

1. (iii) Are any of the housing allocations in conflict with a made Neighbourhood Plan (SA19/SA20)?

1.1 SA19/SA20 in conflict with the East Grinstead Neighbourhood Plan

1.1.1 The Infrastructure First Regulation 19 submission listed several policies in the made East Grinstead Neighbourhood Plan which weigh heavily against the site allocations SA19/20. These were:

- EG2 - Areas of Development Constraint
- EG2a - Preventing Coalescence
- EG11 - Mitigating Highway Impact

1.1.2 In addition, the site specific policy SS8 weighs explicitly against site allocation SA20

SS8 - Land South of Birches Industrial Estate and West of Imberhorne Lane

1.2 Status of the Neighbourhood Plan

1.2.1 The East Grinstead Neighbourhood plan was found sound at examination, supported by Mid Sussex Council and supported by referendum. It was officially adopted in November 2016.

1.2.2 The Local Plan was adopted in March 2018.

1.2.3 The East Grinstead Town Clerk confirmed that a meeting took place with Mid Sussex officers on 4th May to review the Neighbourhood Plan in light of the newly adopted Local Plan. No minutes taken of this meeting but the Town Clerk confirmed that Mid Sussex only queried policy EG5 (Housing), agreeing that others were in conformity with the Local Plan (see Appendix A)

1.2.4 The submitted plan sets out the position of neighbourhood plans in its introduction ...

The Development Plan

1.3 The District Plan 2014-2031 and Sites DPD will be used to inform decisions on planning applications across the district, in conjunction with any DPDs relating to minerals and waste prepared by West Sussex County Council and any 'made' neighbourhood plans prepared by the community.

1.3 How were the Neighbourhood Plan policies considered?

1.3.1 The Council have given the Neighbourhood Plan policies little or no regard in assessing the performance of sites SA19 and SA20 in the site selection process.

1.3.2 Although assessed against a wide range of planning considerations, the relevant policies of the Neighbourhood Plan were relegated to 'Other Considerations' without comment and without any obvious assessment.

Extract from SA19 Site Assessment Proforma

Part 4 - Other Considerations

Neighbourhood Plan

Site within area of Countryside Areas of Development Constraint.

EG2 - Areas of Development Constraint

EG2a - Preventing Coalescence

EG5 - Housing

Extract from SA20 Site Assessment Proforma

Part 4 - Other Considerations

Neighbourhood Plan

Site within area of Countryside Areas of Development Constraint.

EG2 - Areas of Development Constraint

EG5 - Housing

- 1.3.3 Policy EG11 is notably absent from both proforma assessments and there can be no justification for including EG2a in SA19 but not in the SA20 assessment. Also the site specific policy SS8 is applies to SA20 but is absent from the assessment.
- 1.3.4 When asked how the Neighbourhood Plan policies were considered in the assessment process, the Council wrongly asserted that there were no site specific policies to consider. The Council also suggested that any Neighbourhood Plan policies weighing against the allocations would be superseded by the submitted plan once it has been adopted. (see Appendix B).
- 1.3.5 The submitted plan is not adopted so Neighbourhood Plan policies carry full weight.
- 1.3.6 It is also unclear why the Council are noting that Neighbourhood Plan Policies EG2 and EG2a would apply to nearly every site considered in East Grinstead as though that would render them invalid.
- 1.3.7 In its response the Council acknowledges that these Neighbourhood Plan Policies EG2 and EG2a are supported by Local Plan policies DP12 and DP13. Policy EG11, although omitted from 'Other Considerations' is clearly supported by the Local Plan policy DP21.
- 1.3.8 Nowhere in the site selection assessment do the Council refer to the site specific policy SS8 which aims to protect the SA20 public open space from development.
- 1.3.9 The public open space described in policy SS8 meets all the criteria set out in NPPF paragraph 100 and should therefore be governed by the provisions set out in NPPF paragraph 97.
- 1.3.10 Policy SS8 was not subject to any comment or modification at the Neighbourhood Plan examination and was subsequently approved by the Council.
- 1.3.11 The Council argue that the NPPF provisions are not applicable to SS8 despite the clear intention of the site specific policy to resist housing development on the site of SA20. (see Appendix C)

1.4 Has the Neighbourhood Plan been properly considered against SA19 and SA20

- 1.4.1 There are several Neighbourhood Plan policies that weigh heavily against the SA19 and SA20 site allocations.
- 1.4.2 Made Neighbourhood Plan policies that are in conformity with policies of the Local Plan carry full weight. In their Appendix C response, the Council suggests that Neighbourhood Plan policies are superseded if they are in conflict with policies in the submitted draft plan. This cannot be correct.

2. (v) Are there any significant infrastructure considerations in terms of traffic circulation, highways and pedestrian safety (SA19/SA20)?

2.1 Existing traffic conditions

- 2.1.1 Both the Council and Highways Authorities in Surrey and West Sussex acknowledge the serious traffic congestion at key junctions along the A22 corridor into the town centre.
- 2.1.2 As set out in detail in our matter 6 statement, the evidence base supporting the submitted plan acknowledges that the critical junctions on the A22 and A264 corridors are currently operating over capacity and the resulting congestion is expected to deteriorate in the future as already committed development is completed.
- 2.1.3 The congestion has been recognised as both as problem and constraint to growth and investment for some time. This is also true of the significant levels of rat-running through the residential areas of the town.
- 2.1.4 **Appeal regarding Land to Western Side of Imberhorne Lane - June 2011 (ref: 2142385)**

In 2010, a scheme adjacent to SA20 for less than 20% of the housing now proposed was refused on the grounds of highways congestion although West Sussex Highways withdrew their objection prior to the appeal hearing in return for extra funding to re-phase the traffic signals on the A22 between Felbridge and Imberhorne Lane.

The appeal was allowed but the Inspector acknowledged the safety implications of the significant amount of rat-running through the Imberhorne Estate ...

26. There is a recognised problem of traffic congestion in East Grinstead which has been the subject of studies over the years and is accepted as a major constraint on future growth in and around the town. Locally, peak-hour congestion on the A22 leads to the use of Imberhorne Lane as a cut-through to the B2110 and as part of a rat-run through the Imberhorne Estate to the town centre. The lane has a 30mph speed limit which is regularly exceeded and it is used by commercial vehicles, including in connection with a waste recycling facility, as well as cars. The amount of traffic on the lane leads in turn to congestion on it and this, along with rat-running and traffic speeds, can only be to the detriment of the safety of local residents and road users.

The appeal statement also recognised the need to travel by car to access essential services ...

