

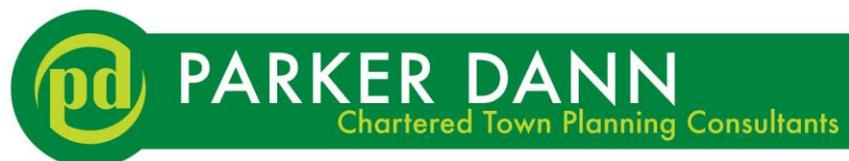
# **Matter Statement for the Mid Sussex Site Allocations DPD Examination in Public**

## **Matter 2 Sustainability Appraisal**



**On behalf of Fairfax Acquisitions Ltd.**

**May 2021**



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## 1.0 Introduction

- 1.1 This Statement responds to question 2.2 of the Inspector's MIQs, relating to Sustainability Appraisal, its influence on the Plan and the full assessment of realistic alternatives.
- 1.1 This Statement is prepared on behalf of Fairfax Acquisitions Ltd who are promoting land at Clearwaters Farm, Haywards Heath for residential development with multifunctional links to Haywards Heath.
- 1.2 This Statement complies with the word limit requirements set out in the Inspector's Examination Guidance Note (ID-03). The total word count for this Matter Statement, including is 1,307.

## 2.0 Sustainability Appraisal

QU 2.2: *What evidence is there that the SA has influenced the Plan and/or undertaken a full assessment of **realistic alternatives**?*

2.1 Undertaking Strategic Environmental Assessment (SEA) is a key legal requirement for the preparation of local plans, and, in this case, it has been incorporated into the Sustainability Appraisal (SA). SEA is governed by the SEA Directive's requirements and where these are not met local plans are open to legal challenge post adoption. This report will refer to the Sustainability Appraisal as the SA/SEA when answering the Inspector's question as this helps to focus on the dual purpose of the Sustainability Appraisal.

2.2 The SA/SEA has not properly influenced the Plan because it has not identified the wider area within which the plan will have effects i.e., cross-boundary effects in Lewes District. The SEA Directive requires the identification of the environmental characteristics of the area likely to be significantly affected, it requires an outline of the main objectives of the Plan and its relationship with other relevant plans and programmes. The SA/SEA has not assessed the true scope of the Plan in terms of its strategic nature (e.g., Aim (iv) of the Plan), nor has it identified which specific policies are strategic in nature (e.g., Policies SA34 – SA38, plus certain site allocations) and their potential for cross-boundary impacts. The SA/SEA has not undertaken a full assessment of realistic and reasonable alternatives, which is a requirement stemming from the SEA Directive as well as a key test of the soundness of the Plan within the NPPF.

2.3 The SA/SEA identifies the Site Allocations DPD as a 'daughter document' and confirms its role as:

*"-the role of the Site Allocations DPD is to allocate sufficient housing, employment and other sites in order to ensure the need identified in the District Plan is met." (SA para 1.2)*

2.4 The SA/SEA consequently fails to acknowledge the wider remit of the Plan and its potential for cross-boundary impacts. The conclusion on transport impacts on p92 fails to recognise the potential for cross-boundary impacts on the highway network in Lewes district (particularly the B2112 through Ditchling) and East Sussex from the site allocations. The assessment for Policy SA37 makes no reference to the complementary linkages identified within Lewes District; this is at odds with the cross-boundary nature of the network

identified and the requirement for cross-authority cooperation for its full delivery and implementation. The cross-boundary transport impacts and the potential for joint working to deliver SA37 are documented within the Statement of Common Ground between MSDC, LDC and ESCC (DC8), which deals with strategic and cross-boundary matters. It is sufficient that there is a potential for significant effects for the SEA Directive requirements to apply, even if these effects can subsequently be mitigated – this should all be recorded within the SA/SEA.

