	
3 – Medium Sized Village	Albourne	36	371
	Ardingly	16	
	Ashurst Wood	0	
	Balcombe	18	
	Bolney	30	
	Handcross	0	
	Horsted Keynes	70	
	Pease Pottage	0	
	Sayers Common	15	
	Scaynes Hill	119	
	Turners Hill	60	
	Sharpthorne	4	
	West Hoathly	4	
4 – Smaller Village	Ansty	0	5
	Staplefield	0	
	Slaugham	0	
	Twineham	5	
	Warninglid	0	
TOTAL		1,280	

5. Despite the fact that the SA and District Plan clearly identify that there is no residual housing requirement for Burgess Hill, the SA goes on to state at Paragraph 6.14 that “the District Plan spatial strategy was appraised and adopted before detail on individual sites was known” and therefore “whilst it is fully intended to allocate sufficient sites in order to meet the category/settlement residual requirements set out in DP4/DP6 as far as possible; there may be reasons why this cannot be achieved. This may be because:

- There were no sites submitted, or no suitable sites within a particular settlement or settlements;
- The total yield from all sites submitted to the Council would not achieve the residual figures identified for the settlement or settlements
- The in-combination negative impacts from allocating sufficient sites to meet the residual category/settlement need may, on balance, not outweigh any positive impacts anticipated.

I will come back to these matters below.

6. The SA goes on within Paragraphs 6.22 – 6.30 to outline the staged approach that has been undertaken by the Council, in order to refine the sites in the SHELAA, leaving a set of shortlisted sites for detailed assessment and consequently potential allocation. This staged approach is reproduced below for ease of reference:

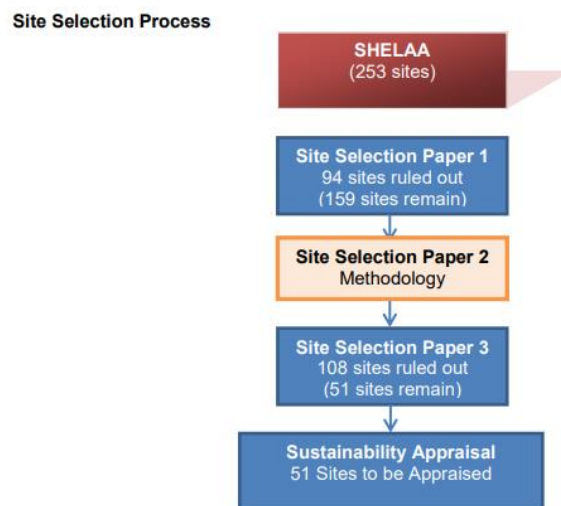


Figure 13 - Site Selection Process

7. The finalised site pro formas are published within Site Selection Paper 3 (February 2020), alongside the conclusions reached with regards to their suitability for allocation. This Paper results in a total of 51 sites remaining as having potential for allocation, which are then subject to further evidence base testing and assessment. As these sites are concluded as still having potential (subject to further testing), they have been considered as reasonable alternative sites for assessment through the Sustainability Appraisal process.
8. This means that a total of 108 sites were rejected as reasonable alternatives as part of the analysis within Site Selection Paper 3: Housing. However, as previously stated within our response to Matter 1, we have significant concerns regarding the methodology utilised by the Council to determine which Sites should be taken forward for further consideration, and which Sites were rejected at the Paper 3 stage of assessment. Indeed, there is no detail within the SA or within Paper 3 itself as to why certain Sites, which scored highly against the 17 Site Selection Criteria, were rejected for further consideration as 'reasonable alternatives' within the SA.
9. Several examples (not an exhaustive list) were provided within Paragraph 17 of our Hearing Statement in respect of Matter 1, where Sites assessed at Paper 3 stage were dismissed for further detailed assessment, despite them scoring well against all 17 Criteria, as well as being located within or adjoining the Tier 1 settlements. In particular, there are several examples of Sites at East Grinstead (where a residual housing need remains), which have not been further assessed as reasonable alternatives, despite these sites performing well against all sustainability considerations.
10. In considering the content of Paragraph 6.14 of the SA therefore (as outlined above within my Paragraph 5), it is clear that several of the Sites identified at the Paper 3 stage of assessment would potentially allow the allocation of sufficient sites to meet the category/settlement residual requirements set out in DP4/DP6. However, many of these Sites have been disregarded for further assessment, with no robust justification provided for such decisions.