21. The appellants' contentions regarding its connectivity to local shops and by alternative modes of transport to the town centre are to some degree overstated. The walk to bus stops and the few local shops on the A22 is an unpleasant one along a busy road and cycling links to the town centre are along unmade and unlit paths or, in the case of the Worth Way, not readily accessible from the site. To that extent, and in spite of a commitment to promote alternative transport modes in a green travel plan, I consider it likely that, unless footpath and cycle links are improved, prospective occupiers will rely on the private car even for local journeys.

Since 2010, the Councils annual monitoring of Completions shows that at least 1,097 further homes have been delivered as of April 2020

The only local highways improvement has been the synchronisation of the A22 traffic signals between Felbridge and Imberhorne and the Imberhorne junction reconfiguration required for the Bridge Park retail development in 2012 (committed in 2009 and factored into the appeal scheme)

2.1.5 Appeal regarding Land at Gibbshaven Farm, Felbridge - January 2017 (ref: 3156544)

The scheme for 30 homes was dismissed at appeal, in part due to the cumulative impact of traffic on the local network ...

21. However, as several respondents have pointed out, advice in the NPPF is that development should only be prevented or refused on transport grounds where the residual cumulative effects of development would be severe. In this case, although the residual effects of the development by itself would not be severe, there is considerable other development also proposed in the vicinity and so, the cumulative effects also need to be considered.
22. These correspondents refer me to Surrey County Council's Tandridge District Council Local Plan Strategic Highway Assessment Report of November 2015 and the East Grinstead and Surrounds 2016 Survey and Review of Traffic Conditions by Jubb Consulting dated September 2016. These documents provide support for the argument that the residual cumulative effects of all development in the area, including the current appeal proposal, would be severe.
24. In relation to this issue, I conclude that the development would give rise to a need to travel for most daily needs and that, although the impact of the development alone would be unlikely to have a significant or severe effect on the operation or functionality of the local highway network, the residual cumulative effect on highway infrastructure of this proposal in conjunction with other nearby commitments would be severe.

2.1.6 Joint appeal regarding 17 Copthorne Road Felbridge & 15/39 Crawley Down Road , Felbridge – June 2019 (refs 3198090 & 3205537)

These two schemes were for a total of 79 new homes. The appeal was allowed but the appeal statement described the extent of delays experienced by users of the Felbridge junction. The additional traffic from these schemes has yet to impact on the local network.

29. From the local perspective the traffic queuing eastbound on Copthorne Road towards the traffic lights builds up at peak times and frequently reaches as far back as Rowplatt Lane, about 1 km from the junction, and sometimes even further. This was observed during the site visit about 5.30 pm on 15 May and is corroborated by a video camera survey undertaken by the Council over the three-day period 17-19 July 2018 (when the queues were even longer during the pm peak), and by google traffic data at peak times. However, with platoons of traffic moving at intervals through the traffic lights, and the queue moving up, not all of this traffic is stationary, indeed much of it is moving slowly, occasionally faster, only to slow or stop again further along. This is clearly shown by the video camera survey and was obvious on the site visit.
30. One of the Council's appendices shows a vehicle at 6 am taking 79 seconds to travel from Rowplatt Lane to the traffic lights, thus travelling about 26 mph, whilst another queuing at 5.30 pm takes nearly nine minutes to cover the same distance at about 4 mph, a delay of over 7.5 minutes. There is no reason to suppose these speeds are unusual for the times of day concerned. With vehicles moving slowly or intermittently, the number of vehicles in a queue back to Rowplatt Lane and beyond may be of the order of 150-200, many more than the appellant's September 2018 survey showing a maximum queue of 50 vehicles or 285 m, not quite as far back as Crawley Down Road.

2.2 WSP traffic study into capacity options and pedestrian safety at the A264/A22 Felbridge Junction

2.2.1 The report’s 2018 terms of reference confirm that the study was necessary to support development coming forward in Tandridge and Mid Sussex. Yet the Council neither refer to the study in the submitted plan nor include the Report in the evidence base ...

Felbridge Junction Feasibility Assessment Note – December 2018

1. West Sussex County Council, Surrey County Council, Tandridge District Council and Mid Sussex District Council (the Local Authorities), have commissioned WSP to undertake an option appraisal for the A22/A264 Felbridge junction.
2. The option appraisal aims to identify an improvement for the Felbridge junction that can be delivered to support planned development in Tandridge and Mid Sussex.

2.2.2 The report’s executive summary was published in October 2019 and shows the base year congestion to be far worse than that reported on page 42 of the Council’s Strategic Transport Study [T7] ...

EXECUTIVE SUMMARY

DATE:	15 October 2019	CONFIDENTIALITY:	Public
SUBJECT:	Felbridge Junction Options Appraisal		
PROJECT:	Felbridge Junction	AUTHOR:	Andy Kitchin
CHECKED:	Stewart Rose	APPROVED:	Darren Pacey

INTRODUCTION

The A22/A264 “Felbridge Junction” in Felbridge lies on the border between the counties of West Sussex and Surrey, and on the border between Tandridge and Mid-Sussex District Councils. The majority of the junction lies north of the border within Surrey, with the northbound approach lying within West Sussex.

The Felbridge junction has been identified as a constraint to development coming forward in Tandridge and the Felbridge/East Grinstead area. The junction currently operates above capacity leading to congestion during peak periods and at other times of the day. The operation of the existing junction is shown in the table below:-

Table 1-1 – Baseline Assessment 2018 Baseline Scenario

2018 Baseline Assessment	AM Peak Period			PM Peak Period		
	Degree of Saturation	Mean Max Queue	Delay per PCU (secs)	Degree of Saturation	Mean Max Queue	Delay per PCU (secs)
A22 South	82.7%	16	16	83.6%	16	17
A264	106.6%	48	182	101.4%	33	115
A22 North	56.0%	9	31	96.0%	22	76

None of the options modelled by the WSP study were agreeable to any of the commissioning councils. Option 3 was considered the most favourable but it only offered a temporary

capacity improvement and offered no improvements at all to non-motorised users of the junction offered.

