

Mid Sussex District Site Allocations Development Plan Examination

Response to Matter 4: Provisions for the Protection and Enhancement of Environmental, Landscape and Other Assets

For and on behalf of: Miss E. Beckford

May 2021

Introduction

1. Chilmark Consulting Ltd (CCL) are instructed by and write on behalf of Miss E. Beckford (EB).
2. EB has an interest in land at Turners Hill, Mid Sussex and has previously submitted a duly made objection to the Regulation 19 Submission Draft Mid Sussex District Site Allocations Development Plan Document (SA DPD) (July 2020) (reference: **DPD1**).
3. This Statement is concerned with **Matter 4** (Provisions for the Protection and Enhancement of Environmental, Landscape, Biodiversity and Heritage Assets) as set out in the Inspectors' Matters, Issues and Questions (MIQs) (Examination document reference: **ID-02**) dated 24th March 2021.
4. The Statement has been prepared on the basis that the Inspector has received and reviewed in detail EB' previous representation submitted to Mid Sussex District concerning the Regulation 19 Submission Draft SA DPD.

Response to Issue 4.1

*Are the **environmental, landscape, biodiversity and heritage** policies justified, effective and in accordance with national policy? Are any additional environmental policies needed?*

5. Question 4.1 asks whether the SA DPD's policies are justified, effective and accordance with national policy and whether any additional environmental policies are needed.

6. The SA DPD Policy Maps include a 'Strategic Gap' landscape protection / development restriction designation. The Strategic Gap in the Policy Maps covers a broad area stretching from the District's boundary with Crawley Borough towards East Grinstead.
7. The Strategic Gap is shown on a number of the SA DPD's Policy Maps (but notably not on the Key Diagram). EB's particular interest is in relation to **Policy Map 19 (Turners Hill)**. The designated Strategic Gap area is annotated with a blue vertical stripe and covers a large area of land around Turners Hill settlement including land with which EB has an interest at Turners Hill Road.
8. The SA DPD does not however make any reference within the submitted document to the Strategic Gap in terms of its justification, role or purpose. There is no mention of the designation in the SA DPD and no evidence is presented to support the designation.
9. Furthermore, there is no reference, evidence or detail as to the role, function of purpose of a Strategic Gap set out in the adopted Mid Sussex District Plan (2018) (MSDP) (**DPD5**).
10. Policy DP13 (Preventing Coalescence) of the MSDP states that 'Local Gaps' can be identified in Neighbourhood Plans or a Site Allocation Development Plan Document where:

"There is robust evidence that development within the Gap would individually or cumulatively result in coalescence and the loss of the separate identity and amenity of nearby settlements. Evidence must demonstrate that existing local and national policies cannot provide the necessary protection".
11. There is however a fundamental difference in terms of the purpose, identification and justification of a Local Gap (by virtue of Policy DP13) and the Strategic Gap shown in the SA DPD Policy Map which is not consistent with DP13.
12. Put simply, the Crawley – East Grinstead Strategic Gap identified in the SA DPD Policy Map is not justified by:

- a) reference to the policies of the adopted District Plan; or
 - b) virtue of any evidence set out in the SA DPD that would explain its extent, purpose or function.
13. The Crawley – East Grinstead Strategic Gap designation is not consistent with the identification of Local Gaps that are clearly described in Policy DP13 of MSDP to protect from loss of separate identity and amenity of nearby settlements as it seeks to safeguard a very extensive area stretching from Crawley to East Grinstead. It is a product of its time (as set out below) and for purposes that are no longer relevant in the context of other plan policies and NPPF policies that are entirely capable of achieving the same levels of protection from development.

Background to the 'Strategic Gap' Designation

14. The basis for the designation of the Strategic Gap for Crawley – East Grinstead Strategic Gap shown in the SA DPD Policy Map was through policy CH3 (b) of the former West Sussex County Structure Plan 2001 – 2016 (WSCSP).
15. The WSCSP was adopted in 2004, prior to the NPPF, and operated in the period up to 2016. Its policies and evidence base are out of date and therefore no longer form any material part of the relevant Development Plan for Mid Sussex District.
16. The designated Crawley – East Grinstead Strategic Gap area shown in the SA DPD Policy Map therefore appears to relate to the former Mid Sussex Local Plan (2004) (MSLP) and to former Policy C2 of the MSLP.
17. Former Policy C2 and reasoned justification established that Strategic Gaps had been defined and safeguarded as shown on the Development Plan Proposals Map for several locations, including for Crawley and East Grinstead. The policy set out a highly restrictive approach to development in designated areas subject to specific criteria. Policy C2 was not 'saved' when the new MSDP was adopted in 2018 as Appendix 3 of the District Plan sets out (see page 115).
18. The evidence base underlying the identification and definition of the Crawley - East Grinstead Strategic Gap was set out in a 'Technical Report' as part of the preparation of the MSLP. Paragraph 3.28 of the MSLP confirmed that the

'Technical Report' identified assessment criteria and boundaries for the Strategic Gap.

