

**MID SUSSEX DISTRICT COUNCIL  
MID SUSSEX LOCAL PLAN 2014 – 2031  
SITE ALLOCATIONS DPD  
EXAMINATION**

**HEARING STATEMENTS  
ON BEHALF OF  
RYDON HOMES LTD**

**Inspector's Matters, Issues and Questions (MIQs)**

**Matter 1 – Scope of the Local Plan**

**Matter 2 – Housing Provision and Delivery**

**Matter 3 - Environmental, Landscape, Biodiversity and  
Heritage provisions**

**EXAMINATION : 1<sup>st</sup> – 16<sup>th</sup> June 2021**

**INSPECTOR: M Fox BA (Hons) MRTPI**



## **MATTER 1 –Legal Requirements. Scope of the Local Plan and Duty to Co-operate.**

### **1.2 Scope of this part of the Local Plan**

Q (i) *Is the scope of the Plan in line with the main aims and strategy of the District Plan as set out above, including as set out in the Executive Summary and in particular in relation to its four main aims which are set out on Page 4 of the submitted Plan?*

No. the Plan should not limit itself to only meeting the residual housing requirement figure set out in the District Plan but should address the housing trajectory and rolling five year housing land supply needed to keep housing delivery rates anticipated by the District Plan on track to 2031. Also the Plan goes beyond its remit as a Site Allocations DPD by including five additional development management policies which should properly have been included in the District Plan itself.

Q (ii) *Compliance with COA Judgement Oxted Residential Ltd v Tandridge DC?*

The Site Allocations DPD is an offspring of the District Plan and its scope can properly be limited by the provisions of the parent plan. It therefore does not need to re-assess and update the current housing requirement for the District but it does need to address the delivery of the housing numbers set out in the parent District Plan in full.

Q (iii) *Does **policy SA GEN** adequately set out the general principles for the Site Allocations that are made in this Plan?*

The policy provides a comprehensive list of relevant policies and considerations with no obvious omissions but that cannot be guaranteed. The policy does little more than identify those policies of the District Plan that will fall for consideration in any planning application for development upon any one of the proposed site allocations. It is not necessarily an exhaustive list and this could be misleading by implying that any other development plan policies, not listed in SA GEN, do not apply. The question therefore arises as to whether it serves any useful purpose.

Q (iv) ***Policies SA34 to SA38** are termed 'development policies' in the Plan; can they be considered to be strategic in nature, and if so, does that in anyway set a precedent or even a requirement for the Plan to deal with other strategic issues such as housing provision?*

These are strategic policies because they relate to the whole District and all development proposals. Their scope is not, apparently limited to the proposed allocations in the SADPD. They are intended to "complement" the District Plan and to ensure that the Development Plan supports the delivery of sustainable development when considered as a whole. It is not clear whether they are of general application but that appears to be the case.

SA34 - updates the District Plan post-adoption in relation to protecting existing employment sites.

- SA35 - safeguards land for the delivery of Strategic Highway Improvements beyond those required by the SADPD allocations.
- SA36 - is site specific to Wivelsfield Railway Station.
- SA37 - relates to the specific proposals to support the delivery of a dedicated multifunctional (walking, cycling, equestrian) network at Burgess Hill.
- SA38 - is a generic air quality management policy.

These policies therefore go beyond the scope of a site allocations DPD and should probably await the review of the District Plan. If this type of policy is to be included then it begs the question of why not include other strategic policies such as updating the housing provision figures?

Q (v) *Does the Plan keep within its remit in relation to the 'made' and emerging Neighbourhood Plans within the Plan Area?*

The Plan is supposed to deliver sufficient housing to meet the housing provision figures set out in the District Plan and to compensate for any under-delivery by made Neighbourhood Plans or the absence of a Neighbourhood Plan. Being the more recently adopted plan its policies will supersede those NP policies where there is conflict. The overall objective is therefore to meet the District Plan housing provision targets across the whole Plan Period, avoiding conflict with made NPs where possible but making up for any deficiencies in housing delivery where required. In its present form the Plan does not do this because there is insufficient overall housing provision made. But, should that matter be fully addressed, then the relationship with NPs would be sound.