A failed HIF bid submitted by Tandridge in support of their emerging Local Plan requested £11m to fund the required improvements to the A264/A22 Felbridge Junction:

	Total	Junction 6	Felbridge
Total Construction Works	£21,621,420	£19,621,420	£2,000,000
Total Design Fees	£3,243,213	£2,943,213	£300,000
Total Land Acquisition Costs	£2,775,000	£50,000	£2,725,000
Risk @ 40%	£11,055,853	£9,045,853	£2,010,000
Commuted Sums	£2,700,000	£2,500,000	£200,000
Total Client Fees	£3,436,560	£1,977,262	£1,459,298
Compund Inflation	£12,386,267	£9,984,194	£2,402,074
Grand Total	£57,218,314	£46,121,943	£11,096,372

Source:
 Document Reference TED24:
 Tandridge District Council – Housing Infrastructure Fund (HIF) Background and Update Information – November 2019

2.3 Sustainable Transport Measures

- 2.3.1 The Mid Sussex Strategic Transport Study [T7] states that sustainable travel measures are the most effective form of mitigating highway impacts. It further states that the potential sustainable mitigations have been proposed in discussion with West Sussex for each allocation and have been modelled through a reduction of car trips.
- 2.3.2 The Mid Sussex Transport Study (2012) originally included an ambitious target of 6% mode shift from car within its primary remedial transport interventions (later amended to 4% in the Stage 2 report). This mode shift was to be achieved by area-wide (not site-specific) Travel Plans including the “establishment of Transport Management Associations to implement their delivery”. Nonetheless, area-wide Travel Plans were never enacted in East Grinstead.
- 2.3.3 The Council are relying on a 2 to 3% modal shift away from private car journeys but present no evidence to support this. Green travel plans have been required for significant developments in East Grinstead but nothing has been learned. This is due largely to a split responsibility for ensuring travel plans are implemented and subsequently monitored.
- 2.3.4 FOI Requests were raised with both Mid Sussex and West Sussex Council’s to obtain details of earlier travel plans and whether anything has been learned from them.
- 2.3.5 Mid Sussex responded to the FOI request by saying that it was not responsible for monitoring sustainable travel plans (see Appendix H).
- 2.3.6 West Sussex responded to the same FOI request by saying that the responsibility and liability for producing development related travel plans falls to the developer and Mid Sussex Council. Their response goes on to say that for the 3 large schemes referred to in the request, they have either not been consulted or have not seen any monitoring results. All 3

schemes produced travel plans and there is some evidence in the planning files that they were a condition of the planning consent.

- 2.3.7 West Sussex concludes by saying that nothing can be learned from these travel plans as they were either not implemented or not monitored (see Appendix E).
- 2.3.8 There is therefore no evidence to support the sustainable travel targets for East Grinstead set out in the Councils evidence base and therefore nothing to indicate that the sustainable transport measures can be relied upon.

2.4 Highways Intervention Measures

2.4.1 The Infrastructure Delivery Plan [IV1] lists 2 significant highways intervention measures for SA19/SA20 to address the serious traffic issues in East Grinstead.

2.4.2 A project for A22/A264 corridor improvements is listed in the plan but the Council do not provide any further details.

2.4.3 In their regulation 19 consultation response, the agent for the SA20 site promotor claims that intervention proposals are already as an advanced stage.

“Welbeck in conjunction with MSDC and WSCC have considered a range of possible highway improvement projects which could be secured through policy SA35 and have provided sufficient evidence to the Highways Authority that these schemes will offer a betterment to future journey times along the corridor; all proposed developments in the area which would have an impact on the A264/A22 corridor would be required to make contributions towards these improvements.”

2.4.4 By contract West Sussex Highways say that the A22 corridor improvements are still at the feasibility stage and that no further work will be undertaken until the issues with the Tandridge emerging plan have been resolved (see Appendix F).

2.4.5 Several references have been made to the Atkins junction improvement schemes outlined in 2011. Atkins makes it clear that these could only accommodate the 765 homes committed at that time plus a further 190 homes.

2.4.6 The Council’s Housing Supply monitoring reports show that between 2011 and April 2020 1,097 homes have already been delivered in East Grinstead.

2.4.7 Notwithstanding the capacity headroom for these improvements has already been breached, the cost of these improvements was estimated (at 2012 prices) significantly in excess of £2.25m [source: Atkins East Grinstead Traffic Management Study Stage 3- Final Report May 2012] ...

In total, the costs of Do Minimum improvements are estimated at £900,000. Do Something improvements are estimated at £2,250,000, indicating an increase of 2.5 times the costs of the Do Minimum schemes.

The construction cost estimates are based on rates of recent projects. The following assumptions have been made:

- New signal equipment to be implemented at the Felbridge Junction in the DM and DS scenarios;
- The carriageway is to be re-surfaced over the full extent of the scheme at each junction;
- No costs have been included for the reconstruction of the stone wall to the west of the A22;
- No costs have been included for the acquisition of third party land and associated accommodation works;
- No costs have been included for the optimisation of signals;
- At this stage there is no information on the bridge structure across the dismantled railway to determine the cost of implementing cantilevered or free standing footway structures. Therefore, the cost estimate for the A22 / Lingfield Road junction is based on the implementation of separate foot bridges. It is anticipated that the implementation of a cantilevered structure may result in diversion of statutory undertakers' equipment and therefore may result in higher costs than for a free standing structure. Further investigation is required to determine the most appropriate structure.
- Excludes third party land, accommodation works and stats;
- Professional fees are excluded; and
- A contingency of 20% has been included.

For SA19/SA20, the Infrastructure Delivery Plan sets aside just over £1.3m for all off-site transport costs.

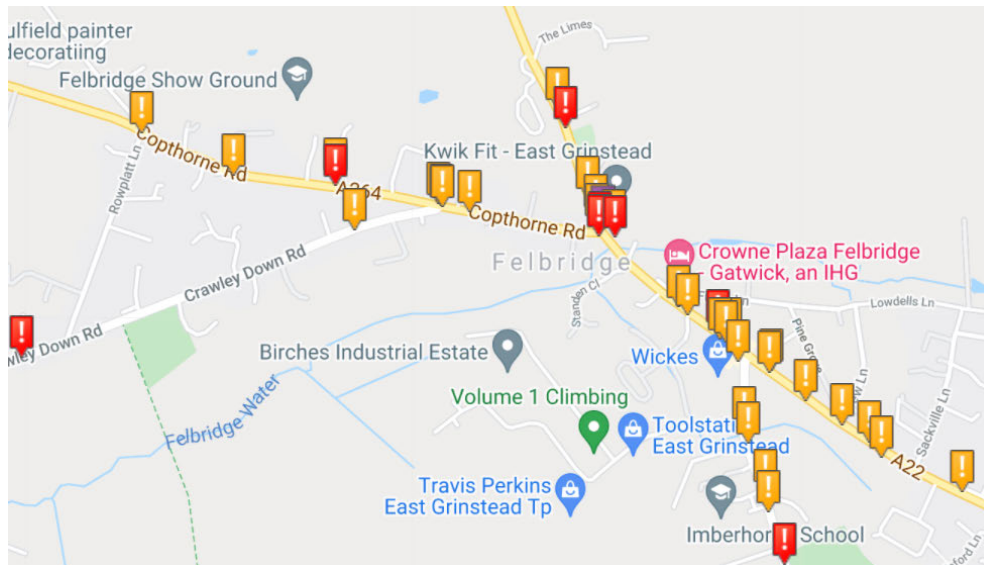
- 2.4.8 The other project referred to in the Infrastructure Delivery Plan relates to a bus priority/corridor between East Grinstead and Crawley on the A22/A264.
- 2.4.9 Again, no specific or even outline detail has been made available in the evidence base.
- 2.4.10 An FOI request raised with West Sussex seeking details about the proposed scheme which currently only exists as a series of drawings which do not extend as far as the Imberhorne and Felbridge junctions. There are no estimates of likely cost and there are no current plans to progress the scheme until the future of the submitted plan is known (see Appendix G).

