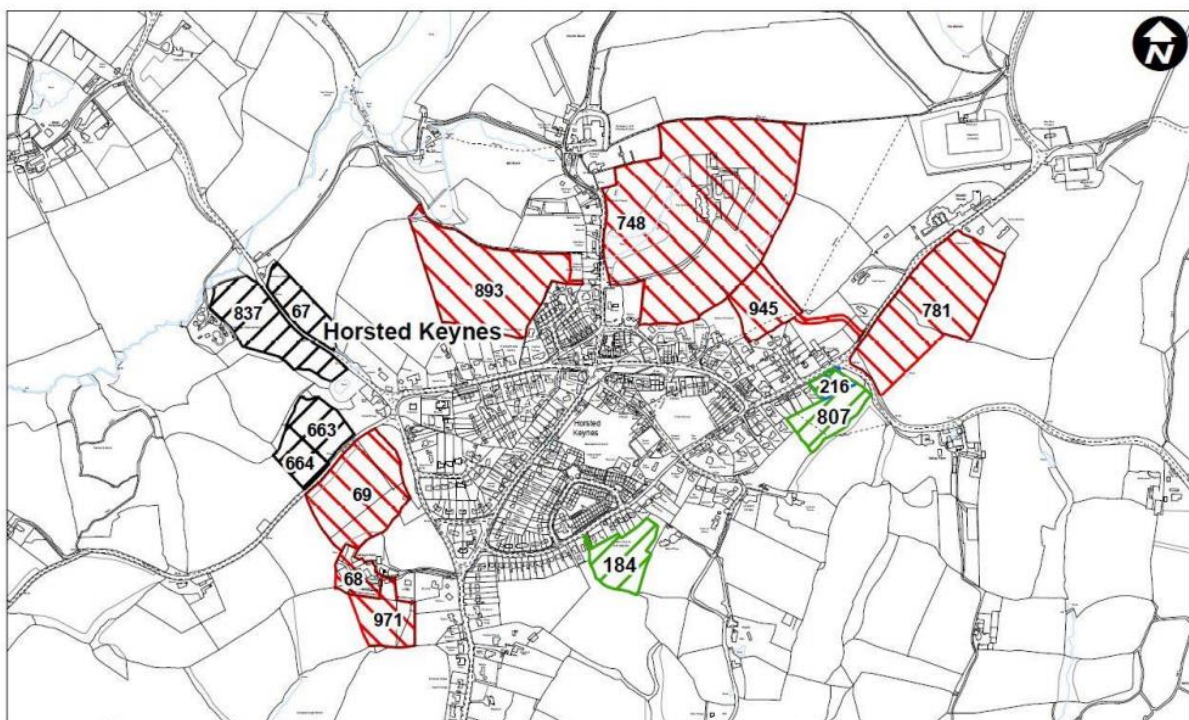


Regulation 18 comments to MSDC concerning the Draft Allocation document and sites at Jeffreys Farm (Farm buildings #68, Fields to North of Farm Buildings #69, and Fields to South of Farm Buildings #971), and other sites in Horsted Keynes.

November 2019

Prepared by Dr. H. Griffiths



MSDC draft allocations map showing the different SHELAA assessed sites in Horsted Keynes

Thank you for the opportunity to comment on the MSDC Draft Plan.

The Site Allocations DPD Sustainability Appraisal document (DPD-SAD) outlines that the village of Horsted Keynes has a residual requirement of 53 houses. I believe this number is out of date as the Ravenswood planning approval for 12 units has now elapsed, so the up to date residual figure should be 65 units for the village.

The DPD-SAD explains in detail how sites have been assessed using sustainability objectives and indicators to enable the quantitative measure of sites, and how these measures enable the performance of sites relative to other sites in the settlement to be analysed (section 6.36). All

realistically reasonable alternatives should be considered, and mitigation can be applied to sites with negative impacts through site specific policy requirements.

I would like to raise concerns regarding the scrutiny process that the draft allocations have been selected through, especially the selection process from site selection paper 2 (outlining the assessment methodology to inform the selection process) through site selection paper 3 (the selection of sites for the draft allocation). Analysis of sites in Horsted Keynes are flawed as the information being used is often incorrect and not reliable, and does not enable the legitimate comparison of sites within the settlement, as some information being given is not a measurable indicator (and is qualitative advice). All sites in Horsted Keynes should be re-appraised on a level playing field using correct and unflawed advice, to allow for 'the most suitable sites at each settlement to be chosen to meet the residual needs of that settlement' (section 6.16).

There are realistic reasonable alternative sites within Horsted Keynes, that should be considered for allocation in the DPD-SAD, which are directly comparable to the allocated sites, when the correct and undisputable evidence is used in the sustainability assessments. Where conflicts occur, the policy states that the authority should 'minimise the adverse impacts by promoting the most suitable option', and identify mitigation, but this policy is not being followed in the assessment of Horsted Keynes sites.

I would also like to highlight that Settlement Category 3 villages (medium sized villages) in the DPD-SAD have a short fall of 136 houses. This is brought about by some villages such as Sharpthorne and West Hoathly (-20 houses) not meeting their residual allocations (-20 houses and -20 houses respectively) due to no sites being brought forward. The plan states that these shortfalls should be provided by the higher category settlements, but also suggests that the allocations 'need refining to address an unbalanced oversupply in some settlements' (section 6.34), notably the higher category settlements. I argue that this policy is not solving the issue of housing shortfall in the rural communities, and will not bolster the schools and amenities in the villages. The policy should look to provide the housing shortfall from surrounding similar category settlements, to enable rural communities to thrive together! Horsted Keynes is in close proximity of West Hoathly and Sharpthorne, and has an excess of realistic reasonable alternative sites, so should be considered to take some of this shortfall. It is also facing similar issues being within the AONB and within 7km of the Ashdown Forest so mitigation measures would be comparable.

Evidence based assessment

I outline the evidence of incorrect information and unreliable advice being used to assess the sites in Horsted Keynes below. Please note, supporting documentation to this evidence is also being included as attachments to this document.

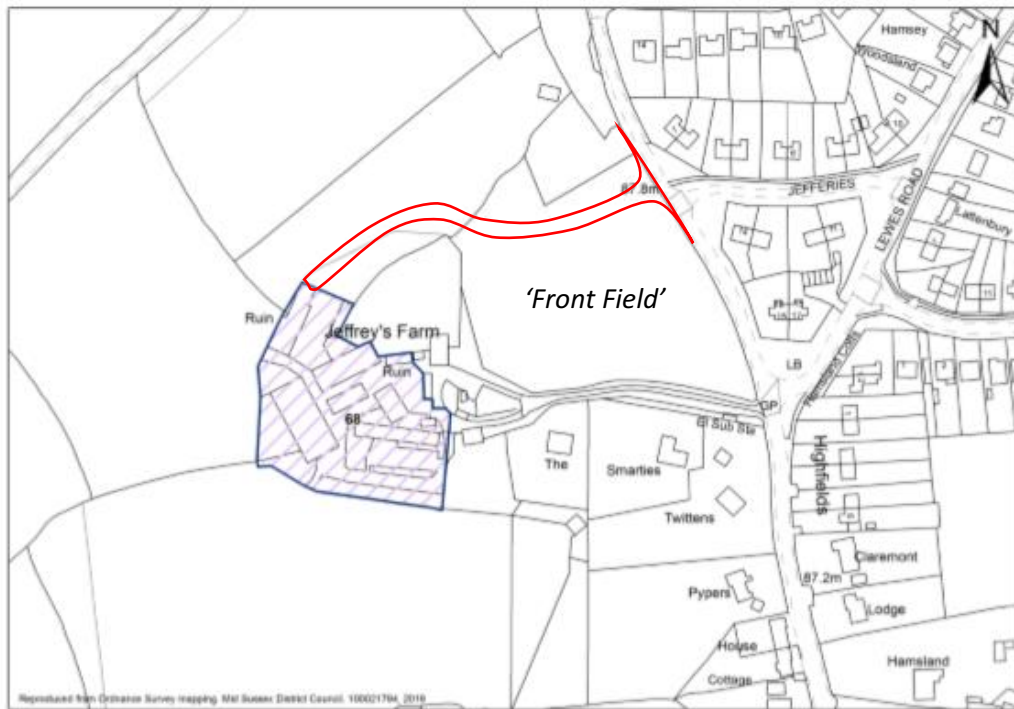
In summary, there is information that has been used to dismiss sites at Jeffreys Farm that is incorrect, and advice that has been given on these sites by the AONB is also disputable. These sites are all available, accessible and sustainable and should be considered realistic reasonable alternatives to other sites being proposed in Horsted Keynes, and across the district. For ease I have divided the comments in to site specific issues, the different sites being listed below:

- Site 68 - Farm buildings, Jeffreys Farm, Horsted Keynes
- Site 69 - Land at Jeffreys Farm (Fields to North of farm buildings)
- Site 971 - Land at Jeffreys Farm (Fields to South of farm buildings)
- Site 184 - Land South of St Stephens Church
- Sites 216/807 - Land at Police House Field

Site 68 - Farm buildings, Jeffreys Farm, Horsted Keynes

Information in the Site 68 proforma (page 207-209 of Site selection paper 3 Appendix B Housing site proformas, reproduced in this document as Appendix 1), is incorrect, and has been mistakenly used to dismiss the site from allocation.