19. That Technical Report appears however to no longer be publicly accessible or available as part of the planning policy evidence base for the District. In any event, the Technical Report pre-dates the completion of the MSLP (and the adopted MSDP) and the assessment set out within it is therefore at least some 16-18 years old now.
20. There is no evidence that there has been any systematic or comprehensive update of the supporting evidence for the Strategic Gap since the Technical Report despite evident changes to development requirements, spatial strategy and both national and local planning policies relevant to Mid Sussex.
21. With respect to the Crawley – East Grinstead Strategic Gap at Turners Hill (SA DPD Policy Map 19), the designation was carried through into Policy THP8 (Countryside Protection) of the adopted Turners Hill Neighbourhood Plan (THNP), 'made' in 2016.
22. THP8 was predicated upon the MSLP Policy C2 that was of extant at the time the THNP was prepared. Policy THP8 was however based entirely on the earlier MSLP and the THNP does not offer any additional or further evidence or justification of the Strategic Gap designation. THP8 is not consistent now with MSDP Policy DP13 (which lays out the basis for designation of specific, evidenced, Local Gaps), nor is it consistent with the MSDP or with the NPPF. THP8 does not, in EB's view therefore represent a policy basis upon which any weight can be applied to justify the continued Strategic Gap designation in the SA DPD Policy Map.

Conclusion

23. In summary, the SA DPD is unsound with respect to the Strategic Gap identified in the Policy Map because:
 - a) former policies CH3 (b) of the WSCSP and C2 of the MSLP provided the policy and evidence basis for the Crawley – East Grinstead Strategic Gap designation. Those plans are not extant and no longer form part of the

Development Plan for Mid Sussex. Those policies also pre-date the NPPF and are plainly not consistent with it;

- b) the underlying evidence base for the Crawley – East Grinstead Strategic Gap in the ‘Technical Report’ is no longer available and is out-dated; and
- c) there is no evidence of any partial or comprehensive update, or new analysis, to justify the continued identification or designation of the Strategic Gap.

24. The Crawley – East Grinstead Strategic Gap designation shown in the SA DPD Policies Map is not:

- **Positively prepared** – the Strategic Gap designation represents a highly restrictive policy that has not been positively or proactively assessed in relation to the District’s evident current or future development needs and is either a roll-forward of a previous policy related to the withdrawn and out-dated WSCSP and MSLP, or a mistake in terms of SA DPD Policy Map drafting;
- **Justified** - in relation to any up-to-date analysis, assessment or review of the landscape evidence to support the designation and role / function of the Strategic Gap. The former MSLP policy C2 is not saved and did not, in any event, set express criteria to be used in measuring whether harm would occur from development in the Strategic Gap or the methods and credentials for assessing any such harm and any mitigations necessary. There has not been an up-to-date assessment of the Strategic Gap areas. The SA DPD is not a ‘strategic plan’ as that is the role of the adopted MSDP. It is not appropriate therefore for the SA DPD to include or roll-forward a Strategic Gap policy which is not already set out in the higher level MSDP;
- **Effective** – the Strategic Gap designation does not represent a justified and evidenced approach to the best use and optimisation of land and sites in the Crawley – East Grinstead area, including the future use of land at and adjacent to Turners Hill. It is not therefore consistent with the terms of MSDP Policy DP13 nor is it consistent with Policy DP12 which sets out to protect and enhance the countryside in Mid Sussex.

- **Consistent with the NPPF** – there is no national policy basis for the continued designation of the Strategic Gap. It is inconsistent with the NPPF as it presents a blanket restriction without criteria set out in extant Development Plan policies to assess how it should be applied to plan-making or to planning application decision-making.

Making the Plan Sound

25. The approach taken by MSDC to continue the Crawley – East Grinstead Strategic Gap designation in the SA DPD is flawed.
26. The situation is capable of correction through modification of the Policies Map 19 (and other Policies Maps showing the same Strategic Gap designation) by **deletion of the Strategic Gap defined area and its shaded designation on the relevant Site Allocations DPD Policies Maps.**