- 2.5 With regard to the matter of “*a full assessment of realistic alternatives*”, the SA/SEA relies on a prior site selection or sifting process that eliminated certain sites from being considered ‘reasonable’ and consequently from being considered within the SA/SEA itself. This process is fundamentally flawed because it has discounted sites where “*the yield of the site is too large by comparison to the settlement residual requirements sets out on DP4/DP6.*” (para 6.24). Can this approach be justified where a site is within/adjacent a Category 1 Settlement, the highest order of sustainability? The District Plan and Site Allocations DPD strategy is for development to be prioritised in the higher order settlements. By way of example, paragraph 6.15 of the SA/SEA states:

*“...if housing need cannot be met within one settlement category, it should be met (in the first instance, and were possible) at a settlement in a higher-level category as these were deemed as being more sustainable.”*

- 2.6 The flaws associated with prior sifting are compounded by the delivery problems at the District Plan strategic sites, which have, for example, resulted in a significant number of dwellings on the Northern Arc development being delivered outside the plan period. This has a knock-on effect for Haywards Heath, whereby the Neighbourhood Plan was relying on its 170 unit shortfall being delivered within the Northern Arc. The SA/SEA should have considered the suitable SHELAA Site (Ref 841) Clearwaters Farm, that can deliver 200-250 on the edge of Haywards Heath, as a reasonable alternative. The site is within 150m of the built up area boundary, which was another site-selection criterion within Site Selection Paper 1: “*These sites are either remote from existing settlements (therefore not in accordance with the District Plan strategy to promote growth at existing settlements) and/or the yield of the site is too large by comparison to the category/settlement residual requirements set out in DP4/DP6.*” (SA/SEA para 6.24)

- 2.7 The SHELAA assessment summary for Clearwaters Farm (Ref 841) is shown below in Figure 1.

<b>Suitable</b>	Relatively unconstrained - assessed as Suitable at Stage 1, progress to Stage 2 assessment
<b>Availability</b>	Site submitted by site proponent to the SHELAA for assessment - considered available
<b>Achievability</b>	There is a reasonable prospect that site could be developed within the Plan period
<b>Timescale</b>	Medium-Long Term

**Figure 1:** SHELAA Assessment Summary for Clearwaters Farm

- 2.8 Given the deliverability issues around the strategic sites, the unmet need in the Haywards Heath Neighbourhood Plan and the opportunities this site presents to deliver other policy initiatives, there is no justification for not assessing this within the SA/SEA as a reasonable alternative. The decision not to take this site forward to be assessed within the SA/SEA is unsound as Haywards Heath is a Category 1 Settlement and there is a policy aspiration to provide quality multifunctional linkages south of Haywards Heath through this site. This site can directly assist with the delivery of this Multifunctional Network (SA37), in both in Mid Sussex and Lewes districts. As can be seen from the assessment summary in Figure 1, there is reasonable prospect the site can be delivered within the plan period; we would elevate that assessment to 'good' prospect. This matter warrants consideration within the SA/SEA as a reasonable alternative.
- 2.8 NPPF Paragraph 103 requires the planning system to actively manage patterns of growth focussing development on sustainable locations that offer a choice of transport modes. The District Plan seeks to adhere to Paragraph 103; whereas conversely in only allocating 25 No. units to Haywards Heath, without proper regard to all the reasonable and realistic alternatives, the Site Allocations DPD (the Plan) does not. Paragraph 32 advises that local plans should be informed by a sustainability appraisal that meets the relevant legal requirements in respect of SEA. The Plan cannot be considered justified or sound without a proper assessment through the SA/SEA process of all realistic alternatives, such that it cannot be said that this is "*an appropriate strategy, taking into account the reasonable alternatives*" as required by NPPF Paragraph 35 b).

### 3.0 Conclusion

- 3.1 The SA/SEA has not effectively influenced the Plan as it should, because it has not fully contextualised and defined the scope of the Plan and consequently not identified the true nature and extent of potential impacts. This is particularly pertinent for strategic policies SA34 to SA38 as well for the wider impacts inevitable from the strategic site allocations. Clearwaters Farm should be assessed as a reasonable and realistic alternative capable of delivering residential development to meet District Plan needs and contributing to the delivery of Policy SA37 Multifunctional Network.

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**For and on Behalf of Parker Dann Ltd on Behalf of Fairfax Acquisitions Ltd.**