- **Part 2, point 11, Local Road Access:** Denoted as 'severe', citing '*In this location, securing a suitable form of access is unlikely because it is anticipated that there could be significant conflict with the existing junction (creating a crossroads), and achieving an appropriate level of visibility is unlikely because of physical constraints and third party land ownership. Insufficient provisions in the locality suggest that the site is likely to be over reliant on private car use.*'
 - Mitigation to provide a safe access is possible as land either side of the access track (including the field to the north of the track often referred to as the 'Front Field') is **in the same ownership** as the site, NOT a third party ownership (refer to Land registry documents as attached to this email as Attachment 1). As there are no third party ownership issues, there are subsequently no access issues for site 68.
 - Recent planning applications on the farm sites (refer to DM/16/3974 and DM/19/0957) proposed an access to the site to the north of the existing access (see map below), further north along Sugar Lane. Visibility splays are possible without the loss of mature trees, and the access does not conflict with the existing junction. These planning applications and associated access plans saw **no objection raised by WSCC Highways**, showing there are no access issues for site 68.



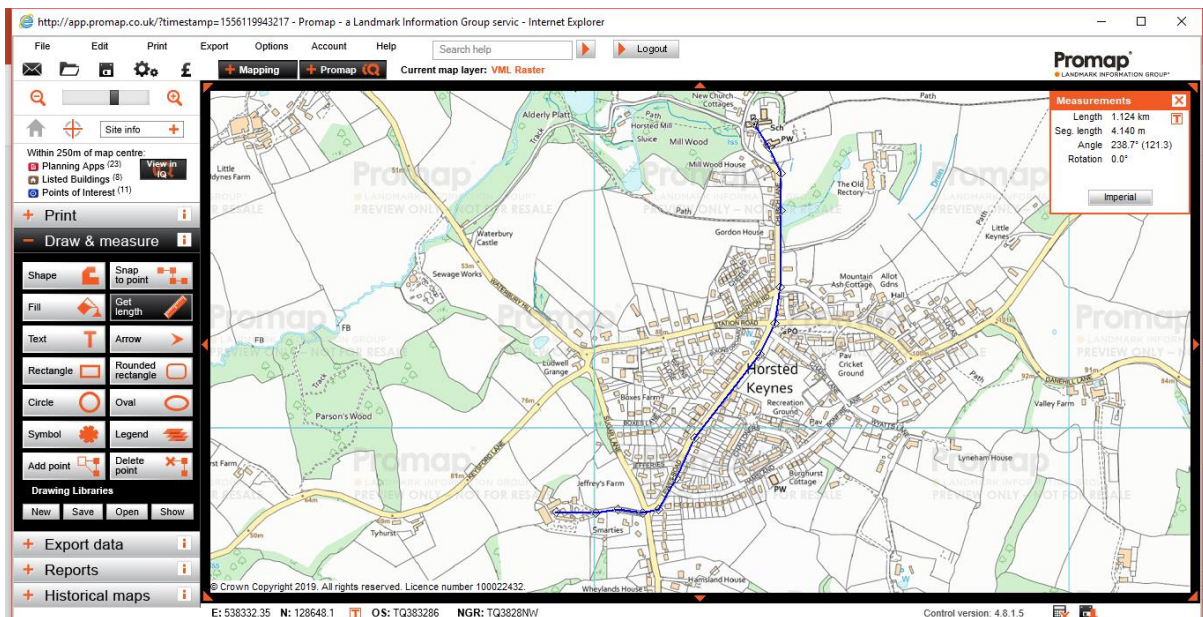
Proposed access to site 68 as per planning application DM/19/0957 (not to scale)

- Some of the land proposed for a safe access (the 'Front Field') is subject to a covenant, of which the owner of the Farmhouse is solely the beneficiary (not the owner). The covenant states that the owners of the land should *'not erect a building of any type.... with the exception of a sports pavilion.'* This prevents the building of houses on the land, but this does not restrict access across the land. A copy of the covenant is attached to this email as Attachment 2, showing there are no access issues for site 68.
- For legal clarity, the landowners have had the details of the covenant verified legally by a barrister on the Attorney General's Panel of Counsel in the Radcliff Chambers in London. The conclusion of the barrister is that *'the construction of an access road across (the land)... would not constitute the erection of a building within the meaning of the covenant'*. A copy of the barristers comments is attached to this email as Attachment 3, showing there are no access issues for site 68.
- All of the above shows evidence that access is possible and should be taken in to account when assessing the access to the site, and we believe a reassessment using the MSDC guidelines for Access in the Site Selection Paper 2 - Methodology for Site Selection (reproduced below for ease of reference), would result in an assessment of **'Minor' to 'Moderate'** for site access.

11) Local Road Network/Access to site	
<p><i>"Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe." (NPPF 2018, para 109)</i> <i>In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that... safe and suitable access to the site can be achieved for all users." (NPPF 2018, para 108c)</i></p>	
<p>Source: SYSTRA Site Access Report (2018) Assessment Notes: Officer assessment of whether there is likely to be an impact on the local highway network (based on the findings of the Mid Sussex Transport Study). Officer assessment to determine whether there is likely to be suitable access – any with uncertain access arrangements will be assessed within the SYSTRA Site Access Report and conclusions used to determine the impact for this criterion.</p>	
Severe	Severe impact on local highway network, caused by development/ access to site cannot be achieved, unlikely to be mitigated by development
Significant - Uncertain	Significant impact on local highway network caused by development / access to site can be achieved, uncertain if they can be mitigated
Significant - Improve	Significant impact on local highway network caused by development / access to site can be achieved, could be improved/mitigated by development
Moderate - Improve	Moderate impact on local highway network caused by development / access to site can be achieved, could be improved/mitigated by development
Minor - Improve	Minor impact on local highway network transport constraints caused by development, likely to be improved/mitigated by development
None	No known transport constraints caused by development / access to site can be achieved.

Access to site excerpt taken from MSDC Site Selection Paper 2 - Methodology for Site Selection

- Part 3, point 14, Education:** The distance from the site to the school has been incorrectly allocated to be a 15 to 20 minute walk. The distance is 1.124km (as measured on Promap, see screen grab below top right corner), so should be classed as a **10 – 15 min walk** if following the MSDC guidelines for Education in the Site Selection Paper 2 - Methodology for Site Selection (reproduced below for ease of reference).



Screen grab taken from Promap showing distance measured from site 68 to school

14) Education – Distance to Primary Schools

"It is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should... give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications" (NPPF 2018, para 94)
"Planning policies should... support an appropriate mix of uses across an area, and within larger scale sites, to minimise the number and length of journeys needed for employment, shopping, leisure, education and other activities" (NPPF 2018, para 104a)

Source: MSDC Sustainability Mapping (GIS)

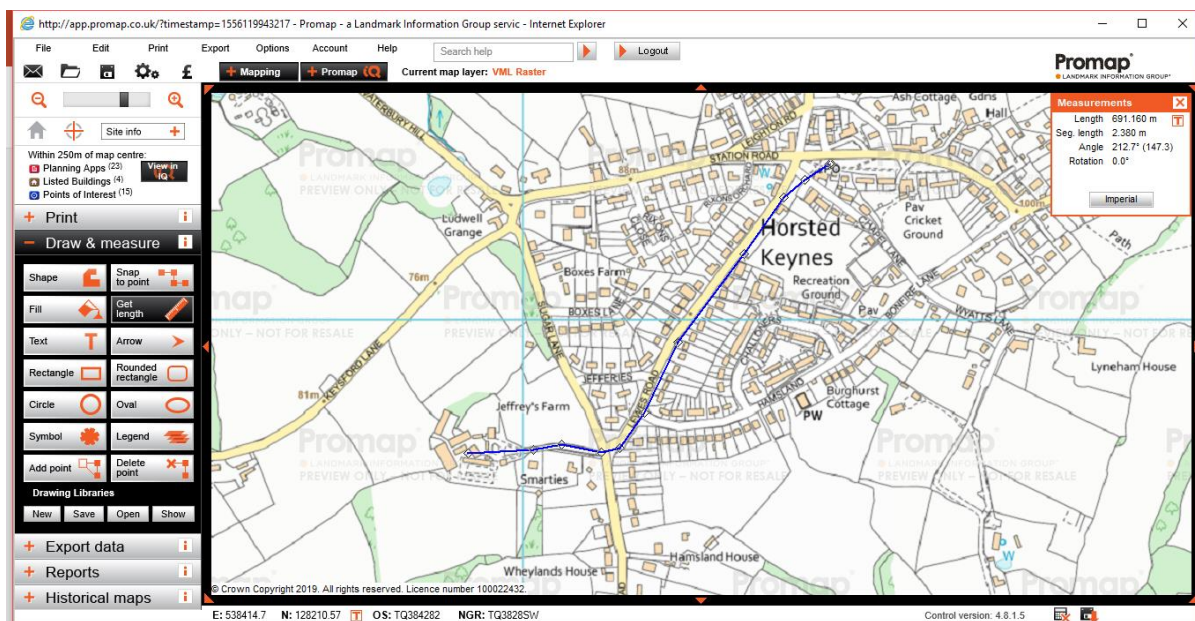
Assessment Notes: Measured using the most practical walking route from the centre of the site to nearest Primary School. Based on MSDC Sustainability standards (see Mid Sussex Capacity Study and District Plan Sustainability Appraisal):

