

Mid Sussex Site Allocations Plan

Matter 4 Examination Statement

- 1.1 This examination statement has been prepared by Nexus Planning on behalf of Miller Homes Ltd.
- 1.2 Miller Homes control land south of Lewes Road, Haywards Heath ("the Site") (SHELAA ref. 844). The Site measures approximately 5 hectares, is available for development now and has an indicative capacity of 100 dwellings.

Matter 4 - Are the Plan's provisions for the protection and enhancement of its environmental, landscape, biodiversity and heritage assets justified and in accordance with national policy?

4.2 Given the importance of Areas of Outstanding Natural Beauty (AONB) as a national policy constraint with the highest status of protection in the English town and country planning system in relation to landscape and scenic beauty, what is the justification for allocating the proposed number of dwellings in the High Weald AONB? In relation to paragraph 172 of the Framework and the support in policy DP16 for appropriate 'small scale' proposals in the AONB, what should be the definition of 'major development' in the context of Mid Sussex?

- 1.3 Paragraph 3.4.6 of the Site Selection Paper 3 states that *"It is important to note that a number of settlements in the plan area are entirely within the AONB, including several settlements at Category 3 of the settlement hierarchy where the adopted District Plan Strategy distributes housing growth. It will be necessary to ensure that housing needs at settlements in the AONB are met where possible, including through allocation, where doing so does not cause unacceptable harm to the AONB."*
- 1.4 In this context, we note that the Inspector's Report relating to the District Plan outlines that *"Further allocations are likely to be needed in the future Site Allocations DPD to meet the housing requirement. There are locations within the District of lesser landscape value, in relatively sustainable locations near to settlements and close to main transport routes. Some settlements lie within the AONB and may be appropriate for **modest housing schemes**, but there is **no evidence that meeting the housing requirement will necessitate major development in the AONB** other than that already permitted by the Council at Pease Pottage, or that it would harm the National Park."* (paragraph 53) (emphasis added).

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- 1.5 It is therefore demonstrable that the Inspector considered only *"modest"* housing schemes may come forward in the AONB and that *"no evidence"* existed to support major development in the AONB.
- 1.6 Paragraph 172 of the Framework states that *"great weight should be given to conserving and enhancing landscape and scenic beauty in...Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues."* It also outlines that the scale and extent of development in the AONB should be *"limited"* and that major development in the AONB should be refused other than in *"exceptional circumstances, and where it can be demonstrated that the development is in the public interest"*.
- 1.7 Major development in the AONB is not defined by the NPPF and footnote 55 states that this *"is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined"*
- 1.8 Having regard to footnote 55 of the Framework, Policy DP16 of the District Plan and the Inspector's previous comments in respect of growth in the AONB, we note that SA25 would result in some 3.5ha of greenfield land being developed to accommodate 70 dwellings, reduced from 100 dwellings in the previous iteration of the plan due to the Council accepting that it did comprise major development in the AONB. 70 dwellings does however remain a significant scale of development, particularly on the edge of a modest rural village and resulting in a fundamental and irreversible change to the landscape and scenic beauty of the site and wider area as the development would be readily perceptible from outside the site. It would also represent a significant expansion of the existing village in a sensitive location adjacent to a conservation area. For these reasons, it would represent major development in the AONB for the purposes of 172 of the Framework.
- 1.9 Our Regulation 19 representations demonstrates that there are no exceptional circumstances for SA25 and the Council rightly accept that exceptional circumstances do not exist in its own assessment.
- 1.10 Comparing SA25 with another available but discounted site by the Council - land south of Lewes Road (ID 844 within the Site Selection Paper 3) – SA25 is by definition proposed at a significantly less sustainable location (Category 3 settlement compared to a Category 1 settlement). Furthermore, land south of Lewes Road is not located within the AONB. In terms of heritage considerations, the Council's Site Selection Paper 3 considers less than substantial harm would arise in respect of developing land south of Lewes Road on the setting of a Grade II listed building and a conservation area. The same is concluded in respect of SA25, albeit with the potential to effect the setting of a Grade I listed building which is an asset of the highest significance as per paragraph 194b of the Framework. Despite this, in combination with the fact SA25 is also located in the AONB and on the edge of a less sustainable settlement, it is still allocated. The Site Selection Paper 3 indicates that this is in order to *"deliver Ardingly's housing target..."* (page 832), presumably to meet the settlement level residual figures in the District Plan.
- 1.11 However, as detailed in our Regulation 19 Representations to Policy SA25 and Matter 3 Statement, principal purpose of providing residual housing figures by settlement was to guide the preparation of neighbourhood plans. The use of settlement figures is much less appropriate in the context of

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preparing a District-wide site allocations documents, as the settlement specific figures simply serve to unduly restrict the growth strategy despite, as the Council freely admit, not being robustly tested such that the figures are actually known to be deliverable.

- 1.12 Paragraph 6.16 of the Council's SA highlights the issues with this approach, where it states 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)."*
- 1.13 We agree that the SA DPD should not simply allocate all sites in Category 1 settlements as they should broadly align with the spatial strategy set out in the District Plan, but only where it is sustainable to do so. Where sufficient sites cannot be identified within a settlement category, any shortfall should then first be tested in Category 1 settlements. We consider that this approach would promote a sustainable pattern of growth, something the Plan currently fails to do, as evidenced by the general proposals to allocate growth in the AONB.
- 1.14 Given the above, we do not consider that the scale of growth proposed in the AONB is justified, in particular the proposals for 70 dwellings at SA25. The allocation should be deleted or substantially reduced in scale, with the residual housing requirement delivered through more sustainable sites outside of the AONB.