2.5 Highway Safety

- 2.5.1 As set out in detail in our matter 6 statement, the criteria used to identify junctions to be considered are methodologically flawed on several grounds and as a result, several key collision hotspots in East Grinstead are excluded from the Road Safety Review.
- 2.5.2 Firstly, the analysis uses collision data for Mid Sussex District only. In the case of junctions on the local authority boundary, collisions in the neighbouring authority are excluded.
- 2.5.3 Secondly, only those junctions that feature in the capacity assessment are evaluated in the safety assessment. Roads with a more dispersed cluster of collisions, or junctions that have high road safety risk but do not feature in the Council's strategic transport study's capacity assessment are excluded.
- 2.5.4 Finally, junctions with severe capacity impacts in the study's reference case are excluded from the safety impact assessment.
- 2.5.5 The road safety review methodology fails to identify collision hotspots at the Felbridge junction and on Imberhorne Lane although these two locations are existing collision hotspots and are locations most directly affected by site allocations SA19 and SA20. Conversely, the

only location in East Grinstead that is flagged using the criteria in the Road Safety Review is the B2110/Railway Approach junction, which is also an existing collision hotspot and much less directly affected by the proposed site allocations.

- 2.5.6 The junction and its approach arms have a significant collision history for collisions involving personal injury. The junction itself has witnessed 3 major incidents and 5 minor incidents; more than any other reviewed in the Councils’ Road Safety report ...



2.6 Is there sufficient evidence to demonstrate that the serious traffic issues in East Grinstead can be resolved?

- 2.6.1 Serious traffic issues have existed in East Grinstead for more than a decade with the situation deteriorating every year as more homes are delivered with no traffic mitigation. The Council’s submitted plan proposes to allocate nearly as many new homes as have been delivered in East Grinstead over the past 10 years.
- 2.6.2 There are no detailed proposals to improve on the existing situation. Even if there were, there are serious questions the affordability of schemes which would be capable of significantly improving capacity and safety for the 5 junctions along the A22 corridor.
- 2.6.3 The Council’s claim that the 750 proposed homes on the sites SA19/SA20 will not have a material impact on the highways network is not supported by the evidence.

3. (vi) Does the allocation have any significant impact on the living conditions of neighbouring occupiers (SA19/SA20)?

3.1 Impact of traffic

- 3.1.1 The existing capacity problems at the 5 key junctions along the A22 corridor into the East Grinstead town centre have been widely reported and acknowledged by West Sussex Highways
- 3.1.2 The Council's strategic transport study applies a very narrow interpretation of NPPF paragraphs 108 and 109 and consequently reports so severe impacts relating to SA19/SA20 when considering highways capacity or safety issues. However the study does report the A264/A22 as a 'hotspot' leading to an increase in drivers rerouting to avoid delays.
- 3.1.3 These rerouting impacts are only described in terms relating to the rural roads B2110 and B2028 and not on the residential streets within the Imberhorne and Gardenwood Estates, which appear to be beyond the study's remit.
- 3.1.4 The problem of rerouting to avoid the congested A22 junctions was recognised as early as 2010. The scheme for 100 homes on Land to the Western Side of Imberhorne Lane was refused on the advice of West Sussex Highways on account of the increased traffic having an unacceptable impact on the local network. The scheme was appealed but the highways objection was withdrawn when the developer agreed to fund a scheme to coordinate the traffic signals between the Imberhorne and Felbridge junctions (Appeal Ref 2142385).
- 3.1.5 Despite this, the appeal Inspector felt it necessary to comment on the significant rat-running through the Imberhorne Estate to reach the town centre, remarking on the adverse impact on the safety and amenity of local residents ...

Local road network

26. There is a recognised problem of traffic congestion in East Grinstead which has been the subject of studies over the years and is accepted as a major constraint on future growth in and around the town. Locally, peak-hour congestion on the A22 leads to the use of Imberhorne Lane as a cut-through to the B2110 and as part of a rat-run through the Imberhorne Estate to the town centre. The lane has a 30mph speed limit which is regularly exceeded and it is used by commercial vehicles, including in connection with a waste recycling facility, as well as cars. The amount of traffic on the lane leads in turn to congestion on it and this, along with rat-running and traffic speeds, can only be to the detriment of the safety of local residents and road users.

- 3.1.6 The Land to the Western Side of Imberhorne Lane site was allowed on appeal and the scheme completed in 2016 (aka The Oaks). This site abuts the allocation site SA20 which proposes access for the 550 proposed homes via a new junction opposite Heathcote Drive (see Appendix H)
- 3.1.7 Should the site allocation be approved, the occupiers of existing homes close to the Imberhorne Lane/Heathcote Drive junction will find themselves living next to a busy signalised crossroads

- 3.1.8 Future occupiers of the proposed SA20 development wishing to use the town centre facilities or travel to employment centres in Tunbridge Wells or south of the town will have a choice of using the longer and congested route via the A22. Alternatively they will join existing drivers already rerouting through the Imberhorne and Gardenwood Estates (see Appendix I)

4. (vii) Is there any significant impact on the quality of the landscape eg. Green Gaps, Ecology Ancient Woodland (SA20)?**4.1 Agricultural Land Classification**

- 4.1.1 Imberhorne Farm has been actively producing crops since medieval times, with the land proposed for SA20 characterised by traditional farming methods and by encouraging biodiversity through the maintenance of hedgerows and wildlife buffer zones. The Farmland achieved Countryside Stewardship status in 1997 (see Appendix J).
- 4.1.2 NPPF paragraphs 170 and 171 set out to protect and enhance valued landscapes, sites of biodiversity or geological value and soils.
- 4.1.3 National Planning Practice Guidance requires planning policies and decisions to take account of the economic and other benefits of the best and most versatile agricultural land, classified as grades 1, 2 and 3a.
- 4.1.4 The Council's Policy DP12 acknowledges that most of the district's agricultural land is grade 3 with potential for some of it to be classified as 3a. The Council accepts that field surveys may be required to inform decisions about specific sites.
- 4.1.5 The Sustainability Appraisal echoes DP12, confirming that the Council does not have the available data to assess its grade 3 land as categories 3a or 3b.
- 4.1.6 Natural England's ***Guide to Assessing Development Proposals on Agricultural Land***¹, published February 2021, sets out policies to help planning authorities meet their obligations to protect the best and most versatile land from inappropriate or unsustainable development proposals .