11. **Again, we would stress that these multiple omissions of Sites from further consideration as part of the SA ‘reasonable alternatives’ process provides a clear demonstration of an inadequate and unsound methodology for Site Assessment.**
12. Owing to these shortcomings in the methodology applied at the Site Selection Paper 3 stage, the number of Sites considered within the SA as ‘reasonable alternatives’ has been unnecessarily limited, within only 51 no. Sites being put forward for further consideration. Of these Sites, the SA provides a brief assessment of each option, against the categories of ‘Sites that Perform Well’; ‘Sites that Perform Poorly’; and ‘Marginal’.
13. The ‘Sites that Perform Well’, are subsequently labelled ‘Constant Sites’ and are thus taken forward as proposed allocations within the DPD. These 20 ‘Constant Sites’ have a potential yield of ca. 1,424 no. dwellings, against a residual requirement of 1,280 no. dwellings, thereby producing an over-supply of 144 no. dwellings. Paragraph 6.45 of the SA goes on to state that this 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, examination or the evidence base).” It is therefore suggested an increased number of dwellings should be identified through further allocations.
14. However, we would stress that the Sites being advanced as ‘Constant’, have, (according to the SA and Site Selection Papers), been thoroughly and robustly assessed and should, therefore, present very limited uncertainties in respect of their ability to deliver, within the timeframes established through the District Plan. In considering each of the Constant Sites, there are no apparent impediments or restrictions upon their delivery (such as the implementation of complex ‘up-front’ infrastructure), which would impact upon the trajectory. As such, there is little or no justification or explanation for the requirement to provide a greater buffer, over and above the 144 no. units provided through the ‘Constant Sites’.

15. Notwithstanding this point, the SA goes on to give further consideration to those Sites assessed as being 'Marginal', in order to provide a greater 'buffer', in addition to that provided through the 'Constant Sites'. Of the 12 'Marginal' Sites, it appears that the potential Sites at the lower tier settlements are immediately dismissed, whilst possible options at Hurstpierpoint and Hassocks (both Tier 2 settlements) are also dismissed for the following reasons:

“Two of the sites (Hurstpierpoint) generally perform negatively on environmental objectives, notably the impact a site of this size would likely have on heritage (there is a listed building adjacent). The site at Hassocks is on the edge of an Air Quality Management Area, and may impact upon it. Hassocks need has been exceeded by better performing sites, including a strategic allocation within the District Plan.”

16. Confusingly however, in assessing the 'Marginal' Sites at Burgess Hill (including proposed allocation References SA12 and SA13), the Council states:

“Two of the three sites at Burgess Hill are adjacent to each other and could be considered collectively, totalling 300 units. Burgess Hill has met its residual need, however these sites perform well.”

Contrary to the previous assessment in respect of the possible Sites at Hurstpierpoint and Hassocks, the assessment in respect of the Burgess Hill Sites makes no mention whatsoever of the negative impacts of these Sites upon environmental objectives, in particular, upon the immediately adjoining South Downs National Park (a nationally important designation) nor upon the Air Quality Management Area which the Burgess Hill Site References SA12 and SA13 will undoubtedly impact upon. Furthermore, it should be noted that SA13 is adjacent to 'High Chimneys' – a Grade II Listed building – see **Appendix 1**.

17. In ruling out other 'Marginal' Sites, (for reasons that could equally be applied to the Folders Lane, Burgess Hill Sites), the Council leaves itself just three options to consider – the allocation of the 'Constant Sites' only (Option A); the allocation of the 'Constant Sites' plus the combined Sites at Folders Lane (SA12 and SA13), providing a total additional yield of 340 no. dwellings (Option B) or the allocation of the 'Constant Sites'

plus land at Haywards Heath Golf Course, (Site ID 503), which could provide an additional yield of 630 no. dwellings (Option C).