- 20 minute walk: 1.6km
- 15 minute walk: 1.2km
- 10 minute walk: 800m

>20 Minute Walk	Site is greater than a 20 minute walk from the nearest primary school
15-20 Minute Walk	Site is between 15-20 minute walk from the nearest primary school
10-15 Minute Walk	Site is between 10-15 minute walk from the nearest primary school
<10 Minute Walk Onsite	Site is less than a 10 minute walk from the nearest primary school Likely that a new school would be provided onsite as part of this development

Education excerpt taken from MSDC Site Selection Paper 2 - Methodology for Site Selection

- **Part 3, point 16, Services:** The distance from the site to the village centre has been incorrectly allocated to a 10 to 15 minute walk. The distance is 691m (as measured on Promap, see screen grab below top right corner), so should be classed as a **10 min walk** if following the MSDC guidelines for Services from MSDC Site Selection Paper 2 - Methodology for Site Selection (reproduced below for ease of reference).



Screen grab taken from Promap showing distance measured from site 68 to village centre

16) Services – Distance to Town/Village Centre	
<p><i>"Planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation."</i> (NPPF 2018, para 85)</p> <p><i>"Planning policies should...support an appropriate mix of uses across an area, and within larger scale sites, to minimise the number and length of journeys needed for employment, shopping, leisure, education and other activities"</i> (NPPF 2018, para 104a)</p>	
<p>Source: MSDC Sustainability Mapping (GIS)</p> <p>Assessment Notes: Measured using the most practical walking route from the centre of the site to nearest Town/Village centre. Based on MSDC Sustainability standards (see Mid Sussex Capacity Study and District Plan Sustainability Appraisal):</p> <ul style="list-style-type: none"> • 20 minute walk: 1.6km • 15 minute walk: 1.2km • 10 minute walk: 800m 	
>20 Minute Walk	Site is greater than a 20 minute walk from the nearest town/village centre
15-20 Minute Walk	Site is between 15-20 minute walk from the nearest town/village centre
10-15 Minute Walk	Site is between 10-15 minute walk from the nearest town/village centre
<10 Minute Walk	Site is less than a 10 minute walk from the nearest town/village centre

Services excerpt taken from MSDC Site Selection Paper 2 - Methodology for Site Selection

- These comments have been raised previously with Mid Sussex planning, both in April 2019 when the proformas were sent out to landowners to 'fact check', and also when the documents were released in September 2019, prior to the scrutiny committee reviewing them.

Site 68 conclusions:

The sustainability assessment for site 68 Farm buildings, Jeffrey's Farm is fundamentally flawed due to the **incorrect information** being used to assess the site. The issues around access are unfounded, and the site should be deemed **accessible**, and hence **sustainable**, and **included in the allocated sites as a realistic reasonable alternative to other sites in the village.**

Site 69 - Jeffrey's Farm Northern Fields (Ludwell Field adjacent Keysford and Sugar Lane)

Information in the Site 69 proforma (page 210-211 of Site selection paper 3 Appendix B Housing site proformas, reproduced in this document as Appendix 2), is disputable, and has been mistakenly used to dismiss the site from allocation.

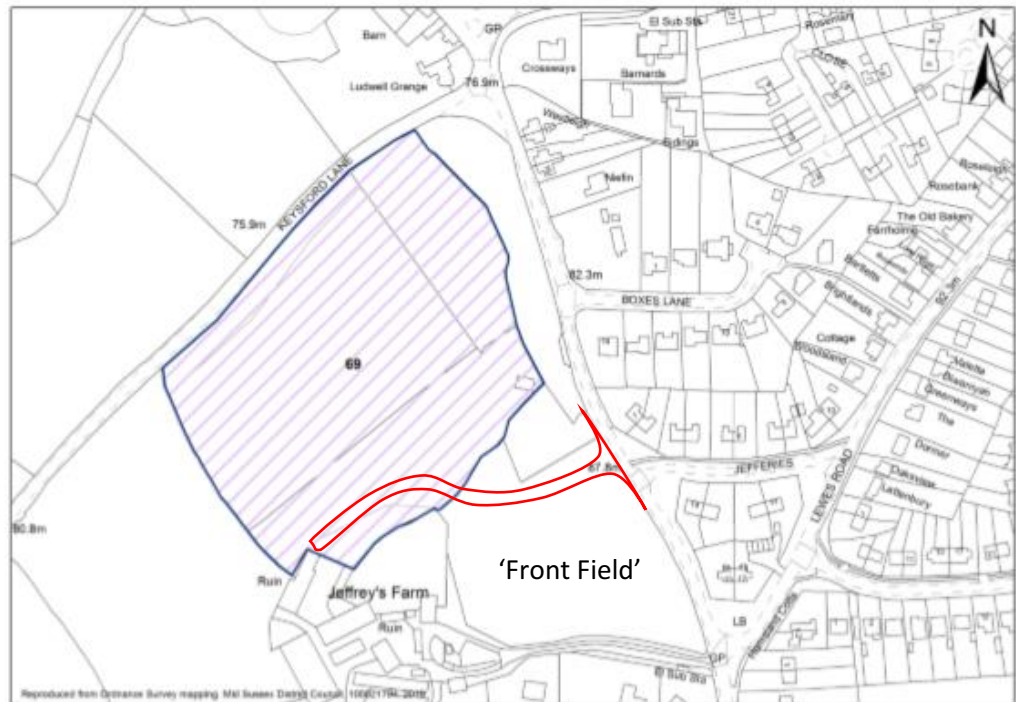
- **Part 1, point 1, AONB:** The AONB had advised that they consider a development of this site would be 'High impact', citing '*High impact on AONB as development would be out of character with the settlement pattern of Horsted Keynes. Undulating field to the north of the farmyard site. No watercourses mapped. Jeffrey's Farm is a historic farmstead separated from the village by Sugar Lane. The western side of the lane is characterised by dispersed settlement and development of this site would be uncharacteristic of this area. Sugar Lane and Keysford Lane are historic routeways. Mature trees on field boundaries and a dense screen of trees along Sugar Lane and at the junction with Keysford Lane which probably marks the original wider junction for driving stock. Post medieval field system due to more recent field amalgamations. Given the probable age of Jeffrey's Farmhouse it is likely that the whole farmstead is medieval in origin. Very limited views into the site from routeways due to mature hedgerows and trees.*'
 - There seems to be an inconsistency of the AONB assessment of this site when compared to other sites in the village, as the advice is not a measurable indicator, and purely qualitative. This inconsistency has been highlighted to the AONB unit in September 2019 by form of a challenge document sent to the AONB. This challenge document is attached to this email as Attachment 4. The main points of the challenge are summarised below, but I would ask you to consider Attachment 4 in its entirety.
 - The May 2019 'high impact' assessment (below) of site #69 does not reflect the reduction in area being promoted (from site 780 withdrawn from consideration), the reduced number of housing units being proposed, nor the fact that this site is now only occupying a modern field system.