Section 4.4 describes sub-category 3a land as that capable of consistently producing moderate to high yields of a narrow range of arable crops (e.g. cereals) or moderate yields of a wide range of crops (e.g. cereals, grass, oilseed rape, potatoes, sugar beet and less demanding horticultural crops).

Section 6.2 advises planning authorities to undertake new field surveys if there's not enough information from previous data.

- 4.1.7 The submitted plan provides no evidence that the Council has conducted a detailed field survey to properly assess the status of the agricultural land at SA20. Indeed the plan doesn't recognise the loss of agricultural land as a planning consideration at all.
- 4.1.8 SA20 is a site characterised by traditional eco-friendly farming practices with a long history of cereal growing. Today, a crop of Spring Barley is growing on the site but there has also been recent crops of Oil Seed Rape (which is only listed for grade 3a land).
- 4.1.9 The Council have allocated the site in their submitted plan without proper consideration of its agricultural value and therefore risks significant harm to the landscape .

¹ <https://www.gov.uk/government/publications/agricultural-land-assess-proposals-for-development/guide-to-assessing-development-proposals-on-agricultural-land>

APPENDICES

- Appendix A - Email correspondence with the East Grinstead Town Council re. the conformity of NP policies with the Local Plan
- Appendix B - Email correspondence with the Council Re. How NP policies were assessed
- Appendix C - Email correspondence with the Council Re. NP Policy SS8
- Appendix D - FOI to Mid Sussex Re. Sustainable Travel Plans
- Appendix E - FOI to West Sussex Re. Sustainable Travel Plans
- Appendix F - Email correspondence with West Sussex Highways re. A264/A22 Corridor Improvements Project
- Appendix G - FOI to West Sussex Re. A264/A22 Bus Priority Project
- Appendix H - Proposed junction layout for SA20
- Appendix I - Map showing SA20 site access on to the Imberhorne Estate (and the shortest route to the town centre)
- Appendix J - Extract from A History of Imberhorne Farm published in May 2003

APPENDIX A

From: Paul Tucker [mailto:]
Sent: 04 September 2020 13:49
To: Julie Holden
Subject: RE: Neighbourhood Plan Policy Status

Dear Town Clerk,

I find it surprising that there is no official record of the joint review of the EGNP policies following the adoption of the district plan.

Clearly the minutes of the town council's planning meeting on 16th May 2018 record your own understanding that apart from EG5 the other NP policies are in compliance with the district plan. I'm just concerned that there is no record that officers at Mid Sussex share your understanding.

Could you clarify please.

Thank you

Paul Tucker

From: Julie Holden [mailto:j.holden@eastgrinstead.gov.uk]
Sent: 11 September 2020 09:58
To: Paul Tucker
Subject: RE: Neighbourhood Plan Policy Status

Dear Mr Tucker

As I have advised there are no minutes of my meeting with Mid Sussex, there rarely are in officer to officer meetings. I enclose the agenda to the meeting of 16th May (I note you have seen the minutes), which includes the text from a letter from Sally Blomfield which states that EG5 no longer holds full weight following the adoption of the District Plan. She refers to writing to me the following week, which was by way of email to offer to meet which we then did and my briefing to the committee chairman following was then reported in the minutes.

Mrs Blomfield confirmed at the meeting that this was the only policy in conflict with the District Plan and our discussion (as shown in the briefing) discussed the options that we had to either amend the plan or leave it with that one policy accepted as holding little weight. It was agreed at the following meeting (4th June) that we would leave the plan as it was at that time. I appreciate that the papers do not explicitly state that all other policies are in conformity, however that was indeed my understanding following the meeting and remains so.

I really have nothing more that I can add to clarify this matter.

With Best Wishes

Julie Holden
Town Clerk

APPENDIX B

From: MIKE FRENCH <[REDACTED]>
Sent: 25 August 2020 22:56
To: planningpolicy <planningpolicy@midsussex.gov.uk>
Subject: RE: Consultation on the Sites Allocation document

RE: Consultation on the Sites Allocation document

I have been reviewing the completed site selection assessment forms for the two large sites on the edge of East Grinstead (SA20) and Felbridge (SA19) that form part of the evidence base seeking to justify the proposed site allocations being promoted by the District Council and developers in the Site Allocation DPD.

Link to SA19 assessment form ... [Site Selection Criteria ID 196 – Crawley Down Road, Felbridge](#)

Link to SA20 assessment form ... [Site Selection Criteria ID 770 - Imberhorne Farm](#)

Whilst the evaluation seems to have assessed the sites a wide range of planning considerations there seem to be some significant omissions.

1. I had understood that Neighbourhood Plans form a critical part of the Mid Sussex local development plan. Is this correct please? If not, could you explain what role they do play.
2. How were the neighbourhood plan policies considered?

Whilst I can see that a number of neighbourhood plan policies have been singled out in the 'Other Considerations' section the form does not show whether the policies were found to weigh for or against the site allocation, or the amount of weight given to these relative to other criteria.

The above clarification does seem vital in order to be able to give an informed response to the current consultation.

I look forward to your response at your earliest convenience.

Mike French

From: [REDACTED]
To: [REDACTED]
Sent: Thursday, 27 Aug, 20 At 16:31
Subject: RE: Consultation on the Sites Allocation document

Dear Mr French,

Thank you for your email regarding the Sites DPD.

Regarding Neighbourhood Plans, these form an important part of the Development Plan and their policies accorded full weight in the determination of planning applications, unless the policy has been superseded/in conflict with a later plan – in which case that policy takes precedence (NPPF para 30 states that neighbourhood plan policies take precedence unless superseded by any subsequent adopted plans – Planning Practice Guidance supports this).

The relevant Neighbourhood Plan policies are listed within the proformas. NP policies related to specific sites were of course taken into account during the site selection process. Upon its adoption, the Site Allocations DPD will be the 'latest plan' and would therefore carry the greatest weight in making planning decisions where there is any conflict between plans. This is particularly relevant to countryside protection policies, such as those listed against these sites, and our District Plan policy DP12 on the same matter.

Kind regards,

[REDACTED]

From: MIKE FRENCH <[REDACTED]>
 Sent: 29 August 2020 15:28
 To: [REDACTED]
 Subject: RE: Consultation on the Sites Allocation document

Dear Mr [REDACTED]

Thank you for your e-mail confirming the position regarding the status of the neighbourhood plan, and also confirming that the NP policies relating to specific sites were fully taken into account during the site selection process.

