

Site Allocations Development Plan Document Examination

Matter 2 – Sustainability Appraisal

Question 2.2 – What evidence is there that the Sustainability Appraisal has undertaken a full assessment of realistic alternatives?

Introduction and Summary

This statement has been prepared by KLW on behalf of Mayfields Market Towns Limited (MMTL).

In developing the Sites Allocation DPD the Council have applied the adopted District Plan strategy as a first principle. It is our assertion that a reasonable alternative strategy should have been investigating the development potential for sites outside the AONB (or in any other protected landscape) in the first instance.

Site Selection Process

We disagree with the Council's assertion that the site selection process was a robust and transparent process (page 12 of MSDC Response to Inspector's Initial Questions ID-01) . Instead, it is our assertion that the traffic light system, grading the potential impact of a site against different criteria, was flawed from outset.

This is because of the decision to have two separate landscape categories: One for sites located in the AONB (Planning Constraint 1) and one for sites not located in the AONB (Planning Constraint 8). This meant that sites in the AONB were judged and given an overall weighted score based on a different set of criteria to those sites outside of the AONB.

Figure 1: Extract from Site Selection Paper 2

| 1) AONB | |
|---|---|
| <i>"Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues."</i> (NPPF 2018, para 172) | |
| Source: High Weald AONB Unit assessment of sites within/proximity of the AONB | |
| Assessment Notes: Low/Moderate/High impact on the AONB will be determined by the High Weald AONB unit based on their own assessment criteria and knowledge. | |
| Wholly/most within – High impact | The whole site/ majority is within the AONB, AONB unit conclude high impact |
| Wholly within – Moderate Impact | The whole site/ majority is within the AONB, AONB unit conclude moderate impact |
| Wholly within – Low impact | The whole site/ majority is within the AONB, AONB unit conclude low impact |
| N/A | No Impact – to be assessed under (8) – Landscape Capacity/Suitability |

| 8) Landscape Capacity/Suitability (for sites not in AONB) | |
|--|---|
| <i>"Planning policies and decisions should contribute to and enhance the natural and local environment by... protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils... recognising the intrinsic character and beauty of the countryside"</i> (NPPF 2018, para 170) | |
| Source: Capacity of Mid Sussex District to accommodate development (LUC, 2014), SHLAA: Review of Landscape and Visual Aspects of Site Suitability (LUC, 2015), Landscape Capacity Update (TBC), High Weald AONB Unit Assessments, South Downs National Park Authority Assessments | |
| Assessment Notes: Conclusions are drawn for each site dependent on which Landscape Capacity area they are within (as determined by the landscape capacity studies, based on their assessment methodology) or comments received from specialist advisors. | |
| Low | Based on landscape evidence, low potential in landscape terms |
| Low/Medium | Based on landscape evidence, low/medium potential in landscape terms |
| Medium | Based on landscape evidence, medium potential in landscape terms |
| Medium/High | Based on landscape evidence, medium/high potential in landscape terms |
| High | Based on landscape evidence, high potential in landscape terms / site is within Built-up Area |

The starting point for any site in the AONB should have been that it would have a Very Negative Impact on the landscape and the sites without AONB designations should have been favoured. But instead 12 housing sites outside of the AONB were specifically excluded in a key stage of the site selection process because of concerns about impact on the landscape, whilst 8 housing sites located in the AONB were found to perform well.

Looking at a site-specific example: Site 857 Land West of Meadow View in Sayers Common scored negatively against criteria 8 (landscape capacity) with concerns raised in the site



Proforma about the potential any development could have on the landscape. However, this site is not in the AONB and does not exhibit any particular special or valued characteristics. Furthermore, a full Landscape and Visual Appraisal prepared by Barton Willmore had been submitted to support the site promotion which found that the landscape and visual effects arising from the development of the site would be limited to the immediately locality with no significant effects on the wider landscape and visual context. It also found that considering the highly constrained nature of much of the District in landscape terms, the site was one of the more suitable sites in Mid Sussex to accommodate residential development. Yet despite this submission, Site 857 was dismissed on landscape grounds.

It is fundamentally wrong that a number of sites outside of the AONB, such as Site 857 in Sayers Common, were dismissed at the early stage of the site selection process on landscape grounds whilst 8 sites in the AONB were taken through to the detailed testing stage.

It is noted that the CPRE similarly highlighted a legal flaw in the site assessment system – the fact that sites within the High Weald were assessed on a par with sites elsewhere, rather than as a last resort option. Their representations (dated September 2020) at paragraph 2.2.3 explain that *“It is a flaw because it fails to give effect to the public policy objective of CROW Act cl 82 of diverting new development away from AONBs and to the NPPF para 172 directive which gives AONBs the highest status of protection from development. The Sustainability Appraisal is wrong to attribute no greater weight to the site’s AONB status than to other 15 sustainability factors assessed”*.