SHELAA Site 69 (part of site 780)	Land at Jeffery's Farm, Sugar Lane, Horsted Keynes (the northern field of site 780)	22 units
Geology, landform, water systems and climate <i>Topography and watercourses</i>	Undulating field to the north of the farmyard site. No watercourses mapped.	
Settlement <i>Historic settlement pattern and scale of development relative to settlement</i>	Jeffreys Farm is a historic farmstead separated from the village by Sugar Lane. The western side of the lane is characterised by dispersed settlement and development of this site would be uncharacteristic of this area.	
Routeways <i>Impact on adjacent historic routeways, ecology and archaeology</i>	Sugar Lane and Keysford Lane are historic routeways.	
Woodland <i>On site and adjacent woodland and ancient woodland including downstream</i>	Mature trees on field boundaries and a dense screen of trees alongside Sugar Lane and at the junction with Keysford Lane which probably marks the original wider junction for driving stock.	
Field and heath <i>Field systems and meadows / heathland data</i>	Post-medieval field system due to more recent field amalgamations. Given the probable age of Jeffreys Farmhouse it is likely that the whole farmstead is medieval in origin.	
Public Understanding and Enjoyment <i>Views, PROWs, public open space</i>	Very limited views into the site from routeways due to mature hedgerows and trees.	
Conclusion	High impact on AONB as development would be out of character with the settlement pattern of Horsted Keynes.	

Assessment from High Weald AONB Advice on Horsted Keynes SHELAA Sites May 2019

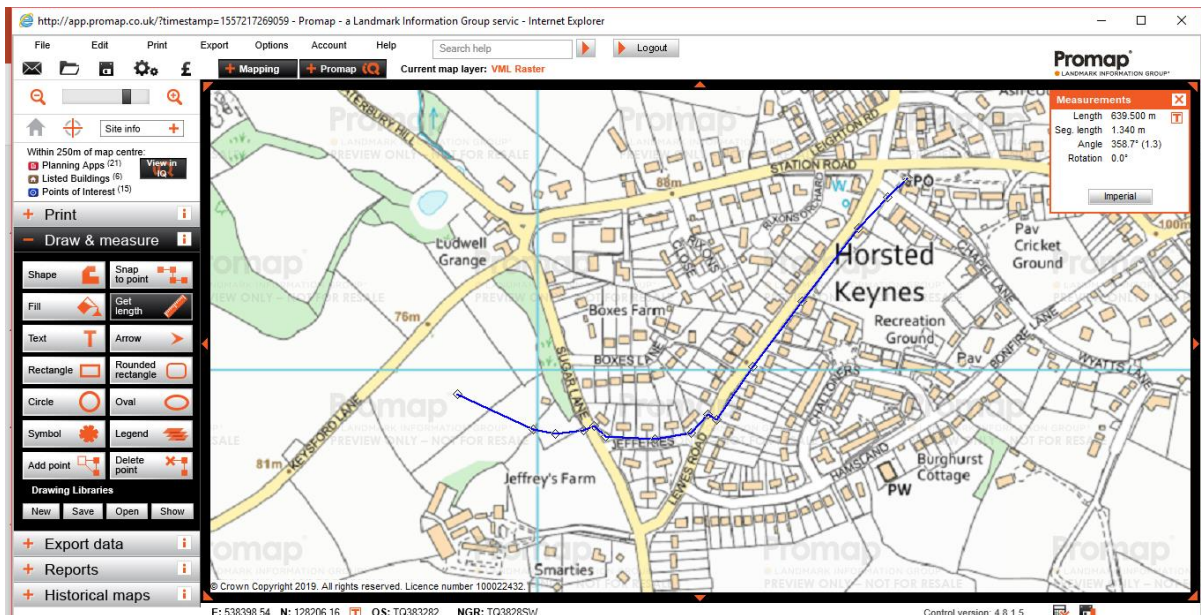
- The description of site #69, specifically under the AONB characterisation category of 'Settlement' is incorrect and misleading. Terminology used forms a negative image of the site, and is not objective.
 - When comparing the high impact conclusion reached in relation to site #69 with other sites in Horsted Keynes that have a high impact rating, there are dramatic discrepancies in the characteristics which suggest that site #69 is not being assessed consistently.
 - The AONB assessment of sites is a simple and basic qualitative process, rather than a quantitative process and as a result is open to wildly different interpretation by different assessors.
- The AONB have kindly responded to the challenge made, and their comments are attached to this email as Attachment 5.
- Comments of note in the response from the AONB include:
 - The AONB state that *'This was a desktop assessment based on the AONB Unit's datasets (metadata included within the reports) and it was clearly stated that they [the assessments] would need to be supplemented by evidence on visual impact.'*
 - Site 69 *'development would be out of character with the settlement pattern of Horsted Keynes'*, yet *'The AONB assessment relates to historic settlement pattern [and] Twentieth century additions to the village are not relevant to this assessment.'*
 - Site assessment *'did not take into account any further information provided by developers for the SHELAA or to support planning applications'*
 - *'Potential mitigation is a matter for consideration by the District Council and the Parish Council'*
- Given the AONB assessment of sites in Horsted Keynes was a desk top assessment , and that their input is described as *'advice on how to conserve and enhance the AONB'*, and that *'the effect on views in and out of a site can really only be assessed on site'*, I feel the 'high impact' assessment should not be used to dismiss this site as being a sustainable option for development in Horsted Keynes. The challenge document sent to the AONB (Attachment 4) describes in detail the evidence that site 69 has little visual impact on the AONB, and this should be fed in to the DPS sustainability assessment of site 69.
- The AONB assess sites on their relation to *'historic settlement pattern'*, thus to include comment on how any sites in Horsted Keynes relate to modern development should not be considered relevant. Historic development was in the form of single houses and farmsteads, but these farmsteads are now being over-run on all parts of the village. All sites being promoted in the village, including those that have been allocated in the draft plan, could thus be described as being *'out of character with the settlement pattern'*.
- Precedent has been set through the development to the west of the road system bounding the western fringes of the village (along Treemans Road), where development is along both sides of the road. Treemans Road is called Sugar Lane at its northern extent, so development to the west of Sugar lane is not out of character.

- Assessments for the development plan should include information from developers regarding site specific plans, and these should be fed in to the AONB assessments, especially if it involves the removal of mature trees and hedgeline. For site 69 the landowner will not be removing any mature trees for access (see below map) and this has been demonstrated in recent planning applications (refer to DM/16/3974 and DM/19/0957).
- The 'high impact' assessment from advice from the AONB does not mean that development on site 69 cannot be successfully mitigated, and this is '*a matter for consideration by the District Council and the Parish Council*'. Proposed mitigation has been shown in detail in previous planning applications on the Jeffreys Farm sites (see above references). The preservation and improvement of existing mature hedgelines which already give '*Very limited views into the site from routeways*' should be considered as mitigation. The landowners plan of enhancing the AONB by provision of on-site green space and wildflower meadows, in addition to extra planting to screen the visibility of the site should also be considered. This has not been adequately addressed by DPD the sustainability assessment, and I propose this would successfully mitigate the 'high impact' AONB assessment, and the impact could be deemed to be 'low to moderate' with mitigation.
- **Part 1, point 5, Listed buildings:** The DPD sustainability assessment states that Ludwell Grange has '*some views of the site from the upstairs rear windows of the farmhouse can be afforded through gaps in the hedgeline, particularly in winter months*', and that '*There would be a higher level of harm if a new access was needed to be created from Keysford Lane or through the tree belt on Sugar Lane which would open up the site to wider view.*' For Boxes Farmhouse the site visibility is described as being '*the tree belt is well established, there are some views through the gaps to the site behind, particularly in winter months. If access to this site was provided along this lane, then the site would be even more open to view*'.
 - The proposed access to site 69 is NOT along Keysford Lane or through the tree belt on Sugar Lane, as these afford good visibility buffers to the routeways and also the listed buildings. The access proposed is further south along Sugar Lane (see map below). The proposed access is through the open field to the south known as the 'Front Field'. This access has been discussed in detail in the previous section on site 68, and all points made should also be considered for site 69 in this regard. Thus the impact on the listed buildings will be minimal, and can be successfully mitigated.
 - There are many means of mitigating the views '*through gaps in the hedgeline*', and as discussed above in the AONB impact section, we plan to plant native vegetation to enhance the existing mature vegetation buffer of the site and enhance the hedgerows further.
 - I think it should be noted that Boxes Farm is surrounded by 15 ft mature evergreen laurel hedges so I am surprised at the visibility description.
 - The description of impact on both of these listed buildings seems to be highlighted in a great deal of detail in comparison to other sites assessed in Horsted Keynes. I will discuss this further when I discuss site 807 Police House Field in particular.



Proposed access to site 69 as per planning application DM/19/0957 (not to scale)

- Part 2, point 11, Local Road Access:** The access to site 68 and 69 of the Jeffreys Farm sites is discussed in detail in the section on site 68. Site access is proposed on to Sugar Lane – close to the junction with Jefferies (see map above), and should be considered to only be of minor to moderate impact.
- Part 3, point 16, Services:** The distance from the site to the village centre has been incorrectly allocated to a 10 to 15 minute walk. The distance is 639m (as measured on Promap, see screen grab below top right corner), so should be classed as a **10 min walk** if following the MSDC guidelines (refer to Services excerpt taken from MSDC Site Selection Paper 2 - Methodology for Site Selection in site 68 discussions above).