### 1.3 **Duty to Cooperate (DTC)**

Q (i) *Is the DTC, which covers some strategic matters, therefore **applicable to this Plan**, as 'Part 2' Plan, and if so, has the Council adequately discharged the DTC in preparing the Plan?*

The SADPD is an offspring Plan of the District Plan and therefore should not be re-visiting the housing provision figures set out in that Plan. Nevertheless, if it is viewed as being a new, or updated, part of the Strategic Policies then the DTC would come into play. Its true role was, however, as an implementation tool to 'top-up' housing provision to 2031 that failed to be delivered by the District Plan allocations and subsequent NP housing allocations. In that role there is no DTC obligation.

(ii) *In particular, does the Plan satisfy the DTC in relation to planning for the longer-term **growth of neighbouring areas**?*

The DTC was fully examined at the District Plan Examination. The Inspector was satisfied that the DTC had been met. The Mid-Sussex District Plan Housing Trajectory includes housing provision to address Crawley's unmet housing need over the last 7 years of the Plan Period (2024 – 2031). The SADPD was seen as a sound way of dealing with unmet housing need in the HMA when it arises (1R Para 24). It is not considered that the unmet needs of neighbouring areas need to be re-assessed by the SADPD but it should ensure that the housing requirement set out in the District Plan, which includes meeting the unmet needs of Crawley, should be implemented in full. This is particularly the case because there were unmet needs identified in the District Plan Inspector's Report at Brighton and Hove, Adur, Lewes, some Surrey authorities (including Tandridge) and some potential migration from London. However, none of these unmet needs were sufficiently quantified at that time to justify additional housing provision in the District Plan and, apart from Crawley, they were left to be further assessed and quantified. This will be a matter for the review of the District Plan. However, the compelling need for more housing in the area is clear, and Mid-Sussex District has fewer major development constraints than most of the neighbouring areas. It is therefore extremely important that housing delivery of the full targets in Mid Sussex is achieved with a high level of certainty. This suggests that the SADPD should aim at over-provision of minimum targets rather than risk under-provision.

**MATTER 3 – Does the Plan deliver both the quantitative and qualitative aspects of housing provision in the District Plan to meet Mid Sussex’s requirements over the plan period in accordance with national policy?**

**3.1 New Homes Quantum (Policies SA10 and Sa11).**

Q (i) *Is the updated **Minimum Residual Requirement** for Mid Sussex, which has been reduced from 2,439 units in Policy DP4 of the District Plan to 1,280 units in the submitted Plan, supported by the evidence?*

Comparing the table in Policy DP4 of the District Plan with the updated table 2.3 in the SADPD reveals an unexplained discrepancy in that the new housing required from Neighbourhood Plans and the SADPD is 2439 but the required figure in the SADPD is 1280. This difference could be because Neighbourhood Plans have provided a total of 1159 new commitments since the adoption of the District Plan in 2015 but this is not verified by the evidence base. In fact, the commitments figure has fallen from 11,541 in the DP4 table to 9689 in table 2.3. This is a drop of 1852, which is to be expected as commitments move to completions. However, the completions figures between the two tables show that some 655 completions have been achieved beyond the commitments figure in DP4. The question is therefore where have those come from, given that windfalls were only 45 dpa at that time and would only account for 135 dwellings in that figure. The Inspector will no doubt invite the Council to explain the situation.

(ii) *The Plan makes provision for 1,764 dwellings in its site allocations (SA12 – SA33), which amounts to an **'over-supply' or buffer of 484 dwellings** over the residual housing. Is that an appropriate buffer to provide flexibility of housing land over the Plan period?*

The Plan states that the remaining residual requirement from 2019 is 1280 units following updated completions, commitments and windfall figures. However, the total allocations in the plan amount to 1764 dwellings – an additional 484 units. This confirms that the Plan is positively prepared and compliant with the Framework because :-

- the remaining residual requirement will include some housing that is already delivered.
- the District Plan housing target is a minimum figure and Government policy seeks to boost rather than cap housing provision.
- the allocations need to compensate for slow delivery from strategic allocations which may be delayed

towards the latter end of the plan period to 2031, or even beyond

- the windfall figure has been increased but there is no compelling evidence that the level will continue to prevail. Also the increased figure is simply a statistical adjustment to include sites of 1-9 units rather than 1-5 units.
- adjoining local authorities at Brighton, Crawley and Tandridge are under-delivering on their housing requirements and will increasingly need assistance in meeting their housing requirements. Mid-Sussex is comparatively less constrained and should be anticipating being able to assist in addressing unmet need from adjoining authorities.