Unfortunately, however, you haven't answered my question which explicitly asked you to set out how each policy was considered and the outcome of the evaluation.

1. *How were the neighbourhood plan policies considered?*

Whilst I can see that a number of neighbourhood plan policies have been singled out in the 'Other Considerations' section the form does not show whether the policies were found to weigh for or against the site allocation, or the amount of weight given to these relative to other criteria.

For every other planning consideration (with the exception of highways), there was commentary on the outcome of the assessment. For the other planning considerations it was clearly not thought sufficient to simply list the heading!

You confirmed that the neighbourhood plan "forms an important part of the Development Plan" and yet when assessing the suitability of potential sites they are relegated to the bottom of the form without any commentary or colour coded impact assessment.

Therefore can you ...

- Let me know what notes/comments were made when taking account of the neighbourhood plan policies or otherwise confirm that no such notes/comments exist please.
- Provide me with any other material evidence that would show that sites SA19 and SA20 have been genuinely assessed against the neighbourhood plan policies and if so where I can view it please.

I look forward to your response.

Regards

Mike French

From: [REDACTED]
 To: "MIKE FRENCH" <[REDACTED]>
 Sent: Wednesday, 2 Sep, 20 At 09:53
 Subject: RE: Consultation on the Sites Allocation document

Dear Mr French,

Site Selection Paper 2: "Methodology for Site Selection" (available at <https://www.midsussex.gov.uk/planning-building/development-plan-documents/site-allocations-dpd-evidence-library/>) sets out the approach to site selection. Section 6 explains how conclusions will be reached – in particular, paragraph 6.6-6.7 explains the role of Neighbourhood Plans.

The proformas for SA19 and SA20 describe the relevant Neighbourhood Plan policies.

EG2 – Countryside area of Development Restraint (SA19/SA20). A similar policy is contained within the District Plan (DP12)

EG2a – Coalescence (SA19). A similar policy is contained within the District Plan (DP13)

EG5 – Housing (SA19/SA20). A similar policy is proposed within the Sites DPD (SAGEN), with individual site requirements set out in SA19 and SA20 themselves.

You will note that these policies would apply to nearly every site considered within the East Grinstead Neighbourhood Plan area. There are no site-specific policies (e.g. an allocation for an alternative use on these sites) within the Neighbourhood Plan that would have impacted on the assessment. If the Neighbourhood Plan policies have impacted on the overall site selection conclusion, this would be noted in "Part 5 – Conclusion".

If you have remaining concerns regarding the site selection process, or the proposed allocation of these sites, you are of course welcome to raise these in your consultation response. All comments submitted to us (as per the consultation information at www.midsussex.gov.uk/SitesDPD) will be submitted to an Independent Planning Inspector who will be appointed to examine the Sites DPD.

Kind regards,

Andrew



APPENDIX C

From: Paul Tucker <[REDACTED]>
Sent: 23 March 2021 12:07
To: [REDACTED]
Cc: bankssolutionsuk@gmail.com
Subject: Inspector's Question re. Local Green Space

Dear Ms [REDACTED]

I have just read your response to the Inspector's initial questions of soundness dated 19th March, concerning the Council's Site Allocations DPD.

On the matter of Local Green Space, the subject of the Inspector's question 5.1 (iv) and (v), you say that "Only one of the proposed housing allocations was designated as part of a wider Local Green Space in a neighbourhood plan – SA15".

It seems to me that the site specific Policy SS8 – (Land South of Birches Industrial Estate and West of Imberhorne Lane) in the 'made' East Grinstead Neighbourhood Plan is a Local Green Space policy and as such, should have qualified SA20 to be included in your response. Could you let me know your reasoning for not doing so please ...

I look forward to your reply

Paul Tucker
For and on behalf of Infrastructure First

From: [REDACTED]
Sent: 23 March 2021 12:46
To: Paul Tucker
Cc: [REDACTED] bankssolutionsuk@gmail.com
Subject: RE: Inspector's Question re. Local Green Space

Dear Mr Tucker,

Thank you for your email regarding Local Green Space.

Local Green Space is a specific designation as set out in National Planning Policy. Policy SS8 within the East Grinstead Neighbourhood Plan is not designated as Local Green Space.

Kind regards,
[REDACTED]

From: Paul Tucker [REDACTED]
Sent: 23 March 2021 14:27
To: [REDACTED]
Cc: [REDACTED]bankssolutionsuk@gmail.com'
Subject: RE: Inspector's Question re. Local Green Space

Dear Mr Marsh,

Thank you for your prompt reply, but could you clarify why you regard the Neighbourhood Plan Policy SS8 as one that doesn't conform to the national planning policy definition please; as per paragraphs 99 and 100 at the bottom of this email?

It is clearly the intention of the Neighbourhood Plan to protect from development the wide open space on the site of SA20; it acknowledges that the site *"has considerable value as an open area of countryside that the local community wish to retain."*

- The site abuts the built-up boundary with extremely well used public rights of way running around the perimeter.
- The public right of way passes right next to several heritage assets in the form of the Grade II listed Gullege Farmhouse and Imberhorne Farm Cottages.
- The site promoter's own ecological survey lists a number of breeding populations of 'red listed' bird species such as the Yellowhammer and Skylark, and
- There are remarkably unconstrained views of the North Downs.

This area of countryside has immense value to the local community and I would think that the Neighbourhood Plan Policy SS8 is just the sort of policy that the Inspector was referring to in his question to the Council *"It seems to me that Local Green Space is one particular type of open space – indeed, it is one which is of particular importance to local communities and is demonstrably special to them"*

I look forward to your further clarification please.

Paul Tucker
For and on behalf of Infrastructure First

From: [REDACTED]
Sent: 23 March 2021 15:22
To: Paul Tucker
Cc: [REDACTED]bankssolutionsuk@gmail.com
Subject: RE: Inspector's Question re. Local Green Space

Dear Mr Tucker,

The Inspector's question 5.1 relates specifically to designated Local Green Space, i.e. designated in accordance with the criteria set out in paragraphs 99/100 of the NPPF, not other areas of open space or countryside.

As set out in paragraph 99, "Local Green Spaces should only be designated when a plan is prepared or updated" and it must be demonstrated at that stage that the three criteria (a-c) in paragraph 100 are met. The East Grinstead Neighbourhood Plan does not include any mention of Local Green Space, there is no assessment of Local Green Space within its evidence base against the criteria, and it was not mentioned or concluded upon by the Neighbourhood Plan Examiner during the examination process. Policy SS8 within the East Grinstead Neighbourhood Plan is therefore not designated as Local Green Space.