Screen grab taken from Promap showing distance measured from site 68 to village centre

- Comments regarding access and services have been raised previously with Mid Sussex planning, both in May when the proformas were sent out to landowners to 'fact check', and also when the documents were released in September 2019, prior to the scrutiny committee reviewing them.

Site 69 conclusions:

The sustainability assessment for site 69 Jeffrey's Farm Northern Fields is **fundamentally flawed** due to **disputable** and **incorrect information** being used to assess the site. The advice of a high impact on the AONB is able to be successfully mitigated through planting, and a well thought out development that would reflect similar style residential housing comparable to that along the southern extension of Sugar Lane, namely Treemains Road. The existing mature hedge lines and the proposed planting schemes will mitigate any impact on the listed buildings, and the access as proposed will also not impact on them. This provides evidence that site 69 should be deemed **accessible**, as the impact on the AONB that can be **successfully mitigated**, and hence be judged to be **sustainable**, and **included in the allocated sites as a realistic reasonable alternative to other sites in the village.**

Site 971 - Land at Jeffreys Farm (Fields to South of farm buildings)

Information in the Site 971 proforma (page 226-227 of Site selection paper 3 Appendix B Housing site proformas reproduced in this document as Appendix 3), is incorrect, and has been mistakenly used to dismiss the site from allocation.

- **Part 1, point 1, AONB:** The AONB had advised that they consider a development of this site would be 'High impact', citing '*High impact on AONB due to loss of medieval field and development out of character with the settlement pattern of Horsted Keynes. Undulating field to south of farmyard. No watercourses mapped. Jeffrey's Farm is a historic farmstead separated from the village by Sugar Lane. This site is detached from any existing part of the settlement. The western side of Sugar Lane is characterised by dispersed settlement and development of this site would be uncharacteristic of this area. Sugar Lane and Keysford Lane are historic routeways. There is an area of Ancient Woodland to the south-west of the site and mature trees on field boundaries. Part of medieval field system. Given the probable age of Jeffrey's Farmhouse it is likely that the whole farmstead is medieval in origin. No views into the site from public viewpoints due to mature hedgerows and trees and residential curtilages.*'
 - I have outlined in the section on site 69 that the AONB assessment of sites was a desk top exercise, and the advice is not a measurable indicator, and purely qualitative. This is also apparent in the assessment of site 971 as it is clear from the below map that the site is NOT '*detached from any existing part of the settlement*', and abuts directly adjacent to the rear of residential housing on the western side Treemans Road, so a development if designed properly would not be '*uncharacteristic of this area*'.

ID	971	Jeffrey's Farm Southern Fields
----	-----	--------------------------------

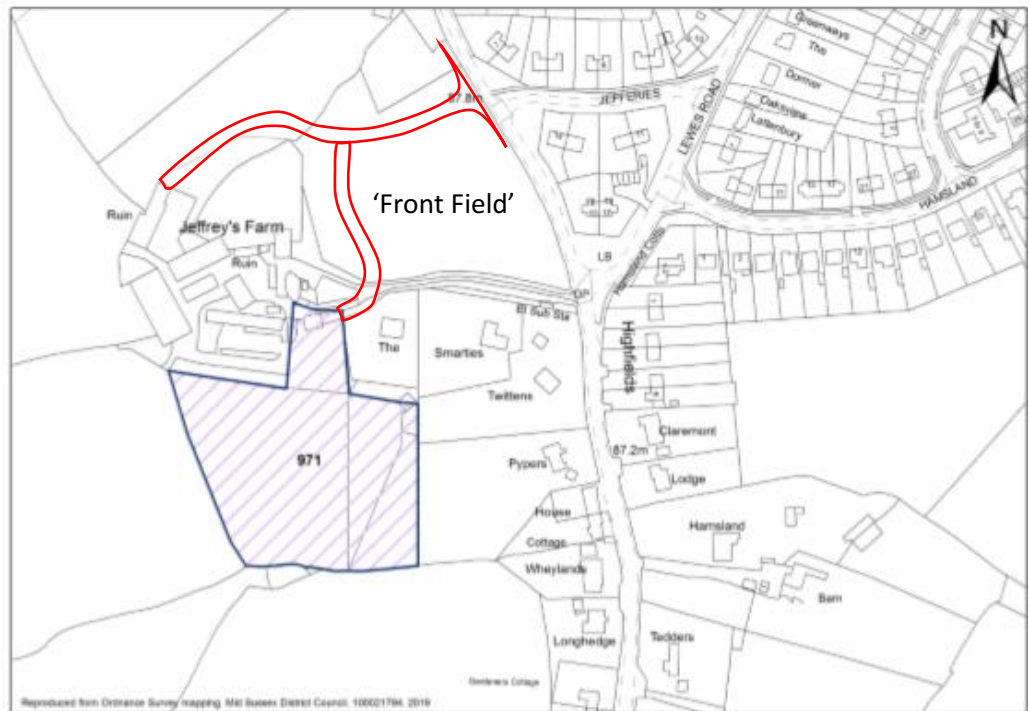


Location of site 971

- The site is a '*Part of medieval field system*', so could be worthy of protection. The medieval field system is probably not intact due to the insertion of housing including The Cottage, Smarties, Twittens and Pypers on Treemans Road. Other medieval field

systems are being proposed for site allocation in Horsted Keynes (notably sites 184 and 807), so mitigation must be possible.

- The AONB description includes that *'The western side of Sugar Lane is characterised by dispersed settlement and development of this site would be uncharacteristic of this area.'* This site is not related to Sugar Lane as it is set behind residential housing on Treemans Road, so a development would be directly adjacent to existing housing stock. Mitigation could include a well thought out design that would compliment this housing, and show similar characteristics.
- Given *'No views into the site from public viewpoints due to mature hedgerows and trees and residential curtilages.'*, it seems that little mitigation would be necessary for the visual impact, but we would propose an increase in the landscaping to maintain this in the future, and to buffer the site from the ancient woodland to the south.
- All of the above shows evidence that the description of the impact on the AONB does not reflect the site, and a reassessment with the correct information would result in an assessment of **'Low' to 'Moderate'** for AONB Impact.
- **Part 2, point 11, Local Road Access:** Denoted as 'severe', citing *'Access via existing farm track. In this location, securing a suitable form of access is unlikely because it is anticipated that there could be significant conflict with the existing junction (creating a crossroads), and achieving an appropriate level of visibility is unlikely because of physical constraints and third party land ownership. Insufficient provisions in the locality suggest that the site is likely to be over reliant on private car use.'*
 - As for site 68, mitigation to provide a safe access is possible as land either side of the access track (including the field to the north of the track often referred to as the 'Front Field') is **in the same ownership** as the site (NOT a third party ownership), enabling an alternative access to be proposed (refer to Land registry documents as attached to this email as Attachment 1), showing there are no access issues for site 971.
 - Recent planning applications on the farm sites (refer to DM/16/3974 and DM/19/0957) proposed an access to the site to the north of the existing access, further north along Sugar Lane, where visibility splays are possible without the loss of mature trees, and the access does not conflict with the existing junction. These planning applications and associated access plans saw **no objection raised by WSCC Highways**. This access road could be utilised for access to site 971, but alternatively an improved junction at the existing farm track could also be achieved, but this would require the removal of several mature trees on the historic junction. A link to the proposed access of sites 68 and 69 would be preferable (as per the map below) to retain these mature trees. This information gives evidence that there is no access issue for site 971.



Proposed access to site 971 utilising access for site 69 as per planning application DM/19/0957 (not to scale)

- As per site 68, the land proposed for a safe access (the 'Front Field') is subject to a covenant, but this does not restrict access across the land. A copy of the covenant is attached to this email as Attachment 2, showing there are no access issues for site 971.
- As per site 68, the details of the covenant verified legally by a barrister on the Attorney General's Panel of Counsel in the Radcliff Chambers in London. A copy of the barristers comments is attached to this email as Attachment 3, showing there are no access issues for site 971.
- All of the above shows evidence that access is possible and should be taken in to account when assessing the access to the site, and we believe a reassessment using the MSDC guidelines for site sustainability assessment, would result in an assessment of **'Minor' to 'Moderate'** for site access.
- These comments on access have been raised previously with Mid Susses planning, both in May when the proformas were sent out to landowners to 'fact check', and also when the documents were released in September 2019, prior to the scrutiny committee reviewing them.