The overall supply from Table 2.3 is 16,874 which aims to exceed the District Housing requirement by 484 dwellings by the end of the plan period, but there is bound to be slippage and the flexibility of a 2.7% over-provision is supported in principle. However, the figures are not precise and it is considered that this is still a fragile margin to compensate for non-delivery – particularly in the strategic housing allocations. The margin should be greater and a 10% non-delivery margin is standard practice. An over provision of 1639 dwellings is therefore justified and can be achieved by further allocations of sites that do not raise serious adverse impacts and are able to be confidently expected to deliver housing in the plan period to compensate for non-delivery elsewhere.

The identification of further allocations to increase the Plan's robustness and flexibility would still be within reasonable parameters of consistency with the District Plan housing targets, which were in any event not fully meeting objectively assessed needs, particularly for affordable housing.

Q (iii) *Should an allowance for **non-implementation** be built into the Plan? Some parties have suggested a figure of 10%.*

It is good practice to include a non-implementation assumption because past evidence suggests that severe slippage in the delivery of housing sites or non-implementation of planning consents is a regular occurrence. 10% is an arbitrary figure but is "industry standard" and would provide added flexibility which is necessary in a plan which needs to implement the Government's core objective of significantly boosting the delivery of more housing sites.

Q (iv) *Strategic Sites*

It is clear from past trajectories that there has been considerable slippage in the rate of delivery of housing from strategic sites in Mid Sussex. This is due to a combination of factors including land

assembly, infrastructure provision, protracted or complicated development control procedure and funding considerations. Such matters can affect all sites but smaller sites are less prone to these delays and the number/proportion of houses affected is much less in each case. It is therefore important to have a good range of size of sites within the supply, including smaller sites for smaller developers. (cf Framework Paragraph 68). It is considered that the Plan currently is too reliant on the delivery of housing from main strategic sites and more small/medium sized sites should be identified.

### **3.2 Proposed Distribution of Homes**

In terms of distribution the substantial majority of new housing is focussed on the three main towns of Burgess Hill, East Grinstead and Haywards Heath (80% of the minimum District Plan requirement) with the 2<sup>nd</sup> tier settlements of Copthorne, Crawley Down, Cuckfield, Hassocks and Keymer, Hurstpierpoint and Lindfield contributing a further 18%). This emphasis should be maintained in order to conform with the District Plan and deliver new housing in the most sustainable locations. The proposed DPD allocations however only propose 6% of the housing is directed to 2<sup>nd</sup> tier settlements and 13.5% is directed to 3<sup>rd</sup> tier settlements, many of which are located in the AONB where great weight should be given to conserving landscape and scenic beauty. There are a number of 2<sup>nd</sup> tier settlements, including Cuckfield and Hurstpierpoint where there are "limited" or no DPD allocations. Such settlements do have the capacity to deliver more housing in the current Local Plan and would be suitable candidates to accommodate any additional provision or provide sites to compensate for less suitable and more constrained sites that are currently proposed allocations but should be deleted from the Plan.

The SADPD allocates a total of 238 new dwellings to Category 3 villages, 183 of these are in the AONB which should be afforded the highest level of protection. Sites should only be released in the AONB in settlements that have a residual requirement to meet, i.e. Horsted Keynes, to recognise the need to sustain and maintain the vitality of these settlements and meet the demand and need for housing, especially affordable housing in these locations. However, in villages that have already met their target, the Council should not be releasing further AONB sites before exhausting non AONB sites, even if it is 'passed up' to Cat 2 settlements (Para. 2.4.5 Site selection paper) such as Hurstpierpoint.