18. In evaluating these three 'Reasonable Alternatives', the Council provides a comparative assessment on Pages 59-61 of the SA. However, again, we would highlight the inadequacies of this assessment and the simplistic and poor methodology applied. For example, Option B is considered to perform more favourably against the criteria of 'health', 'education' and retail', when compared to Option C, owing to the closer proximity of Option B to the centre of Burgess Hill. However, no weight (or even mention) is given to the earlier assessment of Haywards Heath Golf Course within the Site Selection Paper 3, wherein it is stated that:

"The site offers an opportunity to deliver sustainable growth at scale, potentially incorporating new services and facilities such as a new local centre, new school and additional healthcare facilities. Traffic and air quality modelling indicates that the site is unlikely to cause adverse effects on the road network... The SA finds that major positive effects are anticipated in relation to the social and economic SA objectives"

19. On the basis of this assessment, it is clear that the development at Haywards Heath Golf Course was considered to offer a highly sustainable option, which would facilitate the delivery of new community facilities and services, thereby rendering this Option more favourable in sustainability terms than Option B – this is not reflected in the Council SA assessment on Pages 59-61.

20. Similarly, the assessment undertaken in respect of the three Options, in respect of 'Biodiversity' and 'Countryside' broadly favour Option B, with the summary appraisal on Page 60 of the SA stating that "Option (C) however proposes significantly more development on greenfield land and is likely to have more negative impacts on biodiversity due to the presence of ancient woodland within the Golf Course site, and its adjacency to a Local Wildlife Site".

21. The assumptions made within this assessment and the conclusions reached are woefully inadequate and inaccurate, and make no reference to the extensive mitigation work already undertaken in respect of the Haywards Heath Site, as part of its ongoing promotion and through the earlier Planning Application (now withdrawn – Reference DM/20/0559) for the development of 725 no. dwellings, along with the provision of associated infrastructure including recreation facilities including public open space and play space, community facilities and retail, provision of pedestrian linkages, landscaping and drainage. This work provides a robust and thorough assessment of the potential impacts of this proposed development upon the biodiversity of the Site and its surroundings, the ancient woodland within the Site and the landscape setting. Conversely, no such assessment of Site References SA12 and SA13 has been undertaken, with significant detrimental impacts identified in respect of biodiversity and landscape impact, particularly upon the setting of the South Downs National Park.
22. Furthermore, we would stress that the Golf Course (whilst larger in size than Site References SA12 and SA13), is already cultivated and managed land, whilst the land off Folders Lane, Burgess Hill is entirely and wholly greenfield in nature, having been uncultivated and completely undisturbed for many years.
23. The assumption therefore, that the Site at Haywards Heath (Option C) will lead to greater environmental impacts when compared to Option B, is completely unjustified and the conclusion reached, that Option B presents a more favourable ‘Reasonable Alternative’ cannot be evidenced and produces an unsound outcome for the proposed allocations within the DPD.
24. The identified constraints in respect of the proposed allocations of Site References SA12 and SA13 will be set out further within our Hearing Statement in respect of Matter 3. However, as a matter of principle, we would highlight the inadequate nature of the assessment process undertaken by the Council as part of the SA and particularly wish to stress the poor quality methodology applied within the Site Selection Paper 3 stage, which has resulted in a significant number of Sites being discounted from the ‘reasonable alternatives’ assessment.

25. The Council has provided no justification for the decisions made in respect of the removal of many Sites from further consideration and this lack of transparency calls into question whether the process followed is legitimate and defensible. We contend that the process has been inadequate and has resulted in a less than robust set of decisions regarding the proposed residential land allocations within the DPD.

CONCLUSIONS ON MATTER 2

26. The SA fails to provide an adequate or robust assessment of 'reasonable alternatives' and is based upon flawed decision-making at the Site Selection Paper 3 stage. It is wholly unclear how the Council has reached conclusions regarding which Sites should be taken forward for further consideration as part of the SA assessment process, and which Sites should be removed.