Site 971 conclusions:

The sustainability assessment for site 971 Jeffrey's Farm, Southern fields is fundamentally flawed due to **disputable** and **incorrect information** being used to assess the site. The issues around access are unfounded, and the advice of a high impact on the AONB is able to be successfully mitigated through planting and a well thought out development that would reflect similar style residential housing

directly adjacent to the site bounding the western side of Treemans Road. This provides evidence that site 971 should be deemed **accessible**, and that the impact on the AONB can be **successfully mitigated**, and hence should be judged to be **sustainable**, and **included in the allocated sites as a realistic reasonable alternative to other sites in the village.**

SA29 - Site 184 - Land South of St Stephens Church

Information in the Site 184 proforma (page 212-213 of Site selection paper 3 Appendix B Housing site proformas), should be further scrutinised as the site assessment does not appear to be consistent with other sites in the village – namely the sites on Jeffreys Farm.

- **Part 1, point 1, AONB:** The AONB had advised that they consider a development of this site would be ‘Low impact’. The assessment states that *‘Low impact on AONB. Reasonably flat site but high. No watercourses mapped. Immediately to south of modern development in Hamsland. Reasonably well-related to village depending on design. Hamsland follows the route of a historic PROW. No woodland on or adjacent to site but mature trees on boundaries and within site. Part of a medieval field system according to HLC, but not intact due to church and development inserted along Hamsland. Some limited views from Hamsland’*. Following my challenge to the AONB (outlined in Attachment 4 of this email) there are inconsistencies in their assessment. The response from the AONB to this challenge (Attachment 5 of this email) highlights some comments that should be considered when assessing site 184 for allocation.
 - The AONB state that *‘This was a desktop assessment based on the AONB Unit’s datasets (metadata included within the reports) and it was clearly stated that they [the assessments] would need to be supplemented by evidence on visual impact.’*
 - *‘The AONB assessment relates to historic settlement pattern [and] Twentieth century additions to the village are not relevant to this assessment.’*
 - Site assessments *‘did not take into account any further information provided by developers for the SHELAA or to support planning applications’*
 - The AONB state that *‘The removal of mature trees to access site 184 was not considered as part of the AONB assessment because this information was not available in the SHELAA’*.
 - The AONB also state that the *‘site 184 is immediately to the south of modern development in Hamsland and is reasonably well-related to the village depending on design’*
 - The AONB state that *‘continuous development on both sides of Hamsland up to the site and the field is not legible as part of a separate farmstead’*
- The AONB assessment is meant to represent the *‘historic settlement pattern’*, so the proximity of the site to the *‘modern development in Hamsland’*, and that the *‘continuous development on both sides of Hamsland up to the site and the field is not legible as part of a separate farmstead’* should not be considered to enable the development to be considered to be *‘well-related to the village’*. Historically the site is a **medieval field system**, that would have been associated with the Wyatts estate,

so the site should be described as being *'out of character with the settlement pattern'*.

- The AONB have not considered the *'The removal of mature trees to access site 184'*, yet this distinctive and notable tree line should be considered in their assessment. This should increase the impact from 'Low' to 'moderate' at least, and assessments for the development plan should include information from developers regarding site specific plans, and these should be fed in to the AONB assessments, especially if it involves the removal of mature trees and hedgeline.
- **Part 2, point 11, Local Road/Access:** The assessments states that there are no issues with site access, and that *'Access to site can be achieved'*. Given information received by Horsted Keynes Parish Council and openly discussed in council meetings, the developer has stated that there will need to be a 5 meter protection zone adjacent to the mature trees along the western edge of the access track, to protect and retain the distinctive tree line. How is access considered available when the access track is only 7m wide? The land to the east of the access is NOT in the developers ownership, so access is **restricted by third party land ownership**. This access should be reassessed as 'Severe', until land is purchased and access is proven to be viable, including suitable visibility splays.
- **Part 2, point 13, Infrastructure:** The assessments states that there is *'Potential to improve Infrastructure'*, and that there is *'Potential for improvements to existing highway at Hamsland'*. I have been led to believe that the highway 'improvements' would require the widening of the road through the single access road to the site, which would involve the removal of green verges and the construction of pedestrian barriers to enable the level differences to be safely maintained. This is not an 'improvement' and is making a village environment distinctly city like, and would be a severe impact on the residents of Hamsland and Challoners.
- **Table 15 of the DPD-SAD :** This table does not reflect that site 184 is in the AONB. The site is in the AONB and this should be taken in to account in the assessment, to enable the direct comparison of sites in the settlement, as currently this is only noted on site 216/807 (Police House Field).

Site 184 conclusions:

The sustainability assessment for site 184 Land South of St Stephens Church is fundamentally flawed due to **disputable** and **incorrect information** being used to assess the site. The access statement should be reconsidered, and the advice of a low impact on the AONB is disputable if the tree line along the western access boundary will be removed. This provides evidence that site 184 should be **reconsidered** for allocation in the draft plan.

SA28 - Sites 216/807 - Land at Police House Field

Information in the Site 216/807 proforma (pages 214-214 and 220-221 of Site selection paper 3 Appendix B Housing site proformas), should be further scrutinised as the site assessment does not appear to be consistent with other sites in the village – namely the sites on Jeffreys Farm.

- **Part 1, point 1, AONB:** The AONB had advised that they consider a development of this site (the allocated site 807) would be 'Moderate impact'. The assessment states that *'High impact on AONB due to loss of medieval fields and development too isolated and separate*

from existing village core uncharacteristic of its settlement pattern. If access available from Birchgrove Road and development restricted to northern field, impact would be moderate. Slightly sloping to south, no watercourses mapped. Site comprises two fields to the south of row of houses along Birchgrove Road. The northerly field is better related to the settlement than the southerly one. Access via Birchgrove Road (via site 216) would be needed to integrate with the village. Access onto Danehill Lane would make development too isolated and separate from existing village core. Birchgrove Road and Danehill Lane are historic routeways. No woodland on or adjacent to the site but some mature trees in field boundaries. Part of a medieval field system. Limited view of site from Danehill Lane access.'

Following my challenge to the AONB (outlined in Attachment 4 of this email) there are inconsistencies in their assessment. The response from the AONB to this challenge (Attachment 5 of this email) highlights some comments that should be considered when assessing site 807 for allocation.

- The AONB state that *'This was a desktop assessment based on the AONB Unit's datasets (metadata included within the reports) and it was clearly stated that they [the assessments] would need to be supplemented by evidence on visual impact.'*
- *'The AONB assessment relates to historic settlement pattern [and] Twentieth century additions to the village are not relevant to this assessment.'*
- Site assessments *'did not take into account any further information provided by developers for the SHELAA or to support planning applications'*
- *'No information was available at the time of the AONB assessment suggesting that mature trees or hedgerows would need to be removed so this was not taken into account'* .
- *'site 216 would continue the line of cottages along Birchgrove Road and the northern part of site 807 would continue development behind this'* .
- The AONB assessment is relating to *'historic settlement pattern'*, so the description of the site to *'to the south of row of [modern] houses along Birchgrove Road'* and that *'The northerly field is better related to the settlement than the southerly one'*, should not be considered to enable the development. Historically the site is **medieval field system**, that would have been associated with the Lucas Farm, so the site could thus be described as being *'out of character with the settlement pattern'*.
- The removal of the hedgeline and possibly mature trees to gain visibility splays and access to the site along the Birch Grove Road *'was not taken into account'* by the AONB assessment. This should increase the AONB impact from 'Moderate' to 'High', and assessments for the development plan should include information from developers regarding site specific plans, and these should be fed in to the AONB assessments, especially if the removal of mature trees or hedgelines is required for access.
- **Part 1, point 5, Listed buildings:** The sustainability assessment states that *'Grade II-listed Lucas Farm is located to the north of the site'* and that this will have *'Less Than Substantial Harm (Medium)'* impact. It does not comment on the old barn and farm yard that used to be on site 216/807, that would have been closely connected to the Lucas Farm assets. The impact assessment seems at odds with the location of the listed building, it being directly opposite the site and not screened from the site by any vegetation that will be retained. To compare this with the assessment of the listed buildings associated with site 69 the impact was deemed to be the same yet the visibility is described as *'some views of the site from the upstairs rear windows of the farmhouse can be afforded through gaps in the hedgeline,*

particularly in winter months', and that 'the tree belt is well established, there are some views through the gaps to the site behind, particularly in winter months'. This discrepancy highlights inconsistencies in the impact assessments on listed buildings within the settlement and I believe the impact of developing site 807 should be reassessed as 'High impact' on the listed building and its historic setting.