Kind regards,

[REDACTED]

APPENDIX D

From: Paul Tucker <[redacted]>
Subject: FoI - Monitoring of Sustainable Travel Schemes
Date: 25 March 2021 12:12
To: foI@midsussex.gov.uk

Freedom of Information Request

Council reporting of the Measuring and Monitoring process into the Effectiveness of Sustainable Travel Plans mandated for developments approved in and round East Grinstead

In recent years the 'local development plan' has required planning applications to take account of the well-established traffic congestion in and around East Grinstead. To this end, large developments have been required to include sustainable travel assessment and travel plans; the object being to meet the Government commitment to reducing the need to travel wherever possible, and where this is not possible, to reducing the need to travel by car, through the promotion of alternative, sustainable means, that are practical, attractive and affordable.

With this in mind, the Council made the granting of the following permissions conditional on sustainable travel plans. These were designed to achieve a 10%-15% modal shift away from car use towards sustainable options - walking, cycling and public transport.

Travel Plans in relation to Schemes:-	No of Homes	Modal Shift Target
Land to Western Side of Imberhorne Lane "The Oaks" (ref 12/03843/REM)	100	15%
Land South of The Old Convent, Moat Road (14/00294/FUL)	74	Not given
Land adj Ashplats House, Holtye Road (12/00716/REM)	117	10%

As part of these planning permissions it was required that the uptake/effectiveness of these schemes be both measured and monitored.

As some time has elapsed, there should be results by now from the measurement and monitoring of these sustainable travel plans that can usefully inform as to whether or not these schemes have met, exceeded or failed to meet the targeted levels of modal shift.

Could you please provide whatever evidence the planning authority has on the compliance with these planning conditions and the results of the measurement and monitoring, to deal with the following questions:

1. What monitoring has taken place in each case and when was this reported?
2. Where can these monitoring statistics and reports be viewed on the Council's website, or, if they are not available there, can you please provide electronic copies?
3. What conclusions has the Council reached, please, as:
 - a. to the effectiveness of these sustainable travel schemes in meeting the objective targets?
 - b. to how the performance of such schemes might be enhanced?
 - c. to what extent similar schemes might be safely relied upon to deliver modal shifts to reduce the need to travel by car for further housebuilding? And what level of modal shift might be expected to be achieved?

Many thanks

Paul Tucker

From: Freedom of Information [mailto:foi@midsussex.gov.uk]
Sent: 31 March 2021 10:57
To: Paul Tucker
Subject: RE: FoI - Monitoring of Sustainable Travel Schemes Our Ref: R169871

Dear Mr Tucker,

Please find below our response to your freedom of information request.

1. What monitoring has taken place in each case and when was this reported?
The District Council is not responsible for the monitoring of sustainable travel plans so does not hold this information. Please contact the travel planner at West Sussex County Council for further information.
2. Where can these monitoring statistics and reports be viewed on the Council's website, or, if they are not available there, can you please provide electronic copies?
As the District Council is not responsible for monitoring the sustainable travel plans, the Council does not hold this information. Please contact the travel planner at West Sussex County Council for further information.
3. What conclusions has the Council reached, please, as:
 - a. to the effectiveness of these sustainable travel schemes in meeting the objective targets?
 - b. to how the performance of such schemes might be enhanced?
 - c. to what extent similar schemes might be safely relied upon to deliver modal shifts to reduce the need to travel by car for further housebuilding? And what level of modal shift might be expected to be achieved?
As the District Council is not responsible for monitoring the sustainable travel plans, the Council does not hold this information. Please contact the travel planner at West Sussex County Council for further information.

yours sincerely,

FOI/DPA Team

APPENDIX E

From: westsussex@infreemation.co.uk [mailto:westsussex@infreemation.co.uk]

Sent: 20 April 2021 13:08

To: [REDACTED]

Subject: [FOI/2228] I am seeking to understand the results of the travel plans monitoring of large developments in East Grinstead

Dear Paul Tucker,

On 31/03/2021 you made the following request for information, which has been dealt with in accordance with the provisions of the Freedom of Information Act 2000/Environmental Information Regulations 2004

Your request for information relates to Travel Plans associated with approved developments in East Grinstead and specifically three development sites (Land to Western Side of Imberhorne Lane (12/03843/REM), Land South of The Old Convent, Moat Road (14/00294/FUL) and Land adjacent to Ashplats House, Holtye Road (12/00716/REM).

The responsibility and liability for producing development related Travel Plans sits with the developer who is implementing any planning permission that has been granted; in this instance by Mid-Sussex District Council. WSCC as Highway Authority shall monitor development travel plans for a period of 5 years where a developer actively engages with the authority. WSCC as Highway Authority has no enforcement powers through the planning process and these sit with the District and Borough Councils within West Sussex as Local Planning Authorities.

In relation to the specific questions you raise about monitoring that has taken place, where the monitoring statistics are held and views as to the effectiveness of Travel Plans please find below the authority's response to each of these questions.

The following monitoring has taken place for each site referred to:

- **Land to Western side of Imberhorne Lane**
WSCC have not been consulted in relation to a Travel Plan at this site and are therefore not aware of any formal monitoring.
- **Land South of the Old Convent, Moat Road**
Given that the scale of development is below the threshold for when monitoring is required there is no requirement for formal monitoring at this site.
- **Land adjacent to Ashplats House, Holtye Road**
a draft Travel Plan was submitted to WSCC for comments in November 2011. Comments were made although no response was received and so the Travel Plan was not approved. WSCC are not aware of any further monitoring.

With regards the availability of the monitoring statistics and providing copies of this data. As per the above bullet points no formal monitoring has been received or is required for these sites due to their scale. Therefore no information is held in relation to this. In relation to your final question about what conclusions can be drawn to the effectiveness of these sustainable travel schemes in meeting their objectives in these specific instances very little can be drawn because of a lack of monitoring data to compare with the targets within the travel plan.

