



14 May 2021

Dear Charlotte,

Mid Sussex Local Plan 2014 - Site Allocations Development Plan Document Examination

Matter 2 – Sustainability Appraisal (SA) and Habitats Regulation Assessment (HRA)

Andrew Black Consulting on behalf of Vanderbilt Homes

I write to submit a hearing statement for Matter 2 of the examination for the Mid Sussex District Council (MSDC) Site Allocations Development Plan Document (SADPD) on behalf of Vanderbilt Homes.

Vanderbilt Homes has an interest in both the Land at Junction of Hurstwood Lane and Colwell Lane, Haywards Heath in addition to Land South of 61 Crawley Down Road, Felbridge. Both sites were previously considered in the SHELAA (ref 508 and 676 respectively) as Available, Achievable and Deliverable. Details of the sites were set out within the regulation 18 and 19 representations.

2.1 *Is the Plan supported by the SA and HRA? What evidence is there that the SA has influenced the Plan and/or undertaken a full assessment of realistic alternatives?*

The SADPD is accompanied by a Sustainability Appraisal (SA) report which is a legal requirement derived from the Planning and Compulsory Purchase Act 2004 (Section 19). Section 39 of the Act requires documents such as the SADPD to be prepared with a view to contributing to the achievement of sustainable development.

The requirement for Strategic Environmental Assessment, in addition to the SA, is set out in the European Directive 2001/42/EC adopted into UK law as the “Environmental Assessment of Plans or Programmes Regulations 2004”.

In line with best practice the SEA has been incorporated into the SA of the SADPD.

The planning practice guidance sets out detailed consideration as to how any sustainability

appraisal should assess alternatives and identify likely significant effects:

The sustainability appraisal needs to consider and compare all reasonable alternatives as the plan evolves, including the preferred approach, and assess these against the baseline environmental, economic and social characteristics of the area and the likely situation if the plan were not to be adopted. In doing so it is important to:

- i) outline the reasons the alternatives were selected, and identify, describe and evaluate their likely significant effects on environmental, economic and social factors using the evidence base (employing the same level of detail for each alternative option). Criteria for determining the likely significance of effects on the environment are set out in [schedule 1 to the Environmental Assessment of Plans and Programmes Regulations 2004](#);*
- ii) as part of this, identify any likely significant adverse effects and measures envisaged to prevent, reduce and, as fully as possible, offset them;*
- iii) provide conclusions on the reasons the rejected options are not being taken forward and the reasons for selecting the preferred approach in light of the alternatives. Any assumptions used in assessing the significance of the effects of the plan will need to be documented. Reasonable alternatives are the different realistic options considered by the plan- maker in developing the policies in the plan. They need to be sufficiently distinct to highlight the different sustainability implications of each so that meaningful comparisons can be made. The development and appraisal of proposals in plans needs to be an iterative process, with the proposals being revised to take account of the appraisal findings.*

Paragraph: 018 Reference ID: 11-018-20140306

Revision date: 06 03 2014 |

In response to this guidance and requirement, paragraph 6.16 of the Sustainability Appraisal (Examination Document SUS1) states that:

The Site Selection Paper 2 (paras 6.2 - 6.3) also recognises that, in order to meet the District Plan strategy, conclusions will be compared on a settlement-by-settlement basis with the most suitable sites at each settlement chosen in order to meet the residual needs of that settlement. This may result in some sites being chosen for allocation which have higher negative impact across all the objectives because this will be on the basis that the aim is to distribute allocations according to the District Plan strategy in the first instance; as opposed to simply selecting only the most sustainable sites in the district (as this may not accord with the spatial strategy and would lead to an unequal distribution of sites across settlements). 20 sites that perform well individually and on a settlement basis, the residual housing need of 1,507 would be met with a small over-supply of 112 units.

Paragraph 6.45 of SUS1 recognises that this small over-supply *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 or the*

evidence base).

The SA therefore considers reasonable alternatives of option A, B and C as follows:

Option A 20 'Constant Sites' 1,619 dwellings

Option B 20 'Constant Sites' + Folders Lane, Burgess Hill (x3 sites) 1,962 dwellings.

Option C 20 'Constant Sites' + Haywards Heath Golf Court 2,249 dwellings

Paragraph 6.52 of the SA (SUS1) concludes that:

Following the assessment of all reasonable alternative options for site selection, the preferred option is option B. Although option A would meet residual housing need, option B proposes a sufficient buffer to allow for non-delivery, therefore provides more certainty that the housing need could be met. Whilst option C also proposes a sufficient buffer, it is at the expense of negative impacts arising on environmental objectives. The level of development within option C is approximately 50% above the residual housing need, the positives of delivering an excess of this amount within the Site Allocations DPD is outweighed by the negative environmental impacts associated with it.

It is not considered that this assessment of Option A, B and C is a sufficient enough assessment of reasonable alternatives as required by guidance and legislation. All of the options contain the '20 Constant Sites' with no derivation of alternative options such as those which seek to divert housing growth away from the AONB or designated heritage assets.

It is apparent that other sites other than the 20 Constant Sites will need to be assessed if the council is to adequately demonstrate that reasonable alternatives have been considered as required.

2.2 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)?*

No comments

Vanderbilt Homes will make representations to the inspector as part of the examination process that additional allocations are required in order to make the SADPD sound. The sites at Haywards Heath and Felbridge are both considered to represent significant opportunities to strengthen the housing supply for the district, in light of significant issues with several of the allocated sites.

The allocation of these sites for residential development would wholly comply with the requirement to promote sustainable development in the district.



Yours Sincerely



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