Site 807 conclusions:

The sustainability assessment for site 807 Land at Police House Field is fundamentally flawed due to **disputable information** being used to assess the site. The impact the Grade II listed Lucas Farm should be reconsidered, and the advice of a moderate impact on the AONB is disputable as the removal of mature trees and hedgeline along Birch Grove Road has not been assessed, and the medieval field systems and historic barn and yard were clearly associated with and proximal to Lucas Farm, thus a development would be *'out of character with the settlement pattern'*. This provides evidence that site 807 should be reconsidered for allocation in the draft plan.

Regulation 18 comment conclusions:

I have focused my comments for Regulation 18 on the sustainability assessments for the sites in Horsted Keynes. This is because I believe that the assessments have been **flawed** due to the **incorrect assumptions** being made, or **wrong data** being used for different aspects of the sustainability assessment. **This has had a direct impact on which sites have been selected and which have not.** Sites should be assessed on an even playing field, and correct information is necessary for this to be achieved.

The occurrence of fundamentally incorrect information does bring in to question the level of scrutiny that has been applied to the site selection process itself. I understand that there are several sites, including those in Folders Lane, Burgess Hill that also feel there was a lack of scrutiny in the final process of selection. Having been present at the scrutiny committee meeting prior to the publication of the draft documents it was clear that there were councillors who were also concerned that the documents were being rushed through to meet a time line rather than being adequately QC'ed. A time line should not detract from the accuracy of information and ultimately a defensible conclusion in the allocation of sites in the MSDC Draft Development Plan.

I sincerely hope that the extensive information and evidence I have provided will be used to make suitable corrections to the sustainability assessments of the sites in Horsted Keynes.

Should you have question or need clarification on any of the information please contact me on helenagriffiths@hotmail.com. I would welcome a meeting to discuss the Jeffreys Farm sites and how we can work together to take the sites forward to allocation.

Typography errors to also be corrected:

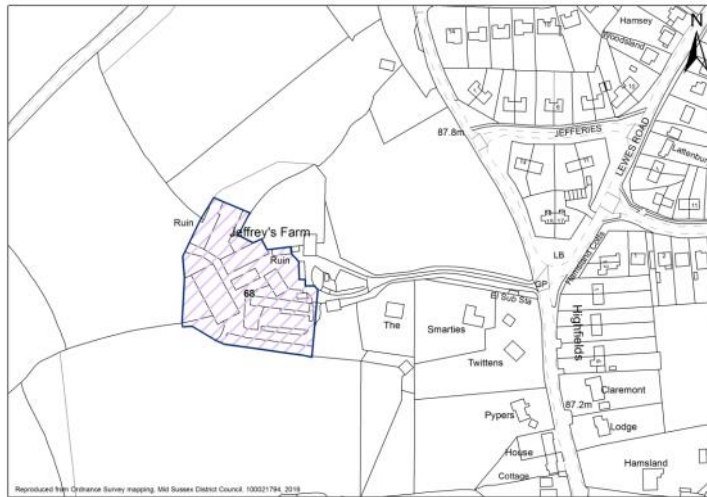
SA11: Table 2.5: Incorrect village identifier. SA28 Police house Field is in Horsted Keynes not Ardingly. (page 32)

Appendix 1 – Site 68 assessment Jeffrey's Farm Buildings

Site Selection - Housing

Horsted Keynes

ID **68** Farm buildings, Jeffrey's Farm, Horsted Keynes



Site Details

Units: **6** Site Area (ha): **0.75**

Part 1 - Planning Constraints

1 - AONB	Wholly within – Low impact	Low impact on AONB provided the design of the development reflects a farmstead model. Reasonably flat farmyard of mainly modern buildings. No watercourses mapped. Originally farm buildings for historic farmstead Jeffrey's Farm. Separated from main village by farmland and Sugar Lane. Design of development would need to reflect farmstead model rather than sub-urban layout. Sugar Lane is a historic routeway. No woodland on or adjacent to site but mature trees on boundaries and within site. Not classified as a field in the Historic Landscape Characterisation. Secluded site with limited public views.
2 - Flood Risk	None	The site lies entirely within Flood Zone 1, the area of lowest fluvial flood risk.
3 - Ancient Woodland	None	The site is not affected by Ancient Woodland
4 - SSSI/SNCI/LNR	None	This site is not adjacent to any Sites of Special Scientific Interest or Local Wildlife Site
5 - Listed Buildings	None	There are no listed buildings within or adjacent to the site
6 - Conservation Area	None	There are no conservation areas within or adjacent to the site
7 - Archaeology	Moderate - Mitigation	No objection subject to walkover survey and historic building assessment and findings thereof. Before submission of planning application: desk based assessment, walkover survey, and (if appropriate) historic building assessment.
8 - Landscape	AONB	Site is within the High Weald AONB (assessed under criterion 1)

9 - Trees/TPOs	Low/Medium	There are a number of trees within the site boundaries.
-----------------------	-------------------	---

Part 2 - Deliverability Considerations

10 - Highways		
----------------------	--	--

11 - Local Road/Access	Severe	In this location, securing a suitable form of access is unlikely because it is anticipated that there could be significant conflict with the existing junction (creating a crossroads), and achieving an appropriate level of visibility is unlikely because of physical constraints and third party land ownership. Insufficient provisions in the locality suggest that the site is likely to be over reliant on private car use.
-------------------------------	---------------	---

12 - Deliverability	Reasonable prospect developability	No option agreement in place but working on submitting a planning application. First completions October 2020.
----------------------------	------------------------------------	--

13 - Infrastructure	Infrastructure capacity	Developer Questionnaire - Normal contributions apply.
----------------------------	-------------------------	---

Part 3 - Sustainability / Access to Services

14 - Education	15-20 Minute Walk	
-----------------------	-------------------	--

15 - Health	More than 20 Minute Walk	
--------------------	--------------------------	--

16 - Services	10-15 Minute Walk	
----------------------	-------------------	--

17 - Public Transport	Poor	
------------------------------	------	--

Part 4 - Other Considerations

Neighbourhood Plan	Allocated in withdrawn Plan for residential. HK18 for 6 units.	Minerals	Minerals considerations unnecessary as site does not progress past detailed assessment stage.
---------------------------	--	-----------------	---

Waste	Water and wastewater considerations unnecessary as site does not progress past detailed assessment stage.	Environmental Health	Environmental health considerations unnecessary as site does not progress past detailed assessment stage.
--------------	---	-----------------------------	---

Sustainability Appraisal	Assessment indicates site is not a reasonable alternative and is therefore not tested through the SA.	Notes	
---------------------------------	---	--------------	--

Part 5 - Conclusion

Summary	The assessment finds that the site is not suitable for allocation.
----------------	--

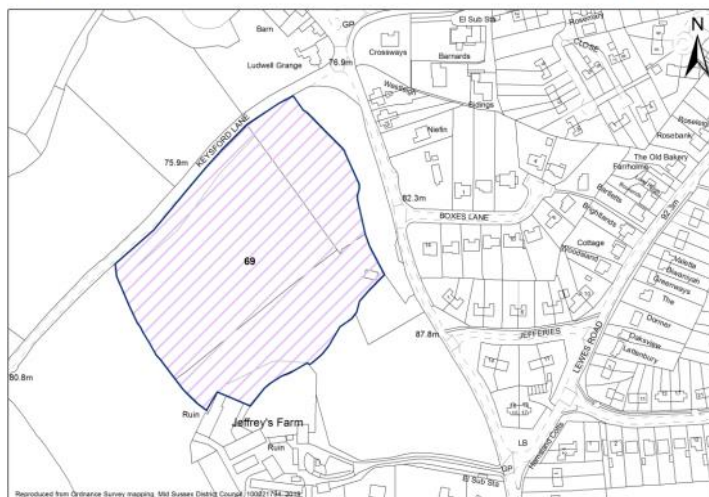
Recommendation	Site is not proposed for allocation.
-----------------------	--------------------------------------

Appendix 2 – Site 69 assessment Jeffrey's Farm Northern Fields (Ludwell Field)

Site Selection - Housing

Horsted Keynes

ID **69** Jeffrey's Farm Northern Fields (Ludwell Field adj Keysford and Sugar Lane)