Yours sincerely,

Natasha CI Group

APPENDIX F

From: Darryl Hemmings <darryl.hemmings@westsussex.gov.uk>
Date: 19 March 2021 at 17:26:31 GMT
To: Heidi Brunsdon <[REDACTED]>
Subject: A264/A22 Corridor Improvements

Heidi, thanks for your email and apologies for not responding sooner

1. Could you please let me know the status of any A22/A264 corridor improvements please?
These improvements remain at the feasibility stage and there is no timetable for implementation because they were being developed through joint working with Surrey CC and Tandridge DC to support the Tandridge Local Plan and the South Godstone development which could have had a significant impact on this corridor. We await further information on the future direction for Tandridge Local Plan before undertaking any further work.
2. If no new improvements have been identified, are there any firm plans to implement the Atkins junction improvements to the Lingfield and Moat Road junctions?
There is no current timescale for implementing the junction improvements at the Lingfield and Moat Road junctions identified in the East Grinstead Traffic Management Study by Atkins. If additional development sites come forward in the area as proposed in the Site Allocations DPD, then it is likely that the Atkins designs will be superseded by junction mitigation designs being developed to mitigate the cumulative impacts of committed development plus other sites.
3. What reason did MSDC give for not including the requested wording amendments to paragraph 3.16 in policy SA35 (Safeguarding of Land for Strategic Highway Improvements)
We cannot the District Council offering an explanation for this and have seen no correspondence to this effect. We will raise this matter with them.

I hope this information is helpful, but please let me know if you have any further questions.

Kind regards,

Darryl

Darryl Hemmings
Transport Planning & Policy Manager, Planning Services

APPENDIX G

From: westsussex@infreemation.co.uk [mailto:westsussex@infreemation.co.uk]

Sent: 22 April 2021 11:13

To: [REDACTED]

Subject: [FOI/2258] Bus priority improvements to bus corridor between East Grinstead and Crawley on the A264/A22

Dear Paul Tucker,

Our Ref: FOI/2258

On 10/04/2021 you made the following request for information, which has been dealt with in accordance with the provisions of the Freedom of Information Act 2000/.

Details of the WSP London Road bus lane plan including drawings and any supporting documentation

We have now completed a search for the information which you requested and confirm that this Authority holds data relevant to your request.

The Response to your request is as follows:

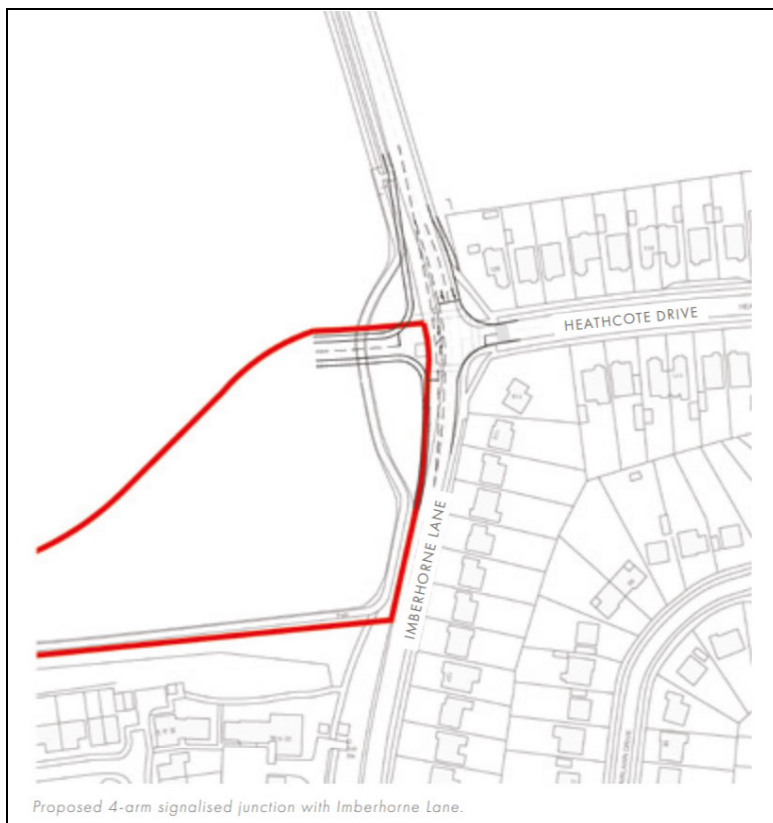
The attached A22 bus lane design was developed by West Sussex County Council as part of its Local Transport Investment Programme. Its objective is to improve bus journey times and reliability on the corridor. The scheme is not currently programmed for implementation as the cost exceeds the currently available budget and there is a need to integrate it with improvements at the junctions that are planned to mitigate permitted or proposed developments coming forward in the area. The County Council will reconsider the approach to implementation of this scheme following the adoption of the Mid Sussex Site Allocations Development Plan Document, in liaison with Surrey County Council and the local planning authorities.

Yours sincerely,

Jackie Boxall

CI Foi Group

APPENDIX H



APPENDIX I



APPENDIX J

A breakdown of the current land usage in 2003, demonstrates that Imberhorne Farm is still predominantly arable.

Land Usage	2003 Acreage	%
Arable	197	69
Wood	9	3
Conservation Grass/Meadow	70	25
Other	8	3
Rough	1	0.4
Total	285	

Due to the lack of livestock, meadowland and pastureland is no longer required to provide foodstuffs. However, there is an ancient meadow that has been designated as a Site of Nature Conservation Importance because of its biodiversity.

Some of the hedges previously grubbed out have also been reinstated, returning to the practice of smaller field cultivation, although the fields are still not as small those of 1842.

The workforce at Imberhorne Farm has dramatically declined in numbers since 1954, being worked solely by Brian Emmett with the use of contractors for operations such as combining at harvest time. Until 1999, Brian Emmett had been growing wheat in rotation with the break crops such as oilseed rape and peas or linseed. However, major problems with runch, a weed that is particularly difficult to control in break crops, together with pigeon damage, and low returns, forced a change in farming practice. The practice now adopted is a rotation of wheat, and set-aside as a way of cleaning-up the land for one year, or volder, in the terms of past employee Taddy Redman. A spring-sown variety of barley is now being used to provide a better habitat for birds like the fieldfare and lapwings, once seen in great abundance on the Farm but whose numbers had sadly declined over the years but are now building up again. Crop rotation and the careful management of the condition of the soil produce 3 tons of winter wheat per acre. Birds, such as skylarks, and other wildlife have also benefited from the use of set-aside land and the six metre strips around all of the fields act as buffer zones and wildlife habitats.

The return to traditional agricultural practices and appropriate soil maintenance, along with the re-instatement of hedgerows and the management of hedge and verge cutting have enhanced the biodiversity of Imberhorne Farm, whilst still being a viable farming concern. On the whole, the fields that make up what is now known as Imberhorne Farm have changed very little since being part of the demesne lands of the manor of Imberhorne in 1597 The main difference being that Imberhorne Farm is now situated within a heavily populated area, making it a haven for wildlife and a place where people can escape to enjoy the relative peace and quiet, except for the song of the skylarks and a chance to get close to nature and appreciate a little piece of, as yet, unspoilt Sussex countryside.

Source: <https://www.felbridge.org.uk/index.php/publications/farm-imberhorne/>