### **3.3 Housing Delivery over the Plan Period.**

#### **Policy SA24 Land to the North of Shepherds Walk, Hassocks.**

This site is controlled by Rydon Homes Ltd and has two outline planning permissions on application and on appeal for the construction of 130

dwellings. Delivery has been delayed because of one person's objection to the diversion of a Public Right of Way which is in the process of being considered by the Planning Inspectorate. A decision is expected soon. Rydon are preparing reserved matter details and British Rail are on site carrying out preparatory clearance for commencement of the construction of a tunnel under the railway this autumn.

- (i) Agreements between the landowner and Rydon are in place and both parties are committed to the delivery of houses on this site as soon as possible.
- (ii) Access from London Road has been approved as part of the outline planning consent and no acquisition of off-site land is required.
- (iii) There is no conflict with the Hassocks Neighbourhood Plan which was made in July 2020.
- (iv) There is no conflict with national policy as confirmed by the grant of outline planning permission.
- (v) The development will require the construction of a bridge over the Herring Stream to access the site and the construction of a tunnel under the railway to provide pedestrian/cycle access to the east. The construction of the tunnel is being carried out by British Rail and preparatory works have commenced. The bridge will be constructed by the developers as part of the overall development and will be part of the initial commencement of development once all the necessary consents are in place.
- (vi) The outline planning consent and supporting illustrative layout drawing have confirmed that the development can be secured without any significant impact upon living conditions of future occupiers or neighbouring property.
- (vii) Landscape considerations were addressed in the outline planning consent process and details of landscaping and future management are addressed in the S106 Agreement and reserved matters details.
- (viii) Heritage considerations were addressed at the outline planning permission stage and there are no significant heritage issues arising from the development of the site.
- (ix) The location of the site is sustainable with good pedestrian/cycle access to Hassocks Railway Station, the village centre, schools, community and leisure facilities. Bus routes are available close by on London Road. Both the settlement of Hassocks and the site itself are sustainable development locations.
- (x) There are no ground or stability issues.
- (xi) There are no material considerations that could impact upon the sustainability of the proposed allocation.



Copies of relevant documentation concerning the planning consents on this site have been submitted to the Examination Library including:-

App. DM/19/1897 - Planning Consent Notice 16<sup>th</sup> October 2019  
Officers Report to Committee 25<sup>th</sup> July 2019  
Illustrative Master Plan

App. DM/18/2342 - Decision following call-in 1<sup>st</sup> November 2019

### **Policy SA29 Land South of St Stephens Church, Hamsland, Horsted Keynes**

This site is controlled by Rydon Homes Ltd and a full planning application has been submitted for the erection of 30 dwellings with 30% affordable housing. There are no constraints that would delay an immediate commencement of development once the necessary consents are in place.

- (i) Agreements between the landowner and Rydon are in place and both parties are committed to the delivery of houses on this site as soon as possible.
- (ii) Access is proposed from Hamsland and the planning application shows how this can be achieved. The Transport Statement confirms that the access will be safe and compliant with relevant highway standards for all vehicles.
- (iii) There is no made Neighbourhood Plan for Horsted Keynes. The NP is in the course of preparation and will reflect the policies of the adopted SADPD.
- (iv) The Planning Statement accompanying the Planning Application confirms that the development will accord with national planning policy.
- (v) There is no major new infrastructure required to deliver housing from this site and no site constraints that would prevent the delivery of housing from this site. This is demonstrated by the various consultant reports submitted with the planning application which comprehensively address the full range of planning considerations.
- (vi) There are existing residential properties on three sides of the site and the effect of housing development upon the residential amenity of neighbouring properties is a consideration that has been taken into account in the preparation of the proposed layout. This demonstrates that a suitable scheme can be implemented to provide a high quality environment for future occupiers of the development without any significant impact on the living conditions of neighbouring occupiers.
- (vii) The site lies within the AONB which washes across the whole village of Horsted Keynes. Great weight must be given to conserving and enhancing landscape and scenic beauty but some development in the

AONB is necessary to support limited growth in the rural economy, ensure the continuing vitality and viability of rural settlements and to contribute to meeting housing needs across the District and particularly the need of the village for more affordable housing. The site is located within a part of the village environs which the High Weald AONB Unit have identified as being of lesser landscape importance than other parts of the settlement and the LVIA submitted with the planning application shows how the proposed housing scheme has been prepared to mitigate wider landscape impact. Prepared with this sensitivity there are no significant impacts upon the quality of the landscape. The site does not have any special ecological importance but the Ecology Report demonstrates how existing value can be retained and enhanced to produce a net gain in biodiversity.