Site Details

Units: **22** Site Area (ha): **2.43**

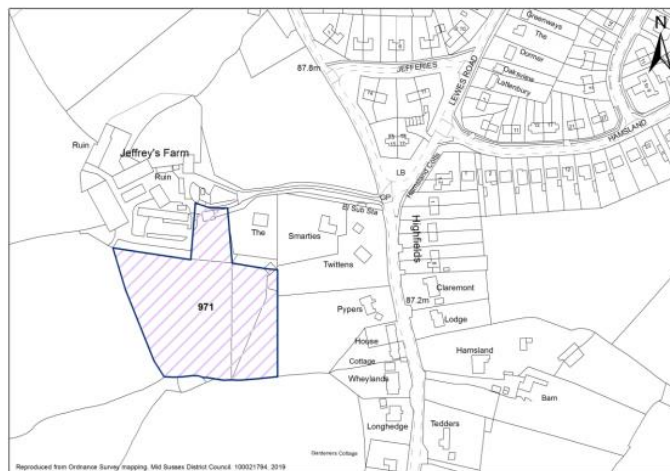
Part 1 - Planning Constraints

1 - AONB	Wholly/most within – High impact	High impact on AONB as development would be out of character with the settlement pattern of Horsted Keynes. Undulating field to the north of the farmyard site. No watercourses mapped. Jeffrey's Farm is a historic farmstead separated from the village by Sugar Lane. The western side of the lane is characterised by dispersed settlement and development of this site would be uncharacteristic of this area. Sugar Lane and Keysford Lane are historic routeways. Mature trees on field boundaries and a dense screen of trees along Sugar Lane and at the junction with Keysford Lane which probably marks the original wider junction for driving stock. Post medieval field system due to more recent field amalgamations. Given the probable age of Jeffrey's Farmhouse it is likely that the whole farmstead is medieval in origin. Very limited views into the site from routeways due to mature hedgerows and trees.
2 - Flood Risk	None	The site lies entirely within Flood Zone 1, the area of lowest fluvial flood risk.
3 - Ancient Woodland	None	
4 - SSSI/SNCI/LNR	None	This site is not adjacent to any Sites of Special Scientific Interest or Local Wildlife Site.
5 - Listed Buildings	Listed Building - Less Than Substantial Harm (Medium)	Ludwell Grange - although the site is fairly well screened in views from the north and east as a result of the local topography and the hedge along the boundary of Keysford Lane, some views of the site from the upstairs rear windows of the farmhouse can be

		<p>afforded through gaps in the hedgeline, particularly in winter months. The rural lanes and countryside surrounding Ludwell Grange make a positive contribution to its setting and the manner in which its special interest as a former farmhouse in an original rural setting is appreciated. Development on the site would therefore cause some harm to this rural setting. There would be a higher level of harm if a new access was needed to be created from Keysford Lane or through the tree belt on Sugar Lane which would open up the site to wider view. This would impact on the rural character of the approach to Ludwell Grange along either of these lanes.</p> <p>Boxes Farm - the former farmhouse lies opposite the site along Sugar Lane and overlooks the tree belt that forms the eastern boundary of the site. This belt of trees with countryside behind provides a remnant of the former rural setting that would have once surrounded this farmhouse and therefore assumes a greater value because of this. While the tree belt is well established, there are some views through the gaps to the site behind, particularly in winter months. If access to this site was provided along this lane, then the site would be even more open to view. Development on the site would therefore cause some harm to the last vestige of the rural setting to this building and to the understanding of its special interest as a former rural farmhouse in a countryside setting. NPPF: Less than substantial harm, mid.</p>
6 - Conservation Area	None	There are no conservation area within or adjacent to the site.
7 - Archaeology	None	
8 - Landscape	AONB	Site is within the High Weald AONB (assessed under criterion 1)
9 - Trees/TPOs	Low/Medium	Trees subject to a Tree Preservation Order along the eastern boundary of the site along Sugar Lane, adjacent to the site boundary. Various trees along the site boundaries.
Part 2 - Deliverability Considerations		
10 - Highways		
11 - Local Road/Access	Moderate - Improve	Subject to technical assessment, provision of a suitable form of access may be achievable. However, the site would require justification in sustainability terms as there is likely to be a reliance on the private care in this location.
12 - Deliverability	Reasonable prospect developability	Site is not in control of house builder, but owners have been approached by developers.
13 - Infrastructure	Infrastructure capacity	Developer Questionnaire - normal contributions apply.
Part 3 - Sustainability / Access to Services		
14 - Education	10-15 Minute Walk	
15 - Health	More than 20 Minute Walk	
16 - Services	Less Than 10 Minute Walk	
17 - Public Transport	Poor	
Part 4 - Other Considerations		
Neighbourhood Plan	Withdrawn plan HK1 - Built up area boundary, outside built up area boundary.	Minerals Minerals considerations unnecessary as site does not progress past detailed assessment stage.
Waste	Waste and waste water considerations unnecessary as site does not progress past detailed assessment stage.	Environmental Health Environmental health considerations unnecessary as site does not progress past detailed stage.
Sustainability Appraisal	Assessment indicates site is not a reasonable alternative and is therefore not tested through the SA.	Notes
Part 5 - Conclusion		
Summary	The assessment finds that the site is not suitable for allocation.	
Recommendation	Site is not proposed for allocation.	

Appendix 3 – Site 971 assessment Jeffrey's Farm Southern Fields

Horsted Keynes	
ID	971 Jeffrey's Farm Southern Fields



Site Details	
Units:	20
Site Area (ha):	1.06

Part 1 - Planning Constraints		
1 - AONB	Wholly/most within – High impact	High impact on AONB due to loss of medieval field and development out of character with the settlement pattern of Horsted Keynes. Undulating field to south of farmyard. No watercourses mapped. Jeffrey's Farm is a historic farmstead separated from the village by Sugar Lane. This site is detached from any existing part of the settlement. The western side of Sugar Lane is characterised by dispersed settlement and development of this site would be uncharacteristic of this area. Sugar Lane and Keysford Lane are historic routeways. There is an area of Ancient Woodland to the south-west of the site and mature trees on field boundaries. Part of medieval field system. Given the probable age of Jeffrey's Farmhouse it is likely that the whole farmstead is medieval in origin. No views into the site from public viewpoints due to mature hedgerows and trees and residential curtilages.
2 - Flood Risk	None	The site lies entirely within Flood Zone 1, the area of lowest fluvial flood risk.
3 - Ancient Woodland	15m Buffer only	
4 - SSSI/SNCI/LNR	None	This site is not adjacent to any Sites of Special Scientific Interest or Local Wildlife Site
5 - Listed Buildings	None	
6 - Conservation Area	None	There are no conservation areas within or adjacent to the site.
7 - Archaeology	None	

8 - Landscape	AONB	Site is within the High Weald AONB (assessed under criterion 1)
9 - Trees/TPOs	Low/Medium	Various trees across the site.
Part 2 - Deliverability Considerations		
10 - Highways		
11 - Local Road/Access	Severe	Access via existing farm track. In this location, securing a suitable form of access is unlikely because it is anticipated that there could be significant conflict with the existing junction (creating a crossroads), and achieving an appropriate level of visibility is unlikely because of physical constraints and third party land ownership. Insufficient provisions in the locality suggest that the site is likely to be over reliant on private car use.
12 - Deliverability	Reasonable prospect developability	Landowner has indicated that site is available in the longer term 10+ years.
13 - Infrastructure	Infrastructure capacity	Developer Questionnaire - normal contributions apply.
Part 3 - Sustainability / Access to Services		
14 - Education	10-15 Minute Walk	
15 - Health	More than 20 Minute Walk	
16 - Services	Less Than 10 Minute Walk	
17 - Public Transport	Poor	
Part 4 - Other Considerations		
Neighbourhood Plan		Minerals
Withdrawn plan HK1 - Built up area boundary, outside built up area boundary.		Minerals considerations unnecessary as site does not progress past detailed assessment stage.
Waste		Environmental Health
Water and wastewater considerations unnecessary as site does not progress past detailed assessment stage.		Environmental health considerations unnecessary as site does not progress past detailed assessment stage.
Sustainability Appraisal		Notes
Assessment indicates site is not a reasonable alternative and is therefore not tested through the SA		
Part 5 - Conclusion		
Summary	The assessment finds that the site is not suitable for allocation.	
Recommendation	Site is not proposed for allocation.	

Attachments to email representation to be considered in conjunction with this document

Attachment 1 = Title deed for the land at Jeffreys Farm being promoted – showing access is not in ‘third party ownership’.

Attachment 2 = Title deeds for the Farmhouse at Jeffreys Farm, the owner of whom is beneficiary of a covenant on the land that would enable a safe access to be achieved (often referred to as the ‘Front Field’). This covenant does not restrict the building of an access road to access the sites being promoted.

Attachment 3 = The opinion of a barrister as to the wording of the covenant on the ‘Front Field’ to which access is proposed for a safe access. This covenant does not restrict the building of an access road to access the sites being promoted.

Attachment 4 = Challenge to the AONB assessment of site 69 at Jeffreys Farm – September 2019

Attachment 5 = AONB response to the challenge to the AONB assessment of site 69 at Jeffrey's Farm

References:

Site selection methodology paper reference:

<https://www.midsussex.gov.uk/media/3776/site-allocations-document-site-selection-paper-2.pdf>