The National Planning Policy Framework explains that planning policies should protect and enhance valued landscapes in a manner commensurate with their statutory status and specifically states at Paragraph 171 that plans should “allocate land with the least environmental or amenity value”. There is a clear failure to follow this process and as such the Plan is not consistent with national policy.



In principle, 'major development' on AONB land should only happen under exceptional circumstances, and only when it can be demonstrated that it is in the public's interests. Yet major development planned in Ardingly (Site SA25) is facing huge local opposition, including that from the Parish Council who have confirmed that there is no justified need for 70 units.

Even on smaller sites in the AONB (i.e. those not classed as 'major development'), NPPF policy (Paragraph 172) to protect designated areas still applies. This was confirmed in a recent Court of Appeal decision January 2021 (Monkhill v SSHCLG). Great weight should be given to conserving and enhancing landscape and scenic beauty AONBs and the scale and extent of development in these areas should be limited.

The CPRE countryside charity recently published a report (April 2021 – The State of Our AONBs) which found that AONBs are facing increasing pressure from housing developments. It examined the extent of housing development taking place in England's AONBs and concluded that housing targets particularly in the south east of England are being prioritised over protecting these precious landscapes.

Reasonable Alternatives

The role of the Sustainability Appraisal is to demonstrate that the Plan being prepared is the most sustainable given all realistic alternatives. Clearly, a more reasonable approach would have been to consider whether or not sites outside of the AONB (in places such as Sayers Common) would have been able to accommodate further levels of growth in the first instance.

In the Council's response to the Inspector's Initial Questions (ID-01) March 2021 the Council state that they are "*satisfied that only sites with a low or medium impact on the AONB have been chosen, those assessed as having high impact were rejected*" (page 13). Surely a reasonable approach would have been to seek to maximise development outside those



areas of the district constrained by an AONB designation in the first instance, before causing **any** harm on the AONB.

A sequential approach for flood risk is adopted in Objection 6 of the Sustainability Appraisal. We see no reason why a similar sequential approach cannot be adopted for landscape considerations.

The Council's approach is so fixed on rigidly sticking to distributing development in accordance with Policy DP6 and the spatial strategy that it completely fails to consider the reasonable and correct approach of directing growth to sites outside of AONBS in the first instance.

It is important to remember that the District Plan spatial strategy was appraised and adopted before any individual site assessments were undertaken. In other words, whilst it was accepted that the strategy was deliverable at a high level, this could not be confirmed until the Council had completed an analysis of individual sites and in combination with each other. Policy DP6 was only therefore intended as guideline. Yet, despite this, the Sustainability Appraisal has been firmly based on a fixed approach of allocating sites specifically to meet the residual settlement numbers set in Policy DP6 above everything else. This is not a justified approach.

Summary and Conclusion

The Guidance Note from the Inspector (19th April 2021) asks those submitting further Hearing Statements to deal with the following points:

- What particular part of the document is unsound?
- Which soundness test(s) does it fail?
- Why does it fail?
- How could the document be made sound?



- What is the precise change that is sought?

A summary of our case is set out under each of these headings below.

What particular part of the document is unsound?

The Sustainability Appraisal (and more specifically the site selection process) is unsound because it has not undertaken a full assessment of realistic alternatives.

Which soundness test(s) does it fail?

It is our firm belief that the site selection process, and more specifically the methodology used to assess the level of impact on the landscape, is not justified and is not consistent with national policy.

Why does it fail?

It is fundamentally wrong that a number of sites outside of the AONB, particularly those in sustainable settlement such as Sayers Common, were dismissed at the early stage of the site selection process on landscape grounds whilst 8 sites in the AONB were taken through to the detailed testing stage. There is a clear failure to “allocate land with the least environmental or amenity value” in accordance with paragraph 171 of the NPPF.

By rigidly sticking to distributing development in accordance with Policy DP6 it is clear that reasonable alternatives (i.e. looking at sites outside of the AONB first) have not been explored.



How could the document be made sound?

In order to ensure that the Plan is found sound and provides the most appropriate strategy when considered against reasonable alternatives, settlements outside of the AONB (such as Sayers Common) should be examined further to explore their capacity to accommodate further growth.

There are currently six housing sites proposed within the AONB totalling 188 dwellings. These should be re-examined and compared against other available and deliverable sites outside of the AONB. In particular, it is important that the 12 sites that are not located in the AONB yet were dismissed at the very early stage in the site selection process on landscape grounds are re-examined. In particular we ask for Site 857 in Sayers Common to be investigated properly.

What is the precise change that is sought?

In order to ensure that the Plan is justified and has been based on proportionate evidence, the site selection process and the Sustainability Appraisal should be re-examined. Importantly, there should only be one landscape category in the site selection process to ensure that all sites are assessed on a level playing field.

Reasonable alternatives to all the site in the AONB should be examined with particular focus on site SA25 in Ardingly. This site should be deleted or substantially reduced with the residual housing requirement delivered through more sustainable sites such as those in Sayers Common (Site 857: Land West of Meadow View).

We look forward to participating in the debate and expressing these points further at the Hearing on 1st June 2021.