- (viii) Heritage considerations are addressed in the reports that support the planning application. No significant issues or potential conflicts have been identified.
- (ix) The site is well located in relation to local facilities available within Horsted Keynes, which is a Category 3 Settlement (medium-sized villages providing essential services for the needs of their own residents and immediately surrounding communities) that is capable of accommodating growth commensurate with its size and facilities. The proposed development provides pedestrian connectivity to the existing footpath network and all village facilities are accessible within a short, walking or cycling, distance. Public transport by bus is available with an hourly bus service to East Grinstead, Haywards Heath, Hassocks and Brighton, each of which have main line railway stations. This is therefore a sustainable location for rural housing.
- (x) There are no contamination or ground stability issues.
- (xi) There are no material considerations that could impact upon the sustainability of the proposed allocation.

3.6 *Additional Sites: Bearing in mind the above considerations, and the requirement of paragraphs 67 and 68 of the Framework, should the Plan identify an increased number of specific, deliverable sites in the form of housing allocations?*

Yes. Additional sites are required to increase the robustness of the Plan in providing certainty that minimum housing targets can be achieved and will not be frustrated by non-delivery of allocated sites and, in particular, the larger strategic sites.

Rydon Homes have proposed the inclusion of two further sites as follows:-

## **Land south of Edinburgh Way, East Grinstead**

### **3.6.1**

Rydon have an option over land South of Edinburgh Way, East Grinstead. The site, SHELAA reference 598, was considered as suitable in the SHELAA stage 1 as suitable for 60 units, in the medium to long term. Following further detailed site assessment, through the Site Selection Paper 3, the site has subsequently been found to be unsuitable for allocation in the SA DPD. The assessment concluded that the site will have high impact on the AONB.

This site is located on the south eastern edge of East Grinstead, adjoining existing residential development that was built in the 1970s and 1980s. The site forms a small triangular parcel of open countryside comprising a single horse paddock which is contained by a tall hedgerow, tree and a post and rail/wire fence. The site is approximately 1.8 hectares in total.

The site is located to the east of Harwoods Lane which extends alongside the western site boundary and is defined by a hedgerow. The north and western boundary of the site also contains a line of mature trees. Harwoods Lane currently connects the site to residential development to the north. Beyond the boundary to the west and north of the site is residential development on Chesterton Close, Collingwood Close and Edinburgh Drive.

The site is located in the AONB, the land slopes generally southwards and the undulating topography together with the existing strong hedgerows, belts of trees and blocks of woodland in the immediate area surrounding the site provides enclosure and containment to views within the landscape.

The site has the potential to be delivered as a standalone site, subject to access or as part of the Great Harwoods Farm development that has been promoted by Thakeham Homes during previous District Plan consultations.

The Site Selection Paper 3 : Housing Sites October 2019, concludes that the site is not suitable for further consideration due to its location within the AONB. As such the site has not been assessed in the Sustainability Appraisal accompanying the Site Allocation DPD. With regard to the site's AONB location, it should be acknowledged that, as set out in the LUC document entitled "Capacity of Mid Sussex District to accommodate development", Mid Sussex District is heavily constrained by environmental designations such as Area of Outstanding Natural Beauty (AONB) and the South Downs National Park as well as other constraints. As a result, a balance needs to be struck between locating development in the most sustainable locations and those which have the least environmental constraints. Whilst constraints may apply, there is no reason why such constraints could not be overcome and addressed, as they have elsewhere, particularly if there is no other reasonable alternative.