27. This poor and inadequate methodology has resulted in an unnecessarily limited range of 'reasonable alternatives' being considered through the SA, which, in turn results in an unsound DPD.

Appendix 1

HIGH CHIMNEYS

Heritage Category:

Listed Building

Grade:

II

List Entry Number:

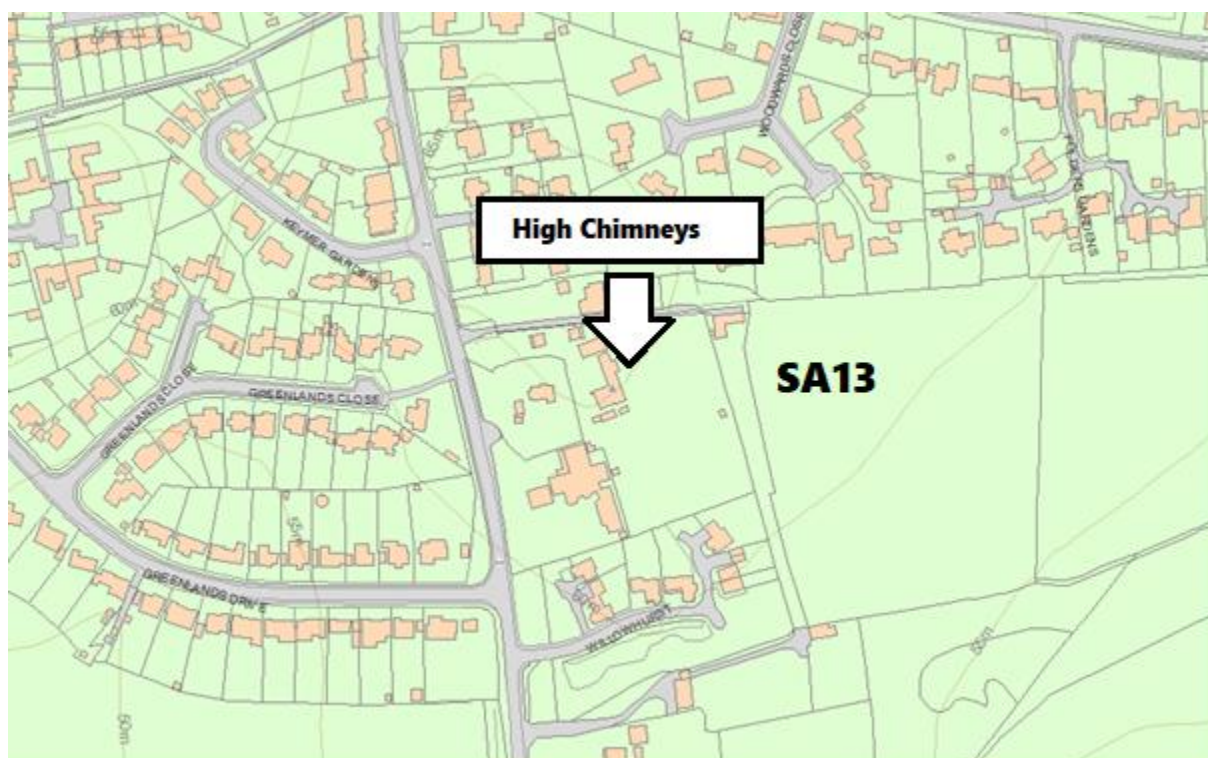
1025857

Date first listed:

22-Apr-1950

Statutory Address:

HIGH CHIMNEYS, KEYMER ROAD



County:

West Sussex

District:

Mid Sussex (District Authority)

Parish:

Burgess Hill

National Grid Reference:

TQ 31861 17943

Details

KEYMER ROAD 1. 5405 High Chimneys TQ 31 NW 1/12 22.4.50. II

2. C18. 2 storeys. 4 windows. Red brick. Modillion eaves cornice. Glazing bars intact. Doorway with flat hood supported on brackets.

Listing NGR: TQ3186117943

Legacy System number:

302099

Legacy System:

LBS

Legal

This building is listed under the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended for its special architectural or historic interest.

GRACE | MACHIN

PLANNING & PROPERTY