Subject to appropriate mitigation, there are no constraints to development at the wider site, including Great Harwoods. The site is well contained within its surroundings and will therefore not result in an adverse

landscape impact. The proposal by Thakeham Homes includes up to circa 300 dwellings and the provision of a significant area of public open space in the form of a SANG therefore respecting the site's location within the AONB. The proposal will therefore result in significant environmental and social benefits without resulting in unacceptable impacts on the wider landscape.

East Grinstead is one of the three main towns in Mid Sussex and offers a range of services and facilities and a mainline railway station, all within a reasonable walking distance from the site, approximately 1 kilometre. As such, the development will be less car dependant than that at Imberhorne Lane to reach day today facilities and consequently less likely to impact on the problematic junctions along the A22. The SHELAA assesses the site as relatively unconstrained, development will not have a negative impact on the Conservation Area or Area of Townscape Character and it is not subject to the risk of flooding. It lies in the AONB but impact on the wider landscape can be mitigated. It has been identified as suitable in the SHELAA and therefore the site should have been assessed in the SA and considered to be a reasonable alternative to meet housing need in the town.

### **Land South of Chalkers Lane, Hurstpierpoint**

#### **3.6.9**

Rydon have an option over land South of Chalkers Lane, Hurstpierpoint. Details have been submitted to the Examination Library. The site, SHELAA Ref. 575, was identified in the Council's SHELAA stage 1 as suitable for 200 units, in the medium to long term. Following further detailed site assessment through the Site Selection Paper 3, the site has subsequently been found to be unsuitable for allocation in the SA DPD. The assessment concluded that the site is 'large' and the proposals will result in harm to the Listed building of the college and harm to the special character of the Conservation Area.

The site has an area of 27 ha (67 acres) but a large proportion of this will be left undeveloped providing the strategic buffer of open land separating the development from Hurstpierpoint College and Hurst Wickham to the east. This land offers the opportunity to extend the area of Country Open Space which formed part of the package accompanying the delivery of the residential development that is now being carried out by Bovis and indeed Rydon's small development to the south. The capacity of the site taking account of these buffer areas would be 220/260 units based on 30/35 dpa. There is the potential for land ownership to be transferred to the Parish Council so that this mitigation will endure in the long term. There is potential to extend the Country Park.

The plan in the Examination Library, prepared by Richards Urban Design drawing 1263.02, shows the full extent of the land by red edging. Also

attached is an Opportunities and Constraints plan drawing 1263.03 which shows how the above concept could be put into practice. The attached photographs on drawing 1263.01 will give some idea of the physical characteristics of the land concerned.

The opportunity to extend the Country Open Space Area needs to be taken into account in relation to this Assessment. The current Assessment of impact upon both Hurstpierpoint College and Hurst Wickham Conservation Area is classified as being less than substantial harm. With mitigation as described above there would be no material impact. The open space will preserve the countryside setting to Hurstpierpoint College to the east and this is already despoiled by buildings and sports pitches within the grounds. Hurst Wickham Conservation Area is a considerable distance away and there will be no material impact. A High Level Heritage Setting Statement prepared by Orion Heritage Ltd is in the Examination Library and assesses the impacts. It confirms that they would be nugatory.

There are no landscape quality designations on the site or in the immediate vicinity. The National Park boundary lies some 3km away to the south and distant views towards the site encompass the whole of the existing settlement of Hurstpierpoint, with which this development would appear in context. There is also potential for provision of strategic landscape buffers to the east and south of the site as part of the sensitive design of the Country Park and this will provide mitigation. Whilst the countryside is not unattractive, it is certainly not special and the site is relatively flat, featureless and not prominent in the wider landscape. Most importantly the site does not lie within the AONB.

Trees/TPOs – the existing trees are located within boundary hedgerows and will be retained and enhanced. A suitable buffer to small areas of adjoining ancient woodland will be incorporated within any layout. There will be extensive new tree planting as part of the strategic landscaping proposals described above. This is a positive scenario for trees and the assessment should reflect that.

This is a sustainable, deliverable and developable development opportunity which should be included as a site allocation to meet strategic housing needs across the District. The original SHELAA assessment was not fair or accurate in a number of ways. The latest, February 2020, Assessment which is included in the Site Selection paper 3: Housing Sites Update does not take account of the representations made by Rydon at the Regulation 18 Consultation stage. The representations explained how the Country Park could be extended to the east to protect the wider gap between Hurstpierpoint and Hurst Wickham and the setting of the Hurst Wickham Conservation Area and that land at the northern end of the site could be left open to protect the setting of Hurstpierpoint College. The land is believed to be Grade 3b and therefore is not best and most versatile. The SHELAA correctly concludes that the site accords with the overall development strategy but the Detailed Site Assessment has not fully taken into account the evidence base which shows how matters of

separation of settlements and setting of heritage assets can be suitably addressed whilst still providing a net developable area to provide up to 200 sustainably located dwellings in accordance with the development strategy. The site assessed is for 540 dwellings and this does not take account of the Rydon masterplan which shows a smaller net developable area (around 200 dwellings) together with extensive open space areas to ensure the separation of settlements and protect the setting of heritage assets. This site should be considered in the SA in this context and would prove to be a suitable candidate as one of the additional allocations required to be provided in the Plan.

3.7 *Has an allowance been made for **non-delivery** of planning permissions for new dwellings, and if so, what is it?*

It is not evident that any such allowance has been made or that there is any detailed evidence of past levels of implementation of planning permissions. In these circumstances an allowance of 10% for non-delivery would be a reasonable recognition of this inevitability and would add flexibility and robustness to the Plan. Whilst not an issue of soundness of itself, it would add cumulatively to the soundness of the Plan in these respects. Without such measures to improve its flexibility and robustness the Plan remains unsound.

3.9 *Is the range of the **size of housing allocations** in the Plan appropriate to address the qualitative requirements of the District?*

No. The size of housing allocations sites is weighted towards large strategic sites and there needs to be a better balance with smaller sites that can often be developed more quickly. The obvious modification is to meet the necessary increase in the housing provision numbers by the identification of more small/medium sized sites which will not only increase housing numbers but also redress this imbalance and provide more certainty of delivery of housing.

## **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?**

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

This is a site allocations plan and should not include generic development control policies. These are matters that have been considered in the selection of site allocations but are satisfactorily addressed in policy terms by Government policy and the District Plan or its forthcoming review.

### **4.2 Areas of Outstanding Natural Beauty**

The Plan is supported to the extent that it proposes to provide some development within the AONB. This is necessary because a significant part of the District lies within the AONB and some limited growth is necessary in such areas to support the rural economy and ensure the continued vitality and viability of rural settlements. However, the extent of development needs to be limited, both in terms of the size of individual development sites and the cumulative total housing numbers directed into the AONB. The Plan strikes a reasonable balance in this respect. This accords with Framework Paragraph 172 which states that:-

“The scale and extent of development within these designated areas should be limited”.

Major development should be refused planning permission, and also allocation in a Local plan, other than in exceptional circumstances and where it can be demonstrated that the development is in the public interest. There is no specific definition of what constitutes “major” development and this is a matter for the decision-maker’s (or plan maker’s) discretion, having regard to:-

- a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy.
- b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way, and
- c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

Furthermore, the adjective “major” requires definition in the context of the matter under consideration. For example, at National level the scale of a major development would be very different to that of development at a rural village. The term must therefore be used in context and having regard to the definition set out in Footnote 55 Paragraph 172

*"For the purposes of Paragraphs 172 and 173, whether a proposal is "major development" 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".*

If any specific proposal is judged to be major then the housing need is capable of being an exceptional circumstance and development is in the public interest. A two stage test must therefore be applied in each individual case. Firstly, is it major development and secondly, if it is, then do exceptional circumstances exist.

There is therefore no national policy requirement or justification for the words "major development" to be defined at the level of Mid-Sussex District and each proposal should be considered on its individual merits against the tests set out in Paragraph 172 and Footnote 55.

This appears to be the approach adopted in the SADPD and the lack of any specific definition of "major development" does not